

Decision by Portfolio Holder



Report reference: PLS-002-2018/19

Date of report: 20 December 2018

**Epping Forest
District Council**

Portfolio: Planning

Author: Alison Blom-Cooper (Ext.4066)

Democratic Services: J Leither

Subject: Procurement of consultant support for the Independent Examination of the Council's Local Plan

Decision: That, in accordance with paragraphs 5.2(c) and 5.5(c), the Procurement Rules be waived to appoint consultants to assist the Council with the Local Plan Independent Examination.

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/ do not approve (delete as appropriate) the above decision:	
Comments/further action required:	
Signed: Councillor J Philip	Date: 21st December 2018
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i>	<i>Dispensation granted by Standards Committee: Yes/No or n/a</i>
None	N/A
Office use only: Call-in period begins: 21 st December 2018	Expiry of Call-in period: 7th January 2019

**After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY**

Reason for decision:

The Council is under tight time pressure to prepare for the Independent Examination, having received the Matters, Issues and Questions (MIQs) on 27 November 2018, with the first hearing sessions due to commence on 12 February 2019 and statements required for submission by 24 January 2019. As the MIQs are wide ranging and require clearly evidenced arguments, there are areas where the Council will need to commission support from consultants that have previously prepared evidence for the Local Plan, to ensure that the Council can defend its position at Examination. The Council may ask consultants to attend the relevant Examination hearings to discuss their evidence, if called upon by the Inspector. All the consultants were asked as part of their original evidence based commissions to quote for support at examination and this report is

seeking authorisation for expenditure over and above the original contracts. Given the nature of the support needed, it is neither practical nor desirable to seek alternative quotes at this stage. To do so would introduce unnecessary delay and would not be efficient given it is the particular consultants expertise that is required to support their original evidence studies.

Options considered and rejected:

Option – to pursue competitive tendering for Examination support.

It is neither practical nor desirable to seek alternative quotes for this work, as the Council has existing relationships with the consultants involved and the nature of the work is an extension to previous work that has already been carried out.

Option – to not commission any consultant support for the Examination.

If no consultant support is commissioned, the Council could risk failure of the Local Plan at Independent Examination which would have serious implications for the Council and may result in government intervention.

Background Report:

1. The Independent Examination of the Local Plan will take place in three separate groups of hearing sessions in February, March and May 2019. The Inspector for the Local Plan released the draft hearings timetable and Matters, Issues and Questions (MIQs) on 27 November 2018. The Council is now preparing for the Examination by drafting hearing statements on the MIQs to support the Council’s position at Examination.
2. To support the Council in its drafting of MIQs, it is necessary to commission the support of a select group of consultants that have undertaken significant evidence base work for the Council previously. The aim is to use the consultants expertise on key matters that may be debated at Examination both in drafting and reviewing the MIQs and undertaking further targeted work to provide a strong narrative for the Council’s approach in the Local Plan.
3. As there are multiple consultants that this relates to, Table 1 sets out a list of the consultants, the likely scope of the work to be commissioned and the cost of this work. There is an amount identified in case further work has to be commissioned quickly as a result of statements submitted by other parties to the published MIQs, additional work for the hearing sessions or requests from the Inspector.

Table 1: Consultant support breakdown

Consultant	Topic	Scope of work	Daily rate	Approximate number of days	Total cost
Opinion Research Services	Strategic Housing Market Assessment, Gypsy and Traveller Assessment	Drafting of MIQs, attendance at Examination.	£900 for Managing Director	6	£5,400
AECOM	Sustainability Appraisal	Review of MIQs, attendance at Examination.	£980 for Technical Director	4	£3,920

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AECOM	Habitats Regulation Assessment	Drafting of MIQs, attendance at Examination.	£740 for Associate Director	6	£4,440
Hardisty Jones Associates	Functional Economic Market Area	Drafting of MIQs, attendance at Examination.	£850 for Director	6	£2,550
Jacobs	Transport modelling	Review of MIQs, additional modelling as a result of hearing statements from other parties/requests from local plan inspector and attendance at Examination.	N/A	6	£15,000
Dixon Searle Partnership	Viability	Attendance at Examination.	£750 for Director	1	£750
Additional resource to support responses to statements and requests from the Inspector				15	£13,500
Total					£ 45,560

4. The figure for Jacobs sets a budget for the provision of support for transport statements, appearance at hearings and any additional modelling that may need to be undertaken as a result of the hearings. Jacobs provided a similar service to Chelmsford City Council at an estimated sum of £25,000, however it is felt that the sum of £15,000 should be sufficient to support the Epping Forest District Local Plan Examination given the extensive transport modelling work that has already been undertaken.
5. In addition, Ove Arup and Partners will be commissioned to provide similar support for the site selection work, Infrastructure Delivery Plan, employment land work and town centres evidence. The existing contract with Ove Arup and Partners contains provision for this support.

Procurement Rules – sections to be waived

6. Given the nature of the work to be commissioned and the existing relationship with all consultants, it is neither practical nor desirable to seek further competitive quotes. In accordance with paragraphs 5.2(c) and 5.5(c) of the Procurement Rules, all consultants included in Table 1 are most appropriately placed to deliver this further element of work due to their history of producing work for the Council to support the Local Plan.
7. Having determined that the existing relationship and nature of the work to be commissioned under the paragraphs identified above, authority is sought to waive Procurement Rules (2016) paragraphs 2.9 and 10.1, both in relation to seeking quotes via competition.

Resource Implications:

Funding for this work falls within current agreed budgets to support the Local Plan Examination. Consultant fees are in line with original tenders, and the budgetary position will continue to be monitored.

Legal and Governance Implications:

Independent Examination is a statutory element of the Plan making process and will dictate whether the Local Plan is adopted.

The details of the approach taken in respect of the Procurement Rules (2016) is set out within the report above.

Safer, Cleaner and Greener Implications:

Preparation of the Local Plan is accordance with the Council’s approach to the “Safer, Cleaner, Greener” agenda.

Consultation Undertaken:

Corporate Procurement Officer

Background Papers:

None

Impact Assessments:

N/A

Risk Management:

The Examination of the Local Plan is the key stage in the Local Plan process and will dictate whether the Local Plan is adopted. The Planning Policy Team will work closely with consultants to manage the preparation of this work.

Key Decision Reference (Y/N): n/a

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix 1 to this report.

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