

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 with Perfect Circle JV Ltd to provide planning consultancy services for a planning feasibility study.

2. DECISION TAKER

Ian Fullstone, Service Director, Regulatory

3. DATE DECISION TAKEN:

28th January 2019

4. REASON FOR DECISION

4.1 North Hertfordshire District Council (NHDC), Welwyn Hatfield Borough Council (WHBC), Stevenage Borough Council (SBC) and East Hertfordshire District Council (EHDC) received an allocation under the Planning Delivery Fund (PDF) for the period 2018/19 from the Ministry of Housing & Local Government (MHCLG) to support and enhance joint working with the aim of collaborating on longer term strategic growth. NHDC are acting as budget holder and accountable body for the allocation.

4.2 The successful PDF bid identified a workstream to commission initial feasibility work relating to considering the future planning for a new settlement including defining scope, scale, purpose and options for local authority governance.

4.3 NHDC explored a number of options to commission and advance the work within the timescales of the award and have appointed Perfect Circle JV Ltd to undertake the work.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 NHDC considered various approaches to procurement in accordance with Section 19 (Financial regulations) and Section 20 (Contract Procurement Rules) of the Council Constitution. This included consideration of an open tender process, appointment under Framework Agreement or Single Tender.

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

6.1 As NHDC are acting as accountable body and budget holder to deliver a joint scope of work with EHBC, EHDC and SBC, consultation has been undertaken with these bodies and all parties are content with the approach and decision.

6.2 The decision has been made following consultation with internal legal and procurement officers.

7. RELEVANT CONSIDERATIONS

7.1 The PDF award has been allocated in 2018/19 and it is anticipated that MHCLG will undertake monitoring of spend therefore requiring works to be well progressed by the end of March 2019. This work is a key component of the programme and therefore required a timely and efficient approach to procurement.

7.2 Framework Agreements were considered to provide a degree of efficiency having included certain pre-qualification and assessment processes. A number of potential Frameworks were considered including the Homes England (previous Homes & Communities Agency) Multi-Disciplinary Framework, the Eastern Shires Purchasing Organisation (ESPO) and the Built Environment Consultancy Services (BECS) Framework.

7.3 After evaluation of the framework options, a direct award to Perfect Circle JV Ltd under the BECS Framework was selected as most appropriate, for carrying out the work required. Perfect Circle JV Ltd (Perfect Circle) is an incorporated joint venture between Pick Everard, Gleeds and AECOM, set up exclusively to deliver the BECS framework. This Framework has been put in place following a rigorous evaluation and selection process which has included ensuring rates provide value for money to the public sector.

7.4 AECOM have been working across Hertfordshire for Hertfordshire County Council to prepare an Infrastructure Prospectus for the County area, including the areas of NHDC, SBC, WHDC and WHBC. This has provided them with considerable information and data that is directly relevant and necessary for this study.

7.5 AECOM also have considerable experience of undertaking comparable planning feasibility work, including concept feasibility and development work for North Essex, Shepway, Ebbsfleet, Basingstoke & Deane and Fareham and are also currently working for Homes England to consider the approach to new settlements in the adjoining Cambridge to Oxford Corridor.

8. LEGAL IMPLICATIONS

8.1 The total cost of this procurement is estimated to be £97,000 and as such, the level of spend requires this decision to be published.

8.2 Under paragraph 14.6.4 of the Council's Constitution, Service Directors are authorised to enter into contracts within approved budgets. The value of this contract is within the funding available to the Council from the Planning Delivery Fund grant award for 2017/18 as explained in Section 7 above.

9. FINANCIAL IMPLICATIONS

9.1 Funding for the commission is addressed through the PDF award and there are no revenue, capital or other direct financial implications arising from this decision.

9.2 The work being undertaken follows the resolution at Council on 12 February 2015: *Council instructs officers to continue to explore the long term housing needs of North Hertfordshire with other Local Authorities, the DCLG, and other relevant bodies, and the extent to which there may be reasonable options for new settlements for the future in North Hertfordshire together with the required infrastructure and funding.*

9.3 It is also anticipated to form a part of the evidence base for the preparation of future Local Plans and/or review of the current emerging Plan. As the work relates to considering joint working across the Councils in Northern Eastern Hertfordshire, it is therefore intended to remove the requirement for NHDC and possibly the other Councils to undertake similar work in the future.

10. RISK IMPLICATIONS

10.1 It is possible that a more economical price for the work could have been achieved via open tender however the delay to the procurement process that this would have created would have risked the Feasibility Study work not being sufficiently progressed by the end of the current financial year in accordance with the timescale of the PDF award.

10.2 The appointment of Perfect Circle JV Ltd to the BCES Framework had included a rigorous evaluation and price competitiveness test. The rates applied have therefore been considered and approved as competitive.

10.3 Additionally, as highlighted in Section 7 above, the appointment of AECOM brings economies of scale due to their existing knowledge of Hertfordshire together with their experience in similar studies for other growth areas.

11. EQUALITIES IMPLICATIONS

11.1 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.

11.2 There are no equalities implications associated with this procurement.

12. SOCIAL VALUE IMPLICATIONS

12.1 In accordance with Section 20 of the Council's constitution, the Social Value Act and "go local" policy does not apply to this decision.

13. HUMAN RESOURCE IMPLICATIONS

13.1 Human Resource implications will be managed within existing team resources.

14. BACKGROUND PAPERS

None

15. NOTIFICATION DATE

Date sent to all Members, put on website and appears in MIS - Committee and Member Services will insert

Signature of Executive Member Consulted 

Date28th January 2019.....

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