



Officer Decision Record

1. Subject and details of the matter

Lease disposal of the former Trin Youth Centre, Trinity Road, Cleethorpes.

Cabinet approved the marketing and disposal of the above property to a youth related tenant at its meeting of the 17 February 2016.

Further to a period of marketing, several offers for lease were received, evaluated and scored resulting in a successful bidder - Grimsby Boxing Academy. The bidder has since created a new entity known as Cleethorpes Community Sports and Education Centre in order to relate to the new premises and to attract more funding opportunities.

As part of the Council's approach to Community Asset Transfer's a Business Case supporting the proposal to lease the property for the term of 25 years was received and the proposal for a less than best lease was agreed by Cabinet at its meeting of the 18 January 2017.

Since the decision, a draft lease was provided and agreed with the Tenant which included the above name change and extended the site demise to include the skate park to the rear of the site – the site is as outlined red on the plan attached at Appendix One.

The deadline for completing the lease was agreed for early January 2018. However, on the 4 January 2018 the Council received notification from the Tenant that their main external funder would require a longer lease term – the current 25 year term being insufficient for the level of funding and intended investment.

Due to the timescales associated with securing the external funding, together with the agreed date of completing the lease and passing the responsibility of the site to the new Tenant, an urgent decision is required to extend the proposed lease term to 125 years.

The funders have provided a statement (attached at Appendix Two) in support of a longer term to secure the significant level of investment being requested which would result in improvements to the site and secure its longer term use. It is more common place for proposals to require a longer lease term to secure funding which have been supported previously.

2. Is it a Key Decision as defined in the Constitution?

Yes – whilst the less than best proposal has been agreed, the term stated was 25 years. The proposal to extend the lease term to 125 years to attract external funding will result in a change to the unrestricted value of the property over the term from £9,500 to £2,000, as outlined in the table below.

(i) A valuation report, undertaken by a Chartered Surveyor (Valuer), setting out the restricted and unrestricted values of the property

The Council's partner in the provision of Estates and Valuation services, ENGIE Services Limited, has provided a valuation report from a qualified Chartered Surveyor which contains the following key information.

VALUATION	TOTAL
Unrestricted Value	£129,000 (one hundred and twenty nine thousand pounds)
Less Restricted Value	£2,000 (two thousand pounds)
Equals Discount	£127,000 (one hundred and twenty seven thousand)
The above figures are based on the current market value and the market value under the terms of the proposed transaction and is the amount that will not be received by the Council if it is approved.	

3. Details of Decision

The lease term be extended to 125 years to ensure substantial external grant funding can be obtained and invested in the building for the benefit of the community.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency

Yes – the external funding has time constraints and the Council and Tenant agreed to lease the site early this month. The Council is unable to continue to meet the costs of holding vacant property. The principle agreement to the funding and completion of the lease need to be undertaken around the same timeframe.

5. Anticipated outcome(s)

That the property is leased for an extended term of 100 years further to the original proposal of 25 years.

6. Details of any alternative options considered and rejected by the officer when making the decision

To do nothing would result in the building continuing to be vacant, with the holding costs being a strain on public resources. The condition of the site will continue to deteriorate and not contribute to the local area or community. This option should be rejected.

A second option would be to retain the current lease term of 25 years, however, this would not enable the Tenant to apply for external funding and invest significant sums in to the site to enable its ongoing use and secure it for long term benefit to the community. This option should also be rejected.

7. Background documents considered:

Cabinet report of the 18 January 2017.

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No.

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (In respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None.

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

The monitoring comments included on the previous Cabinet reports mentioned above capture the legal regime governing less than best disposals. It is recognised that grant funders often prefer a long term lease in these circumstances prior to being able to offer funding and other assistance.

The requirement is confirmed in Appendix 2.

The above Officer Decision Record is an appropriate mechanism to capture the variation to the previous decision.

11. Section 151 Officer Comments
(Deputy S151 Officer or nominee)

As outlined above the Council could forego a sum, estimated at £127,000, as a result of progressing and accepting this less than best consideration. However if accepted there is the strong possibility of additional external funding being received, which will bring positive social, economic and environmental benefits.

In addition the Council would be no longer liable for the running costs of the premises currently estimated at £5,000 per annum.

12. Human Resource Comments
(Strategic Workforce Lead or nominee)

There are no direct HR implications arising from the contents of this report.

13. Risk Assessment (in accordance with the Report Writing Guide)

The risk to the Council in progressing a lease with this tenant is considered minimal. In the scenario of a lease, should the tenant no longer be operational, the option to relinquish the property back to the Council to seek alternative opportunities and avoid the property being unused could be pursued.

Future risks remain with the tenant in respect to ongoing funding and costs of maintaining the property to an acceptable standard for use and ongoing maintenance costs as per the requirements of a full repair and insure (FRI) lease. These risks will also be mitigated through the structure of the lease to ensure that it is clear to the tenant of their liabilities.

There are no identifiable environmental sustainability implications as a result of the disposal, as it is the intention that the property will be maintained and improved on the basis of its historic use. A lease will allow the tenant to occupy and would allow for external funding to be obtained allowing the Tenant to undertake improvements to the property to allow occupation. The continued use will be a positive reflection to the street scene within this part of the Borough and will ensure there is no financial commitment to the Council.

