

Decision by Portfolio Holder



Report reference: PLS-003-2018/19

Date of report: 20 February 2019

**Epping Forest
District Council**

Portfolio: Planning Services - Cllr John Philip

Author: Nigel Richardson (x4110) Democratic Services: J. Leither

Subject: Waive of Procurement Rules to secure the ongoing consultancy services of two Development Management planning officers, one conservation officer and Peyto Law as Local Plan Planning Solicitor.

Decision:

In respect to the Council's Procurement Rule 18 and 19 Formal Agreements and Negotiated Contracts: not to seek three quotes to secure the ongoing consultancy services of two Development Management planners for a total contract value less than £250,000 to September 2019, one conservation officer for a value less than £50,000 to June 2019 and extend Peyto Law for a contract value not to exceed £50,000 to September 2019.

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: Cllr J Philip	Date: 21 st February 2019
<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>
Office use only: Call-in period begins: 21 st February 2019	Expiry of Call-in period: 28 th February 2019

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

Reason for decision:

The Council needs to continue to use the services of two planning officer consultants to deal with the volume of work generated by the planning application submitted to the Council and to cover for the current vacancies and forthcoming departure of three planning officers at the end of March 2019. The two officers are currently employed from the same consultancy until 31 March 2019, having previously covered maternity, vacancy gaps and workload peaks. It is very

desirable therefore, to make use of their local experience and to continue their employment for a further 5 months to September 2019, by which time the establishment posts should be filled. The Council's spend with this consultancy from which the two agency planners are employed would not exceed £250,000 but is in excess of £50,000 where three quotes are required in line with the Procurement Rules.

The Council's Senior Conservation Officer post has been vacant for 6 months and is currently covered by a consultant, which contract is due to come to an end on 28 February 2019. The market has been strongly tested for a permanent replacement but without success. The post is to be advertised shortly again with a market supplement, but in the meantime, it is important for service delivery that the services are retained until June 2019. Again, the Council's spend with this consultancy will as a result be in excess of £25,000 where three quotes are required in line with the Procurement Rules.

Finally, in order to continue to support the Local Plan, particularly during the examination process and post examination work, it is requested that Peyto Law contract is extended until September 2019, which will extend the value of the contract beyond £25,000 and up to £50,000.

Options considered and rejected:

To approach further consultants to obtain the required number of quotes, but would delay service delivery and impact on performance at examination and the risk of soundness of the emerging Local Plan. Alternatively, not to fill the posts, will harm service delivery and threaten the Council's measured planning performance, quality of development and presentation of the soundness of the Local Plan.

Background Report:

1. Planning Services are going through a period of significant change and growth. This has resulted in a higher workload for planning officers due to increasing numbers and complexity of planning applications. Initially, twelve months ago there were two Senior Planning Officer posts vacant and steps were taken at the time to cover these vacant posts with two Agency Planners. However, since then there has been maternity cover and internal staff movement away from Development Management to the Planning Implementation Team. The two agency staff have been covering these whilst posts have been advertised and now filled, prior to the latest set of leavers. For this reason, authority is now sought to ensure the continuation of the current two agency planners for a further extended period whilst the impending and current vacancies exist.
2. The Senior Conservation Officer has been advertised on a number of occasions and so far no suitable candidate for shortlisting for interview have been found. A consultant has been covering this post and it is requested this be extended to June 2019 whilst an improved salary job is advertised.
3. Finally, in order to continue to support the Local Plan, particularly during the examination process and post examination alterations, it is requested that Peyto Law contract is extended until September 2019.
4. The Procurement Rules give bands for Contract Categories between: 1. £25,000 - £50,000 and 2. £50,000 - £250,000 - for both a minimum of three tenders should be invited. Authority is sought pursuant to the Council's Procure Rules, to waive paragraph 2.9 which requires three written quotes for contract category 2 contracts (between £50,000 to £250,000) be obtained. The waiver will allow the continued service of the two planning application officers in Development Management from the same consultant. Category 1 applies to the Senior Conservation Officer and the Local Plan solicitor.

5. The reasons are stated above as to why these rules should on this occasion be waived.

Resource Implications:

Planning fee income is likely to be about £1.1 million. During this period there has been little change to staff establishment of five Senior Planners and four Planning Officers. With both the fees and complexity of Planning Applications increasing it is necessary to ensure there is sufficient Planning Officer case load to cover the increased current and expected future applications. In addition Planning Services have been generating an additional £100,000 Planning Fee Income for several years through the paid pre-planning application service, which although extremely helpful as an additional income stream, do take up significant Planning Officer time.

Legal and Governance Implications:

National Planning Policy Framework (NPPF)

Safer, Cleaner and Greener Implications:

Nil

Consultation Undertaken:

HR – Confirmed with that the two temporary agency staff are within IR35 employed through Vivid Consultancy and the senior conservation officer as employed by Matchtech Accountancy - No objection raised, given planning income prediction for 2019-20.

Legal - Waiver also on No 18 of the Procurement Rules if no formal agreement is to be entered into or placed under seal.

Background Papers:

Nil

Impact Assessments:

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties; reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

Risk Management:

There is a risk of the Council performance indicator measures for planning application turnaround times and appeal success being hampered if sufficient efficient planning officer staff is not available to support the day to day Development Management planning application work.

The use of a temporary planning officers minimises the risk of not meeting performance targets.

Key Decision Reference (Y/N):

No

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 the report.