

EAST HERTS COUNCIL

NON-KEY DECISION – 19/10

REPORT BY THE LEADER OF THE COUNCIL

CONTRACT PROCEDURE RULES: EXEMPTION REPORT - ENGAGEMENT OF HYAS PLANNING CONSULTANCY

WARD(S) AFFECTED: HUNSDON/ ALL

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**Purpose/Summary of Report**

- To advise of a contract procedure exemption.

**RECOMMENDATION FOR DECISION: That:**

<b>(A)</b>	<b>The exemption to the contract procedure rules enabling the engagement of Hyas consultants to provide planning advice in relation to Gilston be noted as required by the Constitution.</b>
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1.0 Background

1.1 This report is to advise the Executive of an exemption to the Council's contract procedure rules. The Constitution requires that exemptions relating to contracts with a value of between £50,000 and the EU threshold be reported to Executive for noting.

1.2 The exemption relates to the engagement of Hyas (a planning consultancy) to provide planning support services relating to the Gilston Area strategic development site as part of the wider Harlow and Gilston Garden Town.

1.3 The matter is being reported to all Executive Members in accordance with para 4.4 of Part 4H of the Council's

Constitution: Contract Procedure Rules. In line with the exemption procedures, the exemption has been approved by the Head of Planning and Building Control, in consultation with the Head of Strategic Finance and Property, as required by para 4.4. However, in addition, the regulations require that an exemption relating to a contract of this value is reported to the next Executive so as to provide oversight.

## 2.0 Report

- 2.1 The Garden Town and submission of planning application proposals relating to the Gilston Area are key planning proposals that the Council is dealing with. Significant transport infrastructure is proposed as part of the development to support and enable an improved ratio of journeys to be made by sustainable means.
- 2.2 Ensuring acceptable development proposals for the Gilston Area supports the Council in the delivery of all three of its Corporate Priorities – improving the health and wellbeing of communities, enhancing the quality of life and enabling a flourishing economy.
- 2.3 Initially consultancy support has been provided by a sole trader planning consultant. It has become clear however that demand for planning support has outstripped the single day per week that the planning consultant could provide. The consultant however also delivers services as part of a wider planning consultancy organisation, Hyas, through which more consultant support can be secured.
- 2.4 Paragraph 4.6 of Part 4H of the Constitution lays out a series of reasons for which an exemption to the contract procedure rules would ordinarily be acceptable. Of the reasons listed, that *“the service to be supplied consists of goods and services which are currently in use and are required for the purposes of standardisation”* applies in this case given the benefits of continuity afforded by continuing to engage the current

consultant, now through Hyas. This results in the appointment of Hyas directly, without the need for a further tender process.

2.5 Costs are expected to be in the order of £25,000 per annum for a period of two years. As a result, it is likely that the total contract value will fall within the £50,000 to the EU threshold range which, as a result, triggers the need to report the exemption to the Executive.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None.

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