

## **Report to the Cabinet**

**Report reference:** C-092-2008/09  
**Date of meeting:** 2 February 2009



**Portfolio:** Planning and Economic Development  
**Subject:** Gypsy and Traveller DPD – Extension of Consultancy Contract  
**Responsible Officer:** Ian White (01992 564066)  
**Democratic Services Officer:** Gary Woodhall (01992 564470)

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### **Recommendations:**

(1) To note that the consultancy contract for the gypsy and traveller consultation has been extended until April 2009 and that at the Cabinet meeting on 20 April 2009 a report will be submitted reviewing the local development framework budget for the current year;

(2) That in order to recognise that the value of this consultancy will exceed £50,000 before 31 March 2009, the following Contract Standing Orders be waived at the appropriate time in order to permit this consultancy to continue:

(a) Contract Standing Order C1(10) – value of orders placed with one contractor in one directorate in a single year not to exceed a threshold for competitive quotations and tenders; and

(b) Contract Standing Order C5 - requirement for submission of tenders for any contract exceeding £50,000 in value or amount.

### **Executive Summary:**

This report seeks to waive Contract Standing Orders to allow the continued use of Andrew Lainton Esq as a consultant to the Council in connection with gypsy and traveller consultation in so far as value of his contract with the Council is likely to exceed the value threshold set out in Contract Standing Order C5 which requires the invitation of competitive tenders. The report points out that the threshold is likely to be crossed before 31.3.2009.

This will also not comply with Contract Standing Order C1 (10) which requires such competitive tendering for contracts in excess of £50,000 in value if the sum total of individual contract extensions exceeds that amount. This decision will enable essential work to continue pending a budget review by the Cabinet in April 2009.

### **Reasons for Proposed Decision:**

The waiver of Contract Standing Orders will regularise the contract with Mr Lainton during the current financial year and validate existing portfolio holder approval up to April 2009.

### **Other Options for Action:**

To seek competitive tenders for the balance of Andrew Lainton's current contract for further consultancy work which the Council would require as part of the Gypsy and Traveller DPD consultation.

### **Report:**

1. Andrew Linton was appointed on a three month consultancy contract in May 2008 with the specific task of preparing the Gypsy and Traveller DPD Consultation Document. This document was required by the Secretary of State under a direction of September 2007. At the Cabinet meeting on 9 June 2008, this contract was extended for a further three months to carry out further preparatory work in connection with the consultation period which was from 4 November 2008 to 6 February 2009 (an extended closing date) and to commission the consultant to prepare and present the Council's case at the examination in public of the single issue review of the East of England Plan, which dealt solely with provision for gypsies and travellers.

2. The subsequent Panel report has proposed reducing the District's target by 10 pitches to a total of 39.

3. Under a Portfolio Holder decision dated 29 October 2008, this contract was further extended up to April 2009 to reflect the extension of the consultation period and the requirement for a full report to be submitted at a full Council meeting in June or July 2009. In approving this extension certain Contract Standing Orders were waived as the value of the contract had exceeded the limit (£25,000) set out in Standing Order C4 which would have required three quotations for this work. For the same reason Contract Standing Order C1 (10) was also waived.

4. Since the most recent contract extension, it has become apparent that the value of this contract will exceed the limit set out in Contract Standing Order C5 before 31 March 2009. This requires that, for contracts in excess of £50,000 in value or amount, competitive tenders should be obtained by means of the procedures outlined in Contract Standing Orders. In view of ongoing work in connection with this consultation, it is not considered a practical proposition to seek competitive tenders at this stage. Bearing in mind that funding of the LDF programme is due to be submitted to the Cabinet meeting in April 2009, it is recommended that the departure from the requirements of Contract Standing Orders C1 (10) and C5 should be approved and a full review conducted at the April Cabinet meeting.

5. The forthcoming review will also provide an opportunity for the Cabinet to review the aims and objectives of the consultancy and any changes required.

### **Resource Implications:**

Within existing LDF budgetary provision.

### **Legal and Governance Implications:**

Compliance with Council Standing Order requirements. .

### **Safer, Cleaner and Greener Implications:**

None.

**Consultation Undertaken:**

None.

**Background Papers:**

None.

**Impact Assessments:**

Risk Assessment

Changing the consultant at this stage of the consultation process is considered to be detrimental to the Council's proper response to the public representations being submitted.

Equality Assessments

The consultation on gypsy and traveller DPD provision has identified the human rights and equality issues arising from this exercise.