

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

*PART 1 – PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted - none

SERVICE DIRECTORATE: REGULATORY

1. DECISION TAKEN

To enter into contract for temporary staff to due to an immediate need to enhance experience within the department in order to deliver key projects.

2. DECISION TAKER

Ian Fullstone – Service Director Regulatory

3. DATE DECISION TAKEN:

10 May 2024

4. REASON FOR DECISION

4.1 To ensure that the Council has sufficient staffing. Contractor staffing allows additional resourcing for specific projects required due to interim demands pursuant to strategic site development management submissions. Contractor staffing also allows access to an enhanced pool of knowledge and experience the usual recruitment process for permanent staff would not grant.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 As can be seen below these roles are required to deliver key projects due to an interim demand and inability to recruit to the level of knowledge and experience required for the project.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

6.1 The Executive Member and Deputy for Planning and Transport are regularly briefed re the staffing issues within the Regulatory Directorate, conflicting priorities and the use of temporary staff.

7. FORWARD PLAN

7.1 This decision is not a key Executive decision and has therefore not been referred to in the Forward Plan.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

8.1 The Local Plan was adopted to form part of the development framework against which planning determinations are made on Tuesday 8 November 2022. Within that, land was released from the Green Belt for the delivery of strategic scale housing and employment land development sites

8.2 The Council are approaching a spate of planning applications coming pursuant to the adoption of the Local Plan, and the progress of many masterplans outside of the

development management process within the strategic planning policy team and other governance procedures.

- 8.3 The Council cannot control the staging of submission of planning applications. The Council do have a requirement to ensure quick determinations and processing while maintaining control over the delivery of high-quality output in order to retain a consistent 5-year housing land supply (as set out within the National Planning Policy Framework).
- 8.4 There is an urgency to progress the work in processing applications through the development management process; to accord with the Local Plan in terms of monitoring and implementation; to respond to external pressures and the need to work with other stakeholders; and to meet the Councils aspirations for delivery of high-quality market and affordable homes.
- 8.5 The Major Sites team does not have sufficient capacity to deliver the required development management assistance in the most significant strategic sized sites. The existing resources within the team are dedicated to other projects, as part of the housing delivery in the Local Plan, as well as speculative housing sites and renewable energy schemes. None of the existing workload can be reduced, de-prioritised, or otherwise disregarded to accommodate the significant strategic sites.
- 8.6 It is proposed to commission an experienced professional consultant to assist with the scoping of the project work, to prepare the planning performance agreement and submission documents, meet with key stakeholders, review the policies within the Local Plan and to progress with the consideration and determination of a series of planning applications relating to the strategic scale development sites.
- 8.7 Having considered the various options as outlined at Section 5 above, an opportunity arose following various employment agencies having been approached for an alternative temporary cover for a comparable role in terms of experience, temporal length and start date within the Council and an exemplary candidate appearing at the same time that employment opportunity closed. The candidate is a highly qualified and experienced planning officer who has just completed the negotiation and determination of a significant sized strategic development site.
- 8.8 The 12-month contract is directly related to a work programme within two planning performance agreements (hereby referred to as 'agreements'). These agreements set the exact expectations for the role, and the temporal parameters. The agreements are for a period of 12-months or the completion of specific targets, whichever comes sooner. At the end of the agreements, there is the possibility of further agreements. These agreements may be the same development sites at different stages of their life-cycle, or other development management projects.

9. LEGAL IMPLICATIONS

- 9.1 Under section 14.6.4 (a) (ii) of the Council's Constitution, Service Directors have the authority to enter into contracts to carry out works and/or for the supply of goods and services in respect of their service areas and within approved budgets.
- 9.2 Section 14.6.11 (a) (i) of the Constitution also specifically gives the Service Director: Regulatory, the authority to manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures.
- 9.3 The Openness of Local Government Bodies Regulations 2014* (No. 2095) require officers undertaking non-executive decisions to record (amongst other things) an award of a contract that materially affects the Council's position in a written delegated decision. At North Herts this is any award of a contract or financial decision, that is or is likely to be above £50,000.

10. FINANCIAL IMPLICATIONS

- 10.1 **Senior Projects Officer (Major Projects):** Expenditure from May 24 to May 2025 is expected to total £150,000. Costs have been funded from planning performance agreements with developers of the specific projects to which the role relates.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. There is a risk to the Council that if we do not procure external consultancy support for this project, we will not have sufficient capacity internally to ensure delivery of these development management applications satisfactorily, and be subject to appeals and significant costs.
- 11.3. There is a limited risk moving forwards of the PPA's not being satisfied and disagreement with agreed fee payments with the applicants. This risk is being actively managed, and the terms of the contract will allow release if this risk comes to light.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no direct equality implications arising from this decision.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations in the report relate to a contract with a value above £100,000 but below WTO GPA threshold, the go local policy does not apply. It has nevertheless been considered as part of the tender exercise and we are not aware of any local specialist suppliers who could meet the requirements of this contract.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report and its recommendations.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 Currently these projects fall within the remit of the Principal Planning Officer Major Sites officer together with four Senior Planning Officers. Appointing a consultant (after two failed recruitment attempts and the subsequent appointment of an internal candidate, creating another vacancy) to undertake this work will enable the Principal Planning Officer Major Sites to have strategic overview and manage the team leaving the team of four Senior Planning Officers to concentrate their efforts on delivering the other key development management projects.

16. BACKGROUND PAPERS

16.1 None.

17. APPENDICES

17.1 None.

NOTIFICATION DATE

Date sent to all Members, put on website and appears in MIS – Committee, Member & Scrutiny Services can confirm this with you,

Signature of Executive Member Consulted - Cllr Ruth Brown: consulted and agreed to single tender waiver on 01 May 2024

Signature of Decision Taker



Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS