

EXECUTIVE DECISION RECORD SHEET

Name of decision maker:	Councillor Terry Douris
Portfolio:	Planning and Regeneration
Date of Portfolio Holder Decision:	28 August 2012

Title of Decision: Retrospective extension of contracts with Allies and Morrison Urban Practitioners and TRL Limited to cover specialist consultancy services provided in respect of the Hemel Hempstead Town Centre Masterplan and Core Strategy.

Decision made and reasons:

To agree to extend the contract with Allies and Morrison Urban Practitioners to provide specialist consultancy services in connection with the Hemel Hempstead Town Centre Masterplan.

To agree to extend the contract with TRL Limited to cover (1) ongoing specialist consultancy services in relation to the Sustainability Appraisal of the Core Strategy; and (2) a Sustainability Appraisal for the Hemel Hempstead Town Centre Masterplan.

Reports considered: (here reference can be made to specific documents)

Background report attached.

Officers/Councillors/Ward Councillors/Stakeholders Consulted:

Assistant Director, Planning, Development and Regeneration
Assistant Director, Legal, Democratic and Regulatory
Group Manager, Strategic Planning and Regeneration
Group Manager, Commissioning, Procurement and Compliance

Monitoring Officer comments:

The decision to extend these contracts is in compliance with the Council's Procurement Standing Orders.

Deputy S.151 Officer:

Deputy Section 151 Officer comments have been included in the report. All anticipated additional costs can be met from agreed budgets in 2012/13.

Implications: The decision to extend the contracts of Allies and Morrison Urban Practitioners and TRL Limited will carry a cost implication. This cost has been budgeted for and will be met out of the Local Development Framework budget.

Risk: The additional work that Allies and Morrison Urban Practitioners have been commissioned to carry out relates to the viability and phasing aspects of the Hemel Hempstead Town Centre Masterplan. It is vital that this work is undertaken to ensure that

EXECUTIVE DECISION RECORD SHEET

the key proposals set out in the Masterplan are deliverable. If this piece of work is not carried out there is a danger that proposals might not be deliverable in which case the realisation of the council's town centre vision would be compromised and the reputation of the Council could be harmed by a failure to bring development forward.

It is a requirement of the 2008 Planning Act that the Sustainability Appraisal process covers the entire period of a Development Plan Document's (DPD's) preparation; the Core Strategy is a DPD. If the contract is not extended to cover the final stages of the Core Strategy's preparation the Sustainability Appraisal could be found unsound at examination. In this case the Core Strategy would also be deemed unsound. This would significantly delay the adoption of the Core Strategy and would result in greatly increased future costs.

With respect to the Town Centre Masterplan a Sustainability Appraisal is not a legal requirement (the document will be a Supplementary Planning Document ((SPD) rather than a Development Plan Document (DPD)). However, a Sustainability Appraisal is required if the document is likely to give rise to significant effects which have not been formally assessed in the context of a high-level planning document. The main risk is that if the Council opts not to appraise the Masterplan but there are new environmental issues that have not been appraised previously the decision to adopt the SPD could then be subject of judicial review. A thorough approach to dealing with sustainability issues is in line with the Council's sustainable objectives and will ensure that the law is fully complied with thereby minimising the risk of legal challenge.

Value for Money: Both Allies and Morrison Urban Practitioners and TRL Limited were initially appointed following competitive tendering processes overseen by the Commissioning, Procurement and Compliance team. Value for money was a key consideration in the evaluation processes and in the recommendations as to who should be awarded the contracts.

Options Considered and reasons for rejection:

In-house provision: There is neither the capacity nor the full expertise and knowledge within the Council to carry out this specialist work. Furthermore, the Sustainability Appraisal process is required to be independent. This prevents the Council from undertaking the work in-house.

Do nothing: This could potentially result in the outcomes listed in the "Risk" section above.

Portfolio Holders Signature:

Date:

Details of any interests declared and any dispensations given by the Standards

EXECUTIVE DECISION RECORD SHEET

Committee:

For Member Support Officer use only	
Date Decision Record Sheet received from portfolio holder: 28/08/2012	
Date Decision Published: 28/08/2012	Decision No:PH/12/055
Date of Expiry of Call-In Period: 04/09/2012	
Date any Call-In received or decision implemented:	

BACKGROUND REPORT

Allies and Morrison Urban Practitioners

Allies and Morrison Urban Practitioners (AMUP) were commissioned in late 2011 to produce a Retail Update and Major Land Use Study to inform the Hemel Hempstead Town Masterplan. The initial contract was for a value of £26,475 with a later addition of £1,760 in respect of AMUP's presentation fee for the Masterplan Stakeholder Workshop on 19 January 2012.

AMUP have carried out two further pieces of work for Dacorum Borough Council in relation to the possible location of a Public Service Quarter. The first was a study of the Pavilion site at a cost of £4,990 and the second a study of the Jellicoe Water Gardens at a cost of £19,742.50. Most recently, they have been instructed to carry out a piece of viability work in partnership with DTZ to inform the viability and phasing chapter of the Masterplan. This last piece of work cost £29,500 and has taken the contract value to a total of £82,467.50 which is significantly above the £50,000 threshold at which a Portfolio Holder Decision is required. In the circumstances, a retrospective agreement to extend the contract is being sought. We do not anticipate at this stage that AMUP will be required to carry out any additional work in future.

TRL Limited

The Planning and Compulsory Purchase Act 2004 requires that emerging Development Plan Documents (DPDs) should be subject to a process of independent sustainability appraisal. The role of Sustainability Appraisal (SA) is to assess the extent to which policies or proposals will help to achieve environmental, social and economic objectives and assess how DPDs contribute to the achievement of sustainable development priorities. The SA is an ongoing process which is undertaken throughout the preparation of a plan or strategy. A SA report should accompany the final DPD.

TRL Limited was commissioned in 2004 to provide sustainability appraisal services in connection with the preparation of the Core Strategy. To date, the cost of these services has totalled approximately £79,000. There is a need to continue this contract on an ongoing basis in relation to the Core Strategy. It is a legal requirement that the SA process covers the entire period of the Core Strategy's preparation.

EXECUTIVE DECISION RECORD SHEET

In addition, there is a need to extend the contract to cover a Sustainability Appraisal for the Hemel Hempstead Town Centre Masterplan. Whilst a Sustainability Appraisal of the Masterplan is not a statutory requirement it is however advisable that one is undertaken.

The anticipated cost of the contract extension in respect of the Core strategy is £10,000.00. The anticipated cost of the sustainability appraisal of the Masterplan is £5,000.00. These additional costs can be met from approved 2012/13 budgets and will be charged to cost centre/code DD405 3950.