14. Decision maker(s)

Name: SHARON WROOT

Title: DIRECTOR OF FINANCE, RESOURCES
& OPERATIONS

Signed: _____

Dated: 19/01/18

15. Consultation carried out with Portfolio Holder(s):

Name: MATTHEW PATRICK

Title: PORTFOLIO HOLDER, FINANCE &
COMMUNITY ASSETS

19/01/18

Signed and Dated

16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor

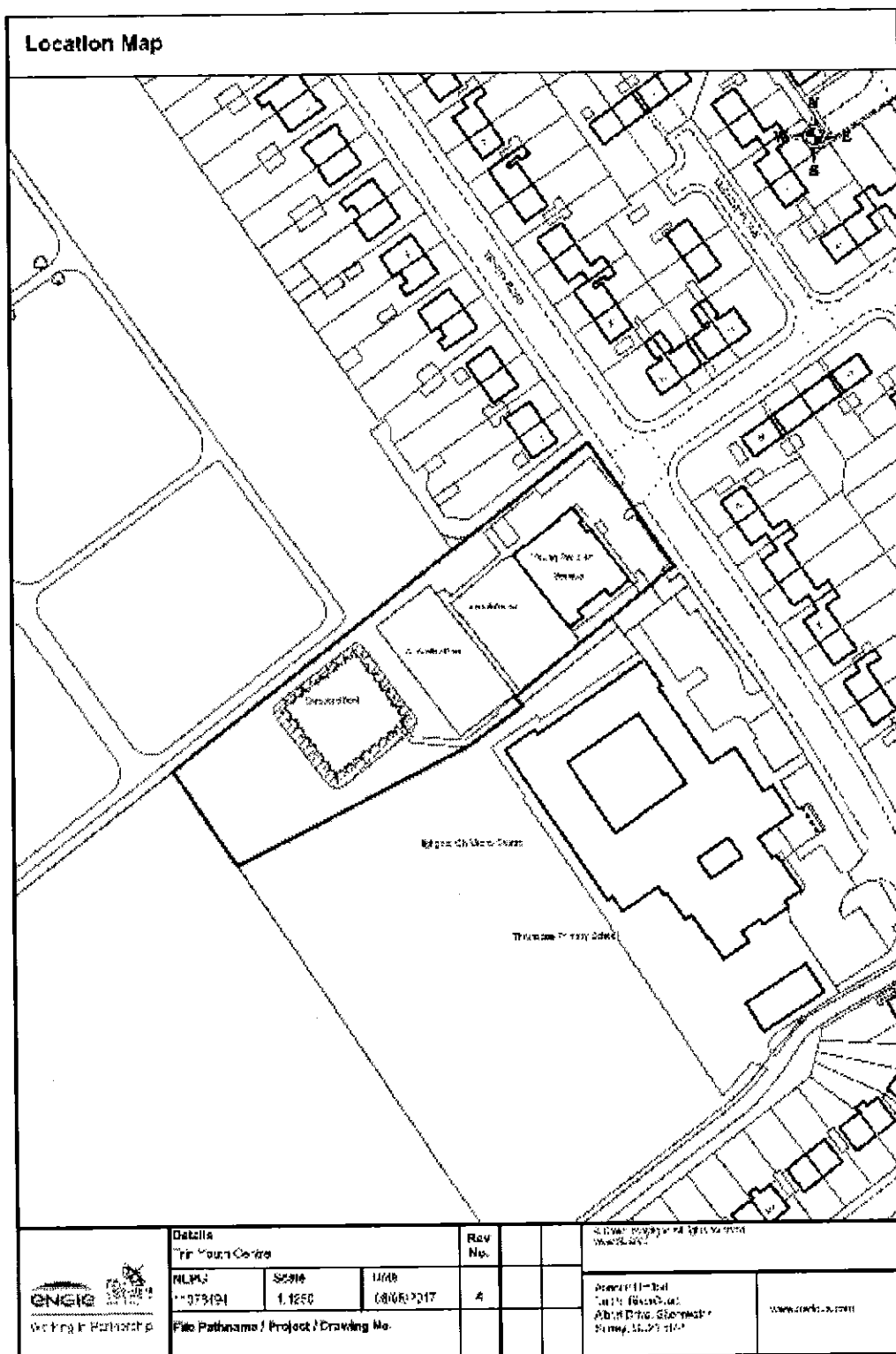
Name: PHILIP JACKSON

Title: CHAIR, ECONOMY SCRUTINY
PANEL

20/1/18

Signed and Dated

Appendix One – Site Plan



Appendix Two – Grant Funding Letter of Support

----- Original message-----

From: Andy Cox

Date: Thu, 4 Jan 2018 14:37

To: Cllr Matthew Brown (NELC); Jack Fox (NELC);

Cc:

Subject: URGENT!

Happy New Year Jack/Matthew,

I hope this email finds you well?

Would it be possible to arrange a meeting between myself, the ward councillors and the assets team to discuss the matter below please?

I feel we are very close to securing a substantial amount of funding that would add value to your asset and fulfil our promise in delivering our project.

Would you please support us on this matter?

Kind Regards,

Andy Cox

*Club Sec. & Head Coach
Grimsby Boxing Academy*

*50-52 Church Street,
Grimsby,
N.E Lincs .
DN32 7DD*

07515 544441

www.grimsbyboxingacademy.co.uk

From: donna brady <donnabrady1980@hotmail.co.uk>

Sent: 04 January 2018 14:23

To: Andy Cox

Subject: Application to the BLF Cleethorpes Community Sports and Education Centre

Hi Andy

Happy new year! I've heard back further from the Big Lottery (whom we have a bid in with currently for a potential £195k over 3 years).

The grant manager is happy with all the info we have submitted to progress the application thus far, however he has identified the lease as an issue for the potential investment.

The initial 25 year lease was requested for the purposes of Sport Englands 60k Community Asset Fund, their requirement of a lease is 25 years, however Big Lottery is as per the email below.

Andy I know you are due to sign the lease any day, but I really feel that approaching the council to extend the lease in order to meet Big Lottery requirements would give you a huge advantage in the quality of a facility the community can use?

I'm not sure how they will respond but could you endeavour to get a decision in writing in order that I go back to the funder and seek further advice. It does sound that a 25 year lease would not suffice though unfortunately for the purpose of securing this grant.

Kind regards

Donna

From: Mole, Richard <Richard.Mole@biglotteryfund.org.uk>

Sent: 04 January 2018 13:45

To: donna brady

Subject: Application to the BLF Cleethorpes Community Sports and Education Centre

Hi Donna

Thank you for your request for funding.

