

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – 21 JULY 2015

Title of report	EXEMPTION TO THE COUNCIL’S CONTRACT PROCEDURE RULES – STRATEGIC GROWTH PLANNING CONSULTANT AND RIVER MEASE SPECIAL AREA OF CONSERVATION RIVER RESTORATION PROJECT
Key Decision	a) Financial No b) Community No
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Purpose of report	To note the granting of exemptions to the Council’s Contract Procedure Rules (CPR), pursuant to rule 3.1.1 (a)
Reason for Decision	The CPR require that the exercise of the Statutory Officers’ discretion to grant exemptions is reported to Cabinet.
Council Priorities	Value for Money Business and Jobs Homes and Communities Green Footprints Challenge
Implications: Financial/Staff Link to relevant CAT Risk Management Equalities Impact Screening Human Rights Transformational Government	The costs are available from within existing budgets Not applicable Risks have been assessed and addressed as part of the decision making process with Statutory Officers. Not applicable Not applicable Not applicable
Comments of Head of Paid Service	The report is satisfactory

Comments of Deputy Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	None
Background papers	None
Recommendations	THAT CABINET NOTES THE GRANT OF EXEMPTIONS TO THE COUNCIL'S CONTRACT PROCEDURE RULE 5.8 (I) TO ALLOW THE DIRECT AWARD OF A CONTRACT FOR SPECIALIST CONSULTANCY SERVICES; AND (II) TO ALLOW THE TRENT RIVERS TRUST TO UNDERTAKE THE RIVER RESTORATION PROJECT

1. BACKGROUND TO PROCUREMENT OF SPECIALIST PLANNING CONSULTANT TO FACILITATE COUNTYWIDE SESSION RELATING TO STRATEGIC GROWTH PLANNING

- 1.1 In partnership with other authorities in Leicestershire, the Council has been leading on joint working around strategic planning matters affecting all districts, boroughs, the city and the Leicester and Leicestershire Enterprise Partnership (LLEP). As part of this, a facilitated workshop was arranged for all authorities and the LLEP to enable officers to fully understand the national scene regarding the plans that have so far been completed and the learning from them.
- 1.2 The aim of the workshop was to understand what the strategic planning framework, its depth and complexity could be and to agree the next pieces of foundation work that can take place over the next three months and who will lead them.
- 1.3 This type of collaborative working will support the authorities' local plans and it will enable the Council (along with the other key stakeholders) to maximise the benefits of joint strategic planning. Engagement of this kind helps all partners involved to understand the conflicting demands, as well as the complementary interests within Leicestershire and will be key to move forward together and maximise the benefits to be obtained for residents.

2. THE CONTRACT PROCUREMENT

- 2.1 This work is not yet well researched or resourced nationally and has a limited field of recognised expertise.
- 2.2 The session was highly relevant to ongoing issues, relating to progressing the whole strategic planning programme and the timing of Local Plans.
- 2.3. From soft market testing only one consultant was available at such short notice with sufficient expertise in the area. This was Catriona Riddell of Catriona Riddell and Associates Ltd.

3. EXEMPTION

- 3.1 Having regard to the above, on the basis of the technical nature of the subject matter, Statutory Officers were asked to grant an exemption to the CPR pursuant to CPR 3.1.1(a).
- 3.2 The cost of the session was £2,000 plus travelling expenses, which would otherwise be a Band A (Minor) contract under Contract Procedure Rules 5.8. The Statutory Officers were asked to grant an exemption to the Contract Procedure Rules pursuant to rule 3.1.1 on the basis of the technical nature of the subject matter, allowing direct award of the contract to Catriona Riddell and Associates Ltd. The payment for the session came out of the joint strategic planning budget which is held for 9 planning authorities and the Leicester and Leicestershire Enterprise Partnership (LLEP).
- 3.3 The exemption was granted on 25 March 2015 and pursuant to CPR 3.1.3, the Chief Executive is required to notify Cabinet of the exercise of the Statutory Officer's discretion in relation to this service area.

4. BACKGROUND TO PROCUREMENT OF TRENT RIVERS TRUST TO CARRY OUT RIVER MEASE SPECIAL AREA OF CONSERVATION RIVER RESTORATION PROJECT MEA002

- 4.1 The UK Government is committed to a catchment-based approach to sharing information, co-ordinating activity and making the case for collaborative action to protect and improve England's water environment.
- 4.2 In order to make this concept a reality, the Government has tasked the Environment Agency to test approaches to improved engagement, information sharing and coordination of action at a catchment level. The Environment Agency has delivered against this agenda by setting up several pilot catchments across England that are 'hosted' by third sector organisations. In the case of the Tame/Mease/Anker catchment, this is the Trent Rivers Trust (TRT). Start up funding was provided through DEFRA to support the establishment of functioning catchment partnerships however catchment partnerships needed to establish new funding sources thereafter.
- 4.3 This project (MEA002) is one of the projects delivering mitigation for the effect of additional residential development within the River Mease Special Area of Conservation (SAC) catchment and funded through the River Mease Developer Contribution Scheme.

5. THE CONTRACT PROCUREMENT

- 5.1 The Trent Rivers Trust (TRT) is a registered charity and a Company Limited by Guarantee and is part of the River Mease Partnership which also includes Natural England, Environment Agency, Severn Trent Water, and three local planning authorities: North West Leicestershire District Council, South Derbyshire District Council and Lichfield District Council. TRT are undertaking part of the above MEA002 project to consult and educate the local people of Measham about the project and the wider river restoration. The Environment Agency, as lead organisation in the delivery of the MEA002 project, are also part funding TRT to undertake these works.
- 5.2 The river restoration project (MEA002) to the south of Measham, and which forms part of the River Mease SAC Developer Contribution Scheme (DCS) agreed list of projects, is being delivered by the Environment Agency. The monies from the DCS are held by

the Council on behalf of the other local authorities involved. The Environment Agency worked with TRT, who deliver the public consultation and education element of this project, as catchment host and so the Environment Agency did not consider seeking quotations for this work was necessary. As noted above, DEFRA provided early funding, but not ongoing support to facilitate the catchment host. Therefore funding for TRT input into this project was provided through the Environment Agency and subject to approval through the DCS.

6. EXEMPTION

- 6.1 Having regard to the above, on the basis of the technical nature of the subject matter, the Statutory Officers were asked to grant an exemption to the CPR pursuant to CPR 3.1.1(a).
- 6.2 The value of this arrangement is £2,000. Under Contract Procedure Rule (CPR) 5.8, this would otherwise be a Band A (Minor) contract requiring the seeking of three verbal quotations. However, as set out above, only TRT is available to provide this service and so the Statutory Officers were requested to grant an exemption to the CPRs pursuant to CPR 3.1.1 to allow a direct award of this to TRT.
- 6.3 The exemption was granted on 8 April 2015 and pursuant to CPR 3.1.3, the Chief Executive is required to notify Cabinet of the exercise of the Statutory Officer's discretion in relation to this service area.