

# Lichfield District Design Code Contract Variation

## Councillor Alex Farrell, Cabinet Member for Housing and Local Plan



Lichfield  
District Council

Date:	8 April 2024
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Key Decision?	<b>NO</b>
Local Ward Members	<b>All</b>

## Cabinet Member Decision

The Decision will be made on or after [allow 5 clear working days from the date of publication] unless called-in for Scrutiny.

### 1. Executive Summary

- 1.1 In January 2023 Lichfield District Council commissioned the services of Building Design Partnership Ltd (BDP) to carry out services to deliver a district wide design code. Due to additional activities and a longer programme of work than first anticipated extending from the completion date of December 2023 to approximately May 2024, BDP have requested additional fees be paid by Lichfield District Council on top of the original contract cost of £79,315. Lichfield District Council have negotiated to pay £25,000.

### 2. Recommendations

- 2.1 Portfolio holder, Councillor Alex Farrell to agree the contract variation for the additional activities undertaken and the remaining work required on the design code to be undertaken for a fee of £25,000.

### 3. Background

- 3.1 In August 2023 LDC were advised by BDP that they were showing a deficit on the project. Part of this was their underestimation of the level of work required on a district wide code for Lichfield compared to what they had originally scoped and quoted. Lichfield is one of the few non pathfinder local authorities to start their code and each Area Type has turned into a report.
- 3.2 There has also been additional activities in the project programme such as additional member sessions and an informal consultation period which has increased the fees.
- 3.3 On receipt of the breakdown in fees from BDP they stated the following:

‘You will see from the spreadsheet our credibility gap is currently sitting just under £50,000, with approximately £35,000 attributable to programme prolongation, additional LDC engagement, and an additional round of public engagement, with the amount above that excluded from our fee claim to account for underestimating the resource for some activities in our original fee proposal. It is also worth noting that we have excluded any senior resource from the future forecast to avoid further uplifting the overall cost.’

- 3.4 In November 2023 it was agreed that LDC would pay £25,000 of the increase in fees, £10,000 would be

withheld until the full draft of the design code is complete.

3.5 Annexe 4 of the original contract has been amended to the put following schedule into the contract to cover the variation in activity and cost:

Stage 1	Weeks	Director	Associate	Profess	Assistant	Totals	Comment
Proposed days	6	6.5	1	10	5		
Cost		£6,523.00	£758.00	£4,500.00	£1,750.00	£13,531.00	
Actual days	7	6	0	9	12		
Cost		£6,062.00	£0.00	£4,050.00	£4,200.00	£14,312.00	Minimal uplift in cost due to slight programme extension and greater assistant resource.
Stage 2							
Proposed days	8	7	1	15	8		
Cost		£6,984.00	£750.00	£6,750.00	£2,800.00	£17,284.00	
Actual days	17	14	0	65	28		
Cost		£13,862.00	£0.00	£29,250.00	£9,800.00	£52,912.00	Significant uplift in cost due to programme extension, and complexity of defining area types and compiling baseline analysis. BDP recognises this uplift is partly attributable to BDP underestimating the scope of work, therefore the total additional cost is not included in BDP's additional fee claim.
Stage 3							
Proposed days	12	13	3	25	14		
Cost		£12,834.00	£2,274.00	£11,250.00	£4,900.00	£31,258.00	
Actual / forecast days	31	2	0	73	30.5		
Cost		£2,340.00	£0.00	£32,850.00	£10,675.00	£45,865.00	Uplift in actual and forecast cost due to programme prolongation, additional rounds of member and officer engagement, and additional round of public engagement. Forecast during Stage 3 has been kept low by excluding project director (David Rudlin) and associate (Tom Rudd) time.
Stage 4							
Proposed days	14	5.5	0	12	4		
Cost		£5,442.00	£0.00	£5,400.00	£1,400.00	£12,242.00	
Forecast days	15	0	0	20	5		
Cost		£0.00	£0.00	£9,000.00	£1,750.00	£10,750.00	Reduction in forecast cost compared to original proposal - this is achieved by excluding project director and associate time.
Uni of Strathclyde		£5,000					
Proposed		£79,315					
Actual		£128,839					

Alternative Options	1. Not approve the variation, this would mean that the delivery of the design code could be uncertain, and we may not receive a finished product from BDP.
Consultation	1. No statutory consultation required. Consulted with Portfolio Holder and Budget Holder.
Financial Implications	1. An additional fee of £25,000 will be payable to BDP for their services on top of their original quote. 2. Budget is available to cover the additional fee from the Local Plan reserves, but will leave this budget shorter than forecast.
Approved by Section 151 Officer	Yes
Legal Implications	1. No implications. A contract variation has been drawn up and is ready to be signed subject to approval.
Approved by Monitoring Officer	Yes
Contribution to the Delivery of the Strategic Plan	1. The design code supports the objectives of the strategic plan as follows: Develop prosperity to: <ul style="list-style-type: none"> <li>enhance the district for all</li> </ul>

	<ul style="list-style-type: none"> <li>invest in the future</li> </ul> <p>Shape place to:</p> <ul style="list-style-type: none"> <li>keep it clean, green and safe</li> <li>preserve the characteristics</li> <li>make sure sustainability and infrastructure needs are balanced</li> </ul> <p>Enable people to:</p> <ul style="list-style-type: none"> <li>collaborate and engage with us</li> <li>live healthy and active lives</li> </ul>
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Equality, Diversity and Human Rights Implications	1. None
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EIA logged by Equalities Officer	No* Equalities Officer confirmed not required.
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Crime & Safety Issues	1. None
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Data assessment	1. N/A
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Environmental Impact (including Climate Change and Biodiversity).	1. In their tender submission/presentation Building Design Partnership Ltd provided great clarity and showed they had undertaken research in relation to climate change and net zero issues, as well as the Councils ambition to be Net Zero by 2050. They also covered nature recovery in good detail.
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GDPR / Privacy Impact Assessment	N/A
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	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	If the fee is not agreed and the contract variation not approved there is a risk that we will not get a completed design code within the timescales expected.	Likelihood: Green Impact: Green Risk: Green	If the variation is approved and fees paid, there will be no risk of this.	Likelihood: Green Impact: Green Risk: Green
Background documents		Original contract Contract variation document BDP fee forecast		

Relevant web links	N/A
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