

<b>SUBJECT:</b>	<i>Exemption to Contracts Procedure Rules – Instructing Counsel</i>	
<b>REPORT OF:</b>	<i>Director of Resources</i>	
<b>RESPONSIBLE OFFICER</b>	<i>Head of Legal &amp; Democratic Services</i>	<i>Joanna Swift</i>
<b>REPORT AUTHOR</b>	<i>Principal Solicitor</i>	<i>Anna Dell</i> <i>Tel: 01895 837232</i>
<b>WARD/S AFFECTED</b>	<i>All</i>	

## 1. Purpose of Report

- 1.1 To report to Cabinet that an exemption to the joint Contracts Procedure Rules has been granted by Management Team.

### RECOMMENDATION

That Cabinet note that Management Team has agreed an Exemption to the Joint Contracts Procedure Rules, to permit Counsel (Mr Simon Bird QC) to be instructed to advise and advocate on behalf of both Councils regarding the issues arising and process related to the adoption of the draft Joint Local Plan 2014-2036.

## 2. Reasons for Recommendation

In order to comply with the joint Contracts Procedure Rules exemptions authorised by Management Team must be reported to the next appropriate Cabinet Meeting.

## 3. Content of report.

- 3.1 The joint CDC / SBDC Contracts Procedure Rules set out the approach to dealing with all aspects of Procurement. They state at A6 that:

*The Councils must comply with these Contracts Procedure rules at all times. However there are sometimes valid reasons why an exemption from one or more elements of these rules is required.*

*All exemptions must be formally approved by Management Team, and shall be reported to the next appropriate Cabinet meeting.*

- 3.2 Chiltern and South Bucks South Bucks District Councils are undertaking a joint Local Plan 2014 - 2036, and are progressing towards Draft Local Plan consultation. It has been necessary to seek Counsel's advice on the Draft Plan process and related matters arising therefrom.

- 3.3 It is highly likely that Counsel's advice will continue to be required and at times required urgently and we need Counsel to have an immediate understanding of the issues in order to advise the Councils within tight deadlines and prescribed timetables to ensure the Councils adoption of the Joint Local Plan is sound and robust against any subsequent challenge.

3.4 Mr Bird QC is an expert Planning and Planning Policy QC and has provided advice on 2 specific issues to date and has therefore become familiar with the current position in relation to the Joint Draft Local Plan. It was therefore considered that he was best placed to continue to provide advice and to represent the Councils as required.

3.5 On 12<sup>th</sup> July 2017, Management Team therefore agreed an exemption from the requirement to obtain competitive tenders, so that the Councils could instruct Mr Bird QC and accept quotes to provide any extra work as a direct consequence of the issues and the process relating to the preparation and adoption of the Draft Joint Local Plan.

#### 4 **Options**

N/A.

#### 5. **Corporate Implications**

Financial – Counsels fees will be met from within existing Planning Policy budgets and as host Council, Chiltern District Council will seek reimbursement of the fees from South Bucks District Council on a shared basis.

#### 6. **Links to Council Policy Objectives**

There are no direct links to the policy objectives.

#### 7. **Next Steps**

Counsel will be instructed as required.

<b>Background Papers:</b>	None except those referred to in the report.
---------------------------	--