At this stage I do have to highlight a sticking point. Although we are considering taking your application further, there is an issue on the length of the lease that you have on the building of 25 years. It is unlikely that the BLF would fund your community asset project given the short span of this lease. This is because there is no longevity on the delivery of a building that could potentially be funded from the public purse. There is a risk that this property, once developed, could eventually fall into private ownership if the Council decide to terminate the lease and sell off the building.

BLF Reaching Communities funding is about delivering long term sustainable impact for the community. I would therefore recommend that you enter into further negotiations with the Council and see if an extension of the lease is possible to at least 75-100 years.

I believe that this may cause you issues with other funders who would want to see a low risk long term community asset.

Kind regards

Richard

Richard Mole

Post Award Officer, South Yorkshire and Humber Hot House

T: 0121 345 7968

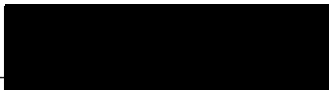
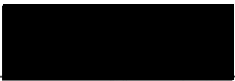
Apex House, 3 Embassy drive, Edgbaston, Birmingham, B15 1TR

Big Advice: 034 54 10 20 30 | Text Relay: 18001 034 54 10 20 30



Officer Decision Record

1. Subject and details of the matter
<p>The Crematorium has donation/beautification collection boxes located within the exit area of the Crematorium building, the monies collected within these boxes are solely for the beautifying of the Crematorium buildings and grounds and not permitted to be used for any other areas nor general repairs and maintenance. Currently there is circa £100k within this fund area.</p> <p>Bereavement Services is currently within a procurement process, whereby the monies held within this fund will be required to be spent before the Council enters into a long term agreement (25 years) with a third party.</p>
2. Is it a Key Decision as defined in the Constitution?
No
3. Details of Decision
<p>This decision records seeks approval to spend the monies held within this fund on:</p> <ul style="list-style-type: none"> • A mirrored image of the current memorial garden, which allows memorialisation by the means of above ground vaults and memorial plaques. • Extensive renovations to Plot A, re-shape and soften the area including landscaping, changing the walkways /paving areas and introducing a slope instead of steps for access to family mourners to funeral cars. Plot A is where mourners go to view floral tributes after a funeral service has taken place.
4. Is it an Urgent Decision ? If yes, specify the reasons for urgency
Although not a key decision, this is urgent as the procurement process will end on 7 February 2018, followed by the evaluation before a contract is awarded. It is important that works are completed before a contract arrangement has been implemented.
5. Anticipated outcome(s)
That approval is given for the current value of the Donation/Beautification Fund to be spent on a new memorial garden and renovations to the area used for floral tributes (Plot A).
6. Details of any alternative options considered and rejected by the officer when making the decision
<p>Option 1 Not to spend the fund; however, the fund cannot be used for anything except beautifying the crematorium building and grounds. Risk - Reputation of the Council.</p> <p>Option 2 Transfer over to new operator, the fund lies within the Council's budget and would not be transferrable.</p> <p>Option 3 Spend fund on something else, this would breach the conditions of the fund.</p>
7. Background documents considered:
8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons
No
9. Details of any conflict of interest declared by any Cabinet Member who was consulted by

