



Notice of Non-key Executive Decision

Subject Heading:	Contract Award of the Havering Quality Review Panel agreement. FS-Case-277247240
Cabinet Member:	Councillor Joshua Chapman, Cabinet Member for Housing and Planning
SLT Lead:	Barry Francis, Director of Neighbourhoods
Report Author and contact details:	Huw Trevorrow 01708 434 305 huw.trevorrow@havering.gov.uk
Policy context:	<ul style="list-style-type: none">• National Planning Policy Framework 2019• London Plan 2021• Havering Local Plan submission version, 2018• Havering Local Development Framework 2008
Financial summary:	The Quality Review Panel (QRP) is fully funded by Developer fees, meaning there is no cost to the Council for the service, unless directly solicited where the Council is the client or landowner or when comments on planning policy documents are required.

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Relevant OSC:	Towns and Communities
Is this decision exempt from being called-in?	Yes. It is a non-key decision by a member of staff

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report seeks approval to award a contract for the provision of the Quality Review Panel (QRP) for the London Borough of Havering for a period of 2 years from 1 June 2021 to 31 May 2023.

AUTHORITY UNDER WHICH DECISION IS MADE

Power to authorise the award is delegated to Second Tier Managers under Paragraph 3.4 of Part 3 (Responsibility for Functions) of the Council's Constitution as follows:

Contract powers

(a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.

STATEMENT OF THE REASONS FOR THE DECISION

Frame Projects Limited were commissioned by the London Borough of Havering to set up the QRP in 2018 to provide independent design advice on strategic planning applications. The initial agreement was for Frame Projects to run the panel until 31st July 2020.

The QRP involves a panel of leading industry professionals (such as architects, landscape architects and engineers) reviewing individual applications. It has completed over 33 review meetings for 21 separate schemes within the borough since its inception in 2018. The vast majority of strategic applications in the borough have come to QRP at least once, with many choosing to return for follow up reviews. This is indicative of how QRP has become a highly integrated part of the Planning Performance Agreement (PPA) process. The QRP provides essential input to allow Planning Officers to successfully manage and assess strategic applications. This is reflected in local and national policy:

Havering Local Plan 2016–2031, Urban Design 11.1: *Development proposals of a strategic nature will be subject to an Urban Design Review Panel.*

London Plan 2019, Policy D2 Delivering Good Design, paragraph F: *Boroughs and applicants should use design review to assess and inform design options early in the planning process. Design review should be in addition to the borough's planning and urban design officers' assessment and pre-application advice. Development proposals referable to the Mayor must have undergone at least one design review early on in their preparation, before a planning application is made.*

National Planning Policy Framework (NPPF) 2019, Section 12 Achieving Well Designed Places, paragraph 129: *Local planning authorities should ensure that they*

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have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements ... In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

The QRP has provided an independent route to challenge and critique strategic applications coming forward in the borough. This has been invaluable in improving the quality of proposals at a time of unprecedented change and development pressure. Examples of approved schemes that have benefitted from the QRP process include:

Napier and New Plymouth, 2xQRP meetings in 2018: QRP advice increased focus on design quality and included steps to create greener and more generous landscape spaces.

Solar, Serena, Sunrise: 2xQRP meetings in 2018/19: QRP advice helped create higher quality communal facilities and amenity spaces for residents, and improved routes linking to the neighbouring park.

90 New Road: 1xQRP meeting in 2018: QRP advice help to improve the way the scheme responds to neighbouring development sites in the Beam Park area, and create clearer street network.

22-44 North Street, 1xQRP meeting in 2019: QRP advice help to develop a scheme that was more sensitive in character and scale to the Romford Conservation Area setting.

Jewson site, South Street 1xQRP meeting in 2019: QRP advice included suggested improvements to façade design and surrounding public realm for the new residential element.

The QRP has also been particularly beneficial on a number of schemes that are not yet submitted/approved, including the Bridge Close in Romford. The value of the QRP is demonstrated in the quality of applications coming forward, with a significant improvement in standards shown in the examples above, and many more beyond. It is therefore essential to retain the QRP to safeguard the quality of future development.

As well as improvements to the quality of strategic applications, the QRP also has an important function in providing a robust record of design and quality issues in the Pre-Application/PPA process. Reports published from QRP meetings provide a summary of outstanding issues – these can then be referenced at the point of planning submission for the Strategic Planning Committee to assess how successfully applicants have responded. Where strategic applications fail to meet the standards required for planning approval, the QRP report can provide additional weight to issues that may be raised as reasons for refusal. This is of particular value where future appeal inquiries are likely to take place. An example of this process can be seen with the Neopost House appeal that was dismissed in July 2020. The QRP report from March 2019 helped to support the Council's position.

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Therefore, there is an ongoing need to retain the QRP to help maximise the Council's ability to ensure inappropriate development cannot take place.

The QRP has also been valuable in providing training and support for LPA officers, including sessions on achieving design quality at higher densities and sustainability. The QRP has input into internal council workshops, including a session to consider how the long-term future of Romford Market and the Liberty Centre can be secured. It is likely that there will be an increased demand for this type of design support in the future to help accommodate proposals put forward by the Government White Paper. This sets out proposals for Local Authorities to provide more in-house design guidance, in particular through the development of 'Design Codes'. Given the relatively limited design expertise currently within the Council, there is likely to be an increasingly important role for the QRP to play in future, and therefore an ongoing need for its retention.

OTHER OPTIONS CONSIDERED AND REJECTED

Do Nothing: not recommended

This is not recommended as an option as there is a policy basis for the Council to make arrangements for strategic applications to go to QRP, and the current service is an integral part of the pre-application process for strategic sites (as set out above). The original agreement for Frame Projects to provide QRP services set out an initial period of 2 years to run the service, which expired in July 2020.

