

<b>SUBJECT:</b>	<i>Exemption to Contracts Procedure Rules – Instructing Counsel and Expert advisers.</i>
<b>REPORT OF:</b>	<i>Councillor Read – Portfolio Holder for Planning and Economic Development</i>
<b>RESPONSIBLE OFFICER</b>	<i>Director of Resources – Jim Burness</i>
<b>REPORT AUTHOR</b>	<i>Principal Solicitor - Anna Dell Tel: 01895 837232 <a href="mailto:anna.dell@southbucks.gov.uk">anna.dell@southbucks.gov.uk</a></i>
<b>WARD/S AFFECTED</b>	<i>Beaconsfield</i>

**1. Purpose of Report**

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

**RECOMMENDATION**

That Cabinet note that Management Team has agreed an Exemption to the Contracts Procedure Rules, to permit Counsel (Mr Simon Bird QC) and Expert Advisers to be instructed as required on behalf of the Council regarding the proposed redevelopment at Wilton Park, Beaconsfield, HP9 2RL.

**2. Reasons for Recommendation**

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

**3. Content of report.**

- 3.1 The 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 An Outline Planning Application (reference 17/01763/OUT) has been submitted to the Council for the redevelopment of the Wilton Park site comprising 304 residential properties (Class C3); employment and community uses including new ATC facility (Classes A1, A3, B1, B2, D1 & D2); formal and informal public open space, including local park and sports pitches with changing facilities; new access road from A40 Pyebush Roundabout to form southern part of Beaconsfield Relief Road; network of footpaths and cycleways including alterations to Minerva Way; car parking; on-site access roads and landscaping works.

- 3.3 Mr Bird QC is an expert Planning and Planning Policy QC and advised the Council in 2013 and 2014 regarding the proposed redevelopment of Wilton Park and is therefore familiar with this site and regarding the Development Plan generally.
- 3.4 Further expert evidence from Property Consultants and Construction Cost advisers was required regarding the viability of the proposed redevelopment with a view to securing provision of affordable housing as part of the proposed redevelopment.
- 3.5 Having initially instructed Mr Bird and Expert advisers in accordance with the Contract Procedure Rules it was considered that Mr Bird QC and the Expert advisers were best placed to continue to provide advice regarding the proposed redevelopment at Wilton Park as required.
- 3.6 On 20<sup>th</sup> December 2017 Management Team therefore agreed an exemption from the requirement to obtain competitive tenders, so that the Council could continue to instruct Mr Bird QC and the Expert advisers and accept quotes to provide such further advice and undertake any extra work as a direct consequence of the issues and the processes relating to the proposed redevelopment at Wilton Park.

**4. Consultation.**

N/A

**5. Options**

N/A

**6. Corporate Implications**

Financial – Counsels and Expert advisers fees will be met from within existing Development Management budgets.

**7. Links to Council Policy Objectives**

There are no direct links to the policy objectives.

**8. Next Steps**

Counsel and Expert advisers will be instructed as required.

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