<p>the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)</p>	
<p>Not yet consulted.</p>	
<p>10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)</p>	
<p>It is accepted that this is an urgent decision for the reasons set out above. Further, it is confirmed that the funds donated for the beautification of the facility may only be used for that purpose. The proposed scheme would be in keeping with such aims and objects. Engagement with any external contractors should be in accordance with the Council's internal procurement regime and Contract Procedure Rules. Legal Services are happy to offer any further advice and support in this regard should that be necessary.</p>	
<p>11. Section 151 Officer Comments (Deputy S151 Officer or nominee)</p>	
<p>As outlined above, the balance on the Fund is circa £100k and this is available to spend on the identified improvements, which meet the objects and aims of the Fund.</p>	
<p>12. Human Resource Comments (Strategic Workforce Lead or nominee)</p>	
<p>There are no direct HR implications arising from the contents of this report.</p>	
<p>13. Risk Assessment (in accordance with the Report Writing Guide)</p>	
<p>Risk – Should the decision not be taken to authorise the spend it could result in:</p> <ul style="list-style-type: none"> Challenge from stakeholders i.e. members of the public who use the facilities funeral directors, memorial masons and clergy/ celebrants. <p>Opportunities – Should the decision be taken to spend the money as suggested it would:</p> <ul style="list-style-type: none"> Enhance the grounds and offer to mourners and visitors to the Crematorium grounds. The Council will retain control over what benefit is realised 	
<p>14. Decision maker(s)</p>	<p>Name: Helen Isaacs</p> <p>Title: Director Governance, Democracy and Community Engagement</p> <p>Signed: </p> <p>Dated: 2-2-18</p>
<p>15. Consultation carried out with Portfolio Holder(s):</p>	<p>Name: Cllr D Watson</p> <p>Title: Deputy Leader and PfH for Energy and Environment</p> <p> 2.2.18</p> <p>Signed and Dated</p>

16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor

Name:

Title:

Signed and Dated



Officer Decision Record

1. Subject and details of the matter
Future of statutory library services in North East Lincolnshire
2. Is it a Key Decision as defined in the Constitution?
Yes the decision relates to and impacts on more than one ward.
3. Details of Decision
<p>The decision relates to the Cabinet report dated 30/08/2017 on the subject of the future of statutory library services in North Est Lincolnshire. Decision Notice DN39 (1) resolves that authority be delegated to the Director of Health and Wellbeing to plan with Lincs Inspire for a reduction in opening hours of the statutory library services, commencing delivery from April 2018, to meet the required budget envelope.'</p> <p>The statutory service needs to run with a new budget from April 2018 and so adjustments to current practices need to be planned for in order for that to happen. A reduction in opening hours will generate operational efficiencies to fit this budget envelope. This will allow time for an in-depth review of further efficiency opportunities to deliver in the future.</p> <p>The size of the saving required for 2018/19 is £150,000. Lincs Inspire's advice was that a saving of this magnitude could only come from a reduction in opening hours. The council conducted a public/user survey during September/October 2017 to take the views of customers about preferred days of operation. Data analysis relating to usage of the service (issues, visits etc.) was used to identify the least busy periods of the week. Public preference through the survey was for all libraries to be closed on Monday, but also to maintain a 6 day a week service across the borough, Monday to Saturday. Data analysis showed evening opening to be the least used period of the day. The final proposals therefore had to use a combination of both public preference and usage data.</p> <p>Having undertaken staff consultation, the following revised opening hours have been recommended by Lincs Inspire:</p> <p>Grimsby. 8.30-5.30 Tue-Fri: 9-1 Saturday. Closed Monday</p> <p>Cleethorpes. 8.30-5.30 Tue-Fri: 9-1 Saturday. Closed Friday</p> <p>Immingham. 8.30-12.30: 1.30-5.30. 9-1 Saturday. Closed Wednesday</p> <p>Waltham. 8.30-12.30: 1.30-5.30. 9-1 Saturday. Closed Monday</p> <p>These represent a drop from 236 hours per week to 152 hours per week, a reduction of 84 hours per week.</p> <p>Lincs Inspire has confirmed that they have taken extensive human resource and legal advice. As stated in 5.1 of the Cabinet report the council will meet the cost of this.</p>
4. Is it an Urgent Decision ? If yes, specify the reasons for urgency
No
5. Anticipated outcome(s)
That when the decision is implemented the statutory library service will reduce its opening hours and so be able to operate within the required budget envelope.

6. Details of any alternative options considered and rejected by the officer when making the decision

A working group has considered options for this required decrease since its inception in March 2017. At first it was thought that a complete review of the library service should be undertaken in one phase. This was eventually rejected in favour of a two phased approach as there are a number of other projects going on in the borough that are likely to involve decisions about the service, and so strategic decisions needed to coincide. The urgent need to operate within the budget envelope from April 2018 led to an examination of all parts of the service budget. To make a change of this scale left reducing opening hours as the most viable option.