Take the service in-house: not recommended

The management of the QRP is outsourced to Frame Projects, principally as there is not sufficient capacity within the Council's Strategic Planning team to do this in-house. The disadvantages of taking the service in-house are set out in more detail below:

- Additional staff are needed to administer the panel which would require upfront funding before applicants' fees are received; this would create a resource and financial burden and is currently unbudgeted. Most local panels have two members of staff; an administrator and a panel manager
- Internal resourcing difficult to plan when number of schemes being reviewed is unpredictable
- Does not carry quite the same weight, independence and autonomy as a completely externally run panel
- Training and induction for officers and members needs to be organised and run internally
- To drive significant change the highest quality panel members with extensive professional experience are required; the advertisement or Expression Of Interest process might not generate sufficient interest or the most appropriate type of applicant
- Likely to have a longer set-up time as procurement more complicated and includes contracts etc with all panel members

Identify an alternative supplier: not recommended

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An internal review of QRP suppliers in 2018 explored the advantages and disadvantages of available suppliers (ref 'Proposal_Havering Design Review Panel').

Of the 4 potential QRP suppliers identified, Frame Projects and an additional supplier were invited to submit proposals to LB Havering. Frame Projects were selected as the preferred supplier by LBH based on the following:

- Opportunity, and assistance in the process, of selecting panel members who show an interest in and demonstrate an understanding of the Havering context
- Fee level and ability to generate take-up with applicants
- Efficiency and expediency of set-up and on-going management
- Support and training provision
- Efficacy in raising design quality
- Cost to the Council and financial risk involved
- Perception; maintaining independence from planning
- Level of commitment and staffing requirements
- Knowledge, skills and experience required
- Quality and consistency of the panel
- Time and cost involved in setting up and establishing a panel
- Changes to internal budgets, resourcing and personnel

2 years into the service, the LB Havering planning service are satisfied that Frame Projects have successfully delivered on these criteria.

Changing supplier would be highly disruptive and would be likely to involve significant costs to set up. Analysis of alternative suppliers indicates that there no advantages in the quality of service or cost savings. The Frame Projects QRP have now built up a detailed knowledge of Havering, and the loss of this expertise through switching suppliers would be damaging to the Borough's interests.

Therefore, this option is not recommended.

PRE-DECISION CONSULTATION

A meeting with Councillor Chapman and Councillor Benham was held on 12th January 2021, in order for planning officers and representatives from Frame Projects to give an update on the QRP process.

An annual review of the QRP was presented at a Themeboard meeting on 24th May 2021. This included updating Cabinet Members on the intent to contract the QRP for a further 2 years.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Huw Trevorrow

Designation: Urban Design Officer

Signature: *Huw Trevorrow* Date: 05/07/2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The Council is a local authority and a best value authority with duties and powers to make arrangements to secure continuous improvement in the way it exercises its functions, pursuant to Part I of the Local Government Act 1999. The Council has the general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do, together with the power under section 111 of the Local Government Act 1972 to do anything ancillary to or which facilitates any of its functions, including the matters set out in this report. The contract may be awarded in accordance with these powers.
2. Frame Projects have been providing QRP services for LB Havering since 2018. Details of the agreement to provide this service are set out in the letter of appointment dated 17/08/2018. This letter sets out an initial two year period for the QRP service, which expired in July 2020.
3. Under paragraph 3. 4(Powers of Second Tier Management) of Part 3 [Responsibility for Functions] of the Council's Constitution, members of second tier management have the authority to (a) approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services and (b) To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.
4. The body of this report sets out the value of the contract at approximately £94,000 over the preceding two years. The contract is not subject to the Concession Contract Regulations as it is below the relevant threshold.
5. Part 4 [Contracts Procedure Rules (CPR)] paragraph 9.8 of the Council's Constitution requires the Council to obtain at least three quotes for procurements between £25,000 and £99,999.99. If the Council is unable to comply with the Contract Procedure Rule a waiver of the Rules needs to be applied for under CPR 14.
6. A Competitions Financial Threshold Exceptions form has been completed and approved by the Director of Neighbourhoods in accordance with CPR 14.3.

FINANCIAL IMPLICATIONS AND RISKS

The QRP is funded by developers, Payments are made directly between developers and Frame Projects, so operates at nil cost to the Council.

Provision is made within the agreement for the council to bare costs only when;

- The Council is the client or land owner.
- Or when comments on planning policy documents are required.

The letter of appointment dated 17/08/2018 states that an initial one off charge of £9,875 was paid by the Council in 2018 to cover the set up cost of the panel. Since this point the QRP has operated at nil cost to the Council.

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HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

Part of the function of the QRP is to support the professional development of council staff. Over the past 2 years the QRP members have provided at least 4 training and support sessions for LPA officers, including workshop sessions on a range of design issues. Further training sessions are planned for the future.

The recommendations made in this report do not give rise to any other identifiable HR risks or implications that would affect either the Council or its workforce.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

This Executive Decision is primarily related to the outsourcing of administrative and technical processes and functions. There are no specific equalities implications for people, including those with protected characteristics. An EA is therefore not necessary in this instance.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

One of the functions of the QRP is to provide input into strategic planning applications from people with a diversity of backgrounds. Therefore, the diversity of panel members was a significant consideration when setting up the QRP, and representation has been monitored throughout. A summary of panel members who have reviewed schemes is set out below:

Year: 2019/20

Genders of panel members: 46% male / 54% female

BAME panel members (based on 15 diversity forms): 20%

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Year 2018/19
Genders of panel members: 52% male / 48% female
BAME panel members (based on 15 diversity forms): 15%

BACKGROUND PAPERS

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed 

Name: Helen Oakerbee

Head of Service title: Assistant Director of Planning

Date: 7 July 2021

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____