

Report to: Cabinet



Date of Meeting 2 February 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Exemption from Standing Orders – Appointment of Hardisty Jones

Report summary:

The purpose of this report is to notify Members of the use of an Exemption from Standing Orders to enable the appointment of Hardisty Jones Associates to undertake an update to the existing Greater Exeter Area Economic Development Needs Assessment which will provide essential evidence to support the production of the new East Devon Local Plan. The attached form provides the full background and business reasons for the exemption.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

It is recommended that Members note the use of an Exemption from Standing Orders to enable the appointment of Hardisty Jones Associates to undertake an update to the existing Greater Exeter Area Economic Development Needs Assessment which will provide essential evidence to support the production of the new East Devon Local Plan

Reason for recommendation:

To enable the appointment of Hardisty Jones Associates to update the assessment.

Officer: Ed Freeman – Service Lead – Planning Strategy and Development Management

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: High Risk; The update needs to be carried out urgently in order to inform the scale and location of employment land in the emerging East Devon Local Plan. If the plan progresses without this information there is a risk of it being found unsound by a Planning Inspector

Links to background information [1 Local Plan working draft committee rpt Ver 01.pdf \(eastdevon.gov.uk\)](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

The purpose of this report is to notify Members of the use of an Exemption from Standing Orders to enable the appointment of Hardisty Jones Associates to undertake the updated Economic Development Needs Assessment for the Greater Exeter area. East Devon are now leading on this commission, which will be funded jointly by East Devon, Teignbridge, Mid-Devon District Councils, Devon County and Exeter City. This work will, amongst other matters, establish a picture of the nature of future employment needs and demands across a range of job generating uses, it will assess current supply of employment land and buildings and establish potential future employment space needs in respect of both types of provision and locational considerations. This will inform the production of the East Devon Local Plan as well as the plans for the partnership authorities.

The form below provides the full background and business reasons for the exemption



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

Contract Standing Orders (CSOs) requires certain steps to be followed when carrying out procurement exercises. Exemptions to CSOs can be authorised by Council / Cabinet upon report and separately by officers with the approval of certain senior officers. An exemption can only be relied upon in certain circumstances (as detailed in CSOs Rules 3.1 – 3.5) but in any event cannot be used where the EU Procedure applies.

This form is intended to be used by officers to obtain an exemption to using CSOs.

Name: Matthew Dickins	Date: 8 December 2021
Service: Economy	Team: Planning Policy
£42,500 –	Total contract value: Estimated at shared across four local authorities.

Background (including product and supplier details, costs etc):

The East Devon Local Plan (and plans of neighbouring councils) need to be informed and supported by a technical document called an Economic Development Needs Assessment (EDNA). Back in 2016, when the then Greater Exeter Strategic Plan (GESP) was in production, the following planning authorities:

- East Devon District Council;
- Exeter City Council;
- Mid Devon District Council;
- Teignbridge District Council

Along with support from Devon County Council jointly commissioned an EDNA from the consultancy firm Hardisty Jones. The work was completed in 2016 though with recognition that an update would be required as the work becomes dated over time.

Although the GESP is not now being produced the four local planning authorities are still working together and each need an EDNA for their plan making work and the EDNA should ideally take a strategic, more than just single authority wide, overview of matters. The EDNA work will, amongst other matters, establish a picture of the nature of future employment needs and demands across a range of job generating uses, it will assess current supply of employment land and buildings and establish potential future employment space needs in respect of both types of provision and locational considerations.

With production of the East Devon Local Plan now moving at pace, and other authorities also active in plan making, it is seen as essential that work on a new EDNA is undertaken in a timely and expedient manner. The Councils lack the technical skills and time to produce the EDNA internally and an external commission is appropriate. With Hardisty Jones having produced the first EDNA report, and with them already holding lots of information and being specialists in this field, it is logical to appoint the same consultants, as an exemption to standing orders, to undertake the assessment. It is also highlighted that the original brief for this work referred to the appointed consultants undertaking an update, albeit the scope and cost of works now exceeds that included in the original brief.

It should be noted that the intent is that East Devon District Council will be the lead client for this work but we will be working on behalf of the four planning authorities. There is existing joint planning funding from budgets (currently held by Devon County Council) to pay for the work.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		

Goods or Services to existing systems or kit	✓	
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)	✓	

Business Benefits for an Exemption:

With Hardisty Jones having already completed the original EDNA and holding lots of relevant information for the new work there would be no identified merit in going out to competitive tender for this commission. In addition, as well, the work is identified as a matter of urgency for East Devon District Council and if not completed early in 2022 it would delay local plan production, this same consideration would appear to apply to Exeter and Teignbridge Council's as well.

Originally Mid Devon District Council were going to commission the work but they advised that they lacked procurement support and this has resulted in them not being able to make progress on the commission. The intent is that East Devon District Council will therefore now take the lead role as the commissioning authority on behalf of the partner authorities.

We do, however, need to work at speed on this commission to ensure that we have a completed study available to support our local plan. To this end a brief for the work has been completed and discussed with Hardisty Jones. The consultants have priced up the work and provided a detailed and well thought out response to the study requirements that when compared to the original submissions received for the original EDNA commission is both technically competent and competitively priced.

For these summary reasons an exemption to standing orders is sought.

What are the implications to the following:

Finance: The work will be paid for from joint planning funds (originally from and for GESp production) with each of the constituent planning authorities paying a proportionate contribution to the work.

Human Resources: As this is a consultancy contract no implications are identified.

ICT: The consultants will supply a pdf report document and data and mapping that can be loaded onto Council systems with no direct impacts on ICT operations.

Asset Management: No impacts are identified.

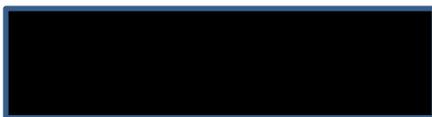
Strategic and/or Operational Objectives: The EDNA will be used to inform the new East Devon local plan and its policies, as well as plans of the other authorities. It will, however, also generate outputs that other services at the Council and Councils may find beneficial in respect of any work they undertake in the context of economic development and securing jobs.

Risk Assessment:

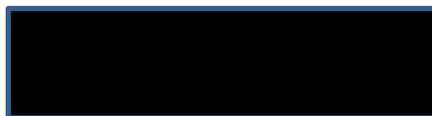
Detail risks here: Absence of the EDNA and its role in informing planning policy may result in the Council not identifying and being able to proceed with the best and most appropriate policy framework to support high quality economic development and job growth. The absence of a robust EDNA could also leave the local plan highly vulnerable to being found un-sound at plan examination.

Or attach print from the RM system

Signature of line manager or service head



Supporting signature of Strategic Lead - Finance



Supporting signature of Strategic Lead – Governance and Licensing



PLEASE NOTE:

Where the Contract value is £20,001 or above then Rule 3.2 requires you to prepare a report for Cabinet to note their support for the action taken.

The Council is required to keep a Register of Exemptions. **Please ensure that a signed copy of this form is provided to the S.151 Officer.**

Financial implications:

Financial details are outlined in the report.

Legal implications:

The contract value falls below the relevant thresholds set out in the Public Contracts Regulations 2015 and therefore the full procurement procedure does not apply and an exemption can be validly relied upon pursuant to the Council's Contract Standing Orders Rule 3.2. Although the costs are shared between partner authorities meaning the Council's contribution is below the £20,000 reporting level, it is the procurement value that determines referral not the Council's contribution. This is why the matter is being reported to Cabinet. The reason for using the exemption in this case appears justified.