

# Delegated Decisions report



22 August 2023

## PROCURING EXPERTISE TO SUPPORT OUR PLANNING SERVICE

Name of Cabinet Member	<b>Councillor Pete Marland</b> (Leader of the Council)
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Exempt / confidential / not for publication	<b>Yes - Confidential Annex</b>
Council Plan reference	<b>Decent affordable homes in a quality environment – well planned growth</b>
Wards affected	<b>All wards</b>

### Executive Summary

Milton Keynes is continuing to grow at a fast pace and the City Council, in its capacity as the local planning authority (LPA), receives a significant number of strategic and large-scale planning applications. Some applicants wish to enter into a Planning Performance Agreement (PPA) to give themselves more certainty about the process of determining their proposed development.

We have recently (March 2023) published a new PPA and Pre-Application Charter to set out the level of service we want to offer. However, like most LPAs, we experience difficulties in recruiting and retaining planners with sufficient experience to manage the work associated with schemes proceeding under a PPA. Therefore, we are looking to procure access to high-quality external consultancy support, when necessary, to ensure we can deliver our key milestones in any agreement.

An Expression of Interest (EoI) exercise saw four suppliers on the ESPO Consultancy Services Framework submit an EoI for this work. To appoint from this Framework would require a mini competition to award to a single supplier.

## 1. Proposed Decisions

- 1.1 That the public and press be excluded from the meeting by virtue of Paragraph 3 (Information relating to the Financial or Business Affairs of the Authority) of Part 1 of Schedule 12A of the Local Government Act 1972, in order that the meeting may consider the **exempt Annex** to the report.
- 1.2 That the use of the ESPO Consultancy Services Framework 664\_21 to procure expertise to support our Planning Services be approved.
- 1.3 That authority be delegated to the Director of Planning and Placemaking to award a Contract under Lot 8f of the Framework, for Planning Services for a period of five years following a mini competition process.

## 2. Why is the Decision Needed?

- 2.1 Like many LPAs, we have experienced difficulties in recruiting and retaining planners with sufficient experience to manage the work associated with schemes proceeding under a PPA. From 2016 to-date we have entered 81 PPAs (around 9 a year). These vary in scale and complexity but have a combined financial value of circa £2.5m in fees and their delivery generates significant investment for the local economy.
- 2.2 Agreeing a PPA does not give the developer any certainty over whether their proposed development would be acceptable. It is simply a project management tool aimed at establishing the timescales for providing pre-application advice and processing the resultant planning application. Most applications would end up being determined by Planning Committee and we do not consider using a PPA where the proposal is likely, in principle, to be unacceptable.
- 2.3 We are in the process of preparing a new Local Plan (the New City Plan), which will seek to deliver on our ambitious 2050 Strategy for Growth. With the New City Plan to be submitted within the next two years, we anticipate a sharp uptake in PPA and preapplication requests. Access to suitably experienced planners through an external supplier will enable us to keep pace with the demand for PPAs and provide a high-quality professional service to our customers.

### Issues

- 2.4 Difficulty in recruiting and retaining suitably experienced planners can cause delays in meeting milestones set out in a PPA agreement.

### Benefits

- 2.5 Financial - the mini competition will be based on a 50:50 consideration of price and quality criteria. A Supplier will be financed from the fees levied on PPAs, which must be ringfenced specifically to support PPA casework.

- 2.6 Reputational - the supplier will be able to offer a high-quality service to our customers that meets the key milestones in the PPA agreement so that the Council can continue to provide a reliable and professional service.

### 3. Implications of the Decision

Financial	Y	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	N
Communication	N	Procurement	Y
Energy Efficiency	N	Workforce	N

#### (a) Financial Implications

It is estimated that the maximum value procured on the ESPO 663\_21 Framework will be £2million over the 5-year contract period. Consultancy support will be paid for using the fee income from PPAs.

#### (b) Procurement and Legal implications

The Council has powers of general competence under section 1 of the Localism Act 2011 to do anything which an individual may do subject to certain limitations.

The report requests approval to use the ESPO framework 664\_21 - for Planning Services to award a contract for five years to the supplier who is successful in a mini competition. Procurement law recognises the use of frameworks as a legitimate route to market. The named framework is valid until 31 August 2025. The Council can award contracts under the framework during its validity as the framework is open for use by all local authorities. To remain compliant with procurement law, the process for awarding the contract and the ensuing contract must adhere to the terms of the framework.

The contract awarded under the ESPO framework will be with a consultancy, rather than an individual. Therefore, any staff supplied to us will be outside the scope of IR35.

### 4. Alternatives

#### 4.1 Do Nothing

We could continue to manage the workload of PPAs solely through our own workforce, or recruiting contract staff in periods of peak demand or if there is a lack of in-house experience. This has led to the issues of missed timescales and lack of quality services described above and is not recommended.

#### 4.2 Procure a Preferred Supplier through standard Procurement Routes such as Open Tender

This will be a much longer process and is considered unlikely to offer any additional benefit relative to the time and cost involved in the procurement process.

#### 4.3 Set up our own Framework of Multiple Suppliers

This is not considered suitable as it would be onerous to set up, not offer anything different to that being offered by the ESPO Framework and creates operational complexities; e.g., being able to justify awarding a PPA case to one supplier over another.

### 5. Timetable for Implementation

Delegated Decision - 22 August 2023

Mini Competition - September 2023

Appoint Supplier (pending outcome of mini competition) - September / October 2023

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#### List of Annexes (exempt)

Annex            Maximum Value procured on the ESPO 663\_21 Framework

#### List of Background Papers

None