



PORTFOLIO HOLDER DECISION NOTICE

INDIVIDUAL DECISION BY THE LEADER IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORT

TOPIC – PROVISION OF ECOLOGICAL ADVICE FOR PLANNING MANAGEMENT

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Corporate Director (Governance), the Chief Executive and the Head of Finance are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

Contact Officers:

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Committee Administrator: Nancy Graham – 01962 848235

SUMMARY

- During the course of dealing with development proposals the Council, as local planning authority, is required to consider the impact upon protected species and habitats. These matters often need to be taken into account at all stages of the development process i.e. pre-application enquiries, determination of scoping and screening requests (Environmental Impact Assessment), planning applications and appeals, discharge of conditions and implementation (building works on site).
- The Council does not employ officers who possess the specialist knowledge and expertise required to provide this advice for the Planning Management service. Historically, Hampshire County Council (HCC) provided ecological support for district councils free of charge. This situation changed in 2009 when HCC decided to introduce charges for the provision of ecological advice for development proposals. Winchester, along with a number of other district councils in the County, entered into a service level agreement (SLA) for 33 months with HCC for the provision of ecological advice.

- The current SLA is due to expire in July 2012 and therefore officers have considered whether the best course of action is to enter into a further agreement with HCC or if the advice required to support the Planning Management service could be provided in more cost effective way by the private sector without compromising the quality of the Council's decision-making.
- Officers have sought quotations from HCC, as well as two locally-based consultancies who are interested in, and are capable of, providing the specialist ecological advice needed by Planning Management. However, the rates charged by these companies are significantly higher than those of HCC. Furthermore officers are very pleased with the quality of service delivered by HCC since July 2009 and it is unlikely service would be improved by using a consultancy.
- In normal circumstances officers would have sought 3 competitive quotes to provide this service for the Council. However, based upon the successful experience of the last 3 years or so under the current SLA, and given that using private consultants is likely to increase costs for Planning Management, officers are satisfied that entering into another SLA with HCC offers best value for money.
- It is therefore proposed that a direction be made under Contracts Procedure Rule 2.4a for authorisation to enter into a SLA with HCC for the provision of ecological advice in relation to development management work for a period of 33 months (to March 2015).

DECISION

That a direction under Contract Procedure Rule 2.4a be made to enable officers to enter into a SLA with Hampshire County Council for the provision of ecological advice in relation to all aspects of development management work for a period of 33 months (July 2012 – March 2015), on the terms set out in the decision notice.

REASON FOR THE DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- The impact of proposed development on protected species and habitats is an increasingly important consideration when assessing the merits of an application and, in certain circumstances, the Council is required to take these matters into account before a decision is made. It is therefore crucial that sound ecological advice is provided for the Council's development management work in a timely manner to ensure decisions are well-reasoned and robust, and performance is maintained.
- Since July 2009, the Council has received ecological support from HCC under a SLA. The current arrangement equates to about 27 hours of advice per month and the total cost to the Council for this has been about £31k. However, at times over the last 3 years, it has been necessary to procure additional hours which have been charged at the standard hourly rate of the agreement. HCC has been able accommodate these additional requirements. The resource needed has fluctuated substantially over the 3 year period

because the level of advice needed has depended on the nature of work being dealt with by the Council at any point in time. For example work on major developments at Pitt Manor, Barton Farm and West of Waterlooville required considerable resources and meant that the level of resource significantly exceeded 27 hours/month. However it has been possible to manage down the level of ecological support needed over the last 6 months by providing further guidance to planning officers which has reduced the volume of work undertaken by HCC.

- Overall, officers are satisfied that maintaining the current level of support (circa 27 hours/month) is sensible, taking into account the resources needed over the last 6 months and profile of work envisaged over the next 3 years. It should be possible to procure additional resources if this proves necessary and a rate of £32/hr would apply.
- HCC has offered a further SLA for 33 months providing circa 27hours/month at a total cost of £27324. Hence, the new agreement would run to the end of the 2014/15 financial year. The hourly rate equivalent ranges from £29.79 (year 1) to £31.60 (year 3). This actually represents a slight reduction in cost to the Council compared to the charges of the current SLA.
- In order to determine whether the SLA offers best value for money, officers have been in discussions with two locally based consultancies capable of providing ecological advice for Planning Management. Rates in the private sector start at around £50/hr (the rate is determined by the nature of the work involved) although there may be room for some negotiation on this. Nevertheless, it is clear that commercial rates are significantly higher than those offered by HCC.
- By using a consultancy, the Council would be only have to pay for the time it used each month which is an advantage over the SLA solution where the Council is making a fixed financial commitment for 33 months. However, it is likely that using a consultancy would be more expensive than the SLA option given the significant difference in rates between HCC and consultancies, and taking account of the nature of future work envisaged. The level of resource required would need to drop well below the 27 hours provided for by the SLA before the Council would benefit from any savings. Such a reduction is considered very unlikely based upon the experience of the last 3 years even though less resource (20 hours per month average) was required over the last 6 months.
- Officers are therefore satisfied that the SLA with HCC represents best value for money option and that 27 hours/month equivalent is a sensible level of resource.

RESOURCE IMPLICATIONS:

The SLA would involve a financial commitment over 33 months (July 2012 – March 2015) as set out below:

- July 2012 – March 2013 £7208
- April 2013 – March 2014 £9909
- April 2014 – March 2015 £10203

This represents a total cost of **£27324**. The existing SLA had a cost of c£31k (excluding any additional hours procured when workload exceeded that covered by the agreement); hence the cost of procuring this service has actually been reduced. Any additional hours needed to be procured, because of temporary increases in workload, would be charged at a fixed rate of £32/hr which is only marginally higher than the standard rates of the SLA (£29.79 - £31.60).

The cost of the new SLA, along with any additional resource which may be required because of peaks in workload, would be met from within the existing Planning Management Consultants' budget (£72.5k for 2012/13).

CONSULTATION UNDERTAKEN ON THE DECISION

Portfolio Holder for Planning and Transport.

FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

Not applicable

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

n/a

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

n/a

Approved by: (signature)

Date of Decision: 13.06.12

Councillor Keith Wood – Leader of the Council

Councillor Victoria Weston – Portfolio Holder for Planning & Transport