



# Havering

LONDON BOROUGH

## Notice of a NON KEY Executive Decision

<b>Subject Heading:</b>	East Havering Data Centre: Client-side support for the Local Planning Authority.
<b>Decision Maker:</b>	Helen Oakerbee Director of Planning and Public Protection.
<b>Cabinet Member:</b>	Councillor Graham Williamson - Cabinet Member for Development & Regeneration.
<b>SLT Lead:</b>	Andrew Blake-Herbert Chief Executive.
<b>Report Author and contact details:</b>	Paul Walker Interim Director of Housing & Property. paul.walker@havering.gov.uk
<b>Policy context:</b>	National Planning Policy Framework London Plan 2021 Havering Local Plan 2016-2031 Havering Climate Change Action Plan 2021.
<b>Financial summary:</b>	The contract value is up to approximately £135,000. This will be funded via a Planning Performance Agreement.
<b>Relevant OSC:</b>	Places Overview & Scrutiny Sub-Committee.

**Non-key Executive Decision**

<b>Is this decision exempt from being called-in?</b>	Yes, this is a non-key decision taken under delegated powers.
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**The subject matter of this report deals with the following Council Objectives**

People - Things that matter  
residents [X]

Place - A great place to live, work and enjoy [X]

Resources - A well run Council that delivers for People and Place.

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The Council has been presented with a significant investment opportunity that could see the development, subject to a planning approval, of a hyper-scale data-centre.

The Local Planning Authority, mindful of this opportunity, but without prejudice, is considering the possibility of utilising a Local Development Order, as a mechanism for granting permission.

Before the LPA can reach a view about whether this would be appropriate, a significant amount of inter-related technical studies and evaluations must first be completed. This is a complex undertaking which requires external support to reach a conclusion and enable the Local Planning Authority to determine how it would like to proceed.

Fusion 21, a pre-procured framework was approached in December 2024 to see if it could assist the LPA obtain appropriate consultant support. A number of firms on the Framework were invited to respond. Ridge best met the LPA's requirements and are recommended for approval.

#### **Recommendations.**

For the reasons detailed in this report the Director of Planning & Public Protection is asked to:

- (1) Approve the use of the Fusion 21 Framework to make a direct contract award, as permitted under Framework rules, to a consultancy (Ridge & Partners LLP) to supply client-side project management services in relation to work on a Local Development Order.
- (2) Approve all of the appropriate and necessary contractual and legal arrangements required to implement Recommendation 1.

### AUTHORITY UNDER WHICH DECISION IS MADE

Latest scheme of delegation:

Scheme 3.3.3  
Powers common to all Strategic Directors

4. Contracts

4.2 To award all contracts with a total contract value of below £1,000,000 other than contracts covered by Contract Procedure Rule 16.3.

## **Non-key Executive Decision**

As sub-delegated to the Decision Maker from 3 April 2024.

### **STATEMENT OF THE REASONS FOR THE DECISION**

The Council has been presented with a significant investment opportunity that could see the development, subject to a planning approval, of a hyper-scale data-centre.

The Local Planning Authority, mindful of this opportunity, but without prejudice, is considering the possibility of utilising a Local Development Order, as a mechanism for granting permission, but before it can reach any view on whether this would in fact, be appropriate, a significant amount of inter-related technical studies and evaluations must first be completed. This is a complex undertaking which requires external support to reach a conclusion and enable the Local Planning Authority to determine how it would like to proceed.

In order to support this work, additional client-side project management support now needs to be obtained. This requirement can be met by obtaining consultant support from the Fusion 21 Framework.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

The option to proceed without securing additional client-side project management support was considered, but given the complexity in designing and developing this complex proposal, this would result in an unacceptable level of programme risk. *This was therefore rejected.*

Going through a full tender process was also considered, but this would create a significant delay and is not required under procurement regulations. *This was also rejected.*

### **PRE-DECISION CONSULTATION**

This project was raised on I-Decision

**Non-key Executive Decision**

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

Name: Paul Walker MRTPI

Designation: Interim Director of Housing & Property  
(Acting for the LPA in this matter).

Signature:

Handwritten signature of Paul Walker in black ink.

Date: 31/01/25

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

Section 111 of the Local Government Act 1972 permits the Council as “a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions”. Section 1 of the Localism Act 2011 gives the Council a general power of competence to do anything an individual can do, subject to any statutory constraints on the Council’s powers. The recommendations in this report are in keeping with these powers and duties.

The value of the proposed contract falls below the threshold for full advertisement. The proposed use of Fusion 21, a pre-procured framework, which the Council has used before, to make a direct appointment of a consultant will be compliant with the Council’s Contract Procedure Rules.

### FINANCIAL IMPLICATIONS AND RISKS

1. Due to the time limitations and complexity outlined in this report, the decision proposes to commit up to approximately £135,000 via the Fusion 21 Framework to fund a consultant for approximately six months starting early this year. This will therefore straddle 2024/25 and 2025/26 financial years.
2. The expenditure will be incurred on the East Havering Data Centre cost-centre (A26721) within Planning & Public Protection (PPP).
3. The outcome is to determine whether or not the authority will implement a Local Development Order (LDO) to progress development of the site.
4. In terms of offsetting the expenditure, as there is no council funding, it is expected that milestone payments relating to a Planning Performance Agreement (PPA) with Digital Reef will be used to recover the Local Planning Authority’s expenditure here. Officers will therefore need to monitor this closely or alter the milestones with a view to avoiding any material budget pressures in either financial year.
5. Should an LDO be agreed in the future there is a possibility of future income and other contributions such as under CIL or S106, as appropriate.
6. Fusion21 entered into Framework Agreements (dated 21st September 2021) with Consultants constituting Fusion 21’s Consultants Framework (OJEU Contract Award Notice 2021/S 000-024888) for its Members to use.
7. The proposed Direct Award would be call-off under Lot 1 of the Framework.

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

There are no HR implications arising from this decision.

## Non-key Executive Decision

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

There are no Equalities or Social Inclusion implications arising from this decision.

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.

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

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.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

There are no direct implications relating to the environment or climate change relating to the proposal set out in this report.

### **BACKGROUND PAPERS**

None

### **APPENDICIES**

None

**Non-key Executive Decision**

**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

ELT Member title: Director of Planning & Public Protection

Date: 7 February 2025

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_