Phase 2 will take a wider, more holistic view including linking into a review of the Council's cultural and heritage assets alongside other projects, including town centre redevelopment, work on the future of the archives service and our emerging culture and heritage framework.

7. Background documents considered:

Report from Lincs Inspire titled 'Library service – consultation process December 2017-January 2018.' There are also notes of Libraries review group meetings, the results of a survey of the public undertaken in September 2017, and the Integrated Impact Assessment.

8. Does the taking of the decision include consideration of Exempt information?

If yes, specify the relevant paragraph of Schedule 12A and the reasons

Not applicable – no exempt information.

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None

10. Monitoring Officer Comments

(Monitoring Officer or Deputy Monitoring Officer)

Legal comments were included within the report to Cabinet and were as follows;

Local authorities have a statutory duty under the Public Libraries and Museums Act 1964 'to provide a comprehensive and efficient library service for all persons' in the area that want to make use of it (section 7). Local authorities have the power to offer wider library services beyond the statutory service to other user groups, and the Act allows for joint working between library authorities.

In considering how best to deliver the statutory duty, each library authority is responsible for determining, through consultation, the local needs and to deliver a modern and efficient library service that meets the requirements of their communities within available resources.

Case law exists (Bailey v London Borough of Brent [2011] EWHC 2572 (Admin) and R (Green) v Gloucestershire City Council [2011] EWHC 2687 (Admin)) reflecting that a comprehensive service cannot mean that every resident lives close to a library. "Comprehensive" has therefore been taken to mean delivering a service that is accessible to all residents using reasonable means, including digital technologies. An efficient service must make the best use of the assets available in order to meet its core objectives and vision, recognising the constraints on council resources. Availability of such resources is highly material to the question of what constitutes a comprehensive and efficient library service. The section 7 duty cannot be disconnected from resource issues and cannot in law escape the reductions which have been rendered inevitable in the light of the financial cuts faced by the Council.

Throughout the global library provision the Council must have in mind and have embedded in any process the "Equality Duty" contained in section 149 of the Equality Act 2010. This ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, in delivering services, and in relation to their own employees.

The above duties and expectations are also captured in the Council's Outcomes Framework, Commissioning Plan and Budget for the three year period of 2017 – 2020 "It may be that in reviewing our library provision, alternative models are more suitable than traditional provision, these options including digital access and outreach for people with restricted mobility, need to be fully explored. The Council will be embarking on a full consultation process on library provision in the coming months to shape how best to achieve the statutory requirements within the available financial envelope."

11. Section 151 Officer Comments

(Deputy S151 Officer or nominee)

Finance comments were included within the report to Cabinet and were as follows;
In preparing the financial budgets for the new Medium Term Financial Plan 2017-18 – 2019-20 period the Council agreed to move to an approach based on financial affordability envelopes. As such all services across the Council were set financial envelopes which they were required to deliver their service within.

It was accepted that in introducing this new approach then radical service resign and new operating models would need to be considered and implemented.

The envelope set for the Public Health and Leisure service also includes the wider Sport and Leisure portfolio. The proposal represents a more effective use of resources around library usage and will represent a step towards managing within the financial envelope. Any further changes will need to be mindful of the legal requirements and statutory definitions to ensure potential challenge costs are avoided.

12. Human Resource Comments

(Strategic Workforce Lead or nominee)

Human resource comments were included within the report to Cabinet and were as follows;
The reshaping of the services outlined in this report may have potentially significant human resource implications for Lincs Inspire staff. Employment matters should be dealt with in accordance with established HR procedures in order to achieve the proposals identified during the transformation review. Any decisions taken which may include redundancy will be subject to the appointments committee process. Staff will need to be informed of the reshaping of services and proposals being considered prior to any public announcements or public decisions. Staff will need to be kept engaged throughout the respective processes with consultation as appropriate in accordance with the procedural and legal requirements.

13. Risk Assessment (in accordance with the Report Writing Guide)

Changes to opening hours were planned by using evidence from public use of the four libraries, in order to minimise risks.

There are risks relating to the timescale required for the opening hours changes that are proposed, and that any delays will result in the service operating within the budget envelope being unachievable in the 2018/19 budget year.

The Integrated Impact Assessment that has been drafted has highlighted areas of concern where negative impacts are anticipated. Plans will be put in place to try to mitigate those risks, including clear communications about the changes and what library users can do to access services through digital means as an alternative.

The statutory library service is a popular service and the changes that are recommended will cause concerns within the community. Every effort will be made to ensure that the reasons for the changes are made clear and that alternative services available are explained. The communication of the longer term review will be well publicised, to ensure that those who have an interest can be invited to become involved

14. Decision maker(s)

Name: Stephen Pintus

Title: Director [redacted] and Wellbeing

Signed: [redacted]

Dated: 14/2/18

<p>15. Consultation carried out with Portfolio Holder(s):</p>	<p>Name: Cllr J Hyldon-King</p> <p>Title: Portfolio Holder for Health, Wellbeing and Adult Social Care</p> <div data-bbox="710 286 1216 414" style="background-color: black; width: 317px; height: 57px; margin-bottom: 5px;"></div> <div data-bbox="1252 336 1396 369" style="text-align: right;">19-2-18</div>
<p>16 Consultation carried out with the Leader of the Council</p>	<p>Name: Cllr R Oxby</p> <p>Title: Leader of the Council</p> <div data-bbox="837 492 1056 645" style="background-color: black; width: 137px; height: 68px; margin-bottom: 5px;"></div> <div style="text-align: right;"> <div data-bbox="885 616 1056 649" style="background-color: black; width: 107px; height: 15px; display: inline-block;"></div> Signed and Dated </div>
<p>17. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair</p>	<p>Name:</p> <p>Title: Cllr K Brookes, Chair of Scrutiny Panel</p> <div style="text-align: right; margin-top: 40px;"> Signed and Dated </div>



Officer Decision Record

1. Subject and details of the matter

Riverhead disposal and associated Public Realm Works

The disposal of the Riverhead area was approved by Cabinet on 31st March 2014:

1. It is recommended that the principle of disposal of land at Riverhead Square, to the owners of Freshney Place shopping centre, be approved;
2. It is further recommended that the Strategic Director for Place be authorised to agree detailed terms for the disposal in consultation with the Portfolio Holder for Regeneration & Assets.

Disposal will be by way of conditional contract dependent upon planning and other associated development matters.

Initial disposal of the subject area will be by way of nominal sum but with an overage provision so that when the development is practically complete there will be a market valuation. From this figure will be deducted pre-agreed costs of development and the surplus will be subject to a claw-back based upon agreed percentage rates.

Incentives are accommodated within the proposed contract to ensure diligent and expeditious development.

Public realm works at the Riverhead, Grimsby. The works to be undertaken will be immediately adjacent to works being undertaken by the cinema developer. Thus, it is not considered prudent to have two separate sets of contractors working next to one another on the basis that a) this is highly likely to cause difficulties with the practicalities of working, b) it brings with it the risk that if there is an issue a third party becomes involved and c) the finish to the outside areas to the east of the cinema development will be to the same specification as the Council owned public realm and will effectively be seamless.

An exception to the Council's internal procedures is deemed appropriate due to the impracticalities of having two separate contractors working on the same site to undertake the works due to ownership issues. The value of the works are below EU Procurement regulations. Value for money will be achieved through a budget cap for the Council's/public owned land as the developer of the cinema will undertake a full procurement exercise for the whole development. The Council is permitted to observe the exercise and make representation. Moreover, the developer is required to account to the Council and claim monies in arrears. Thus, the Council can scrutinise the amounts being claimed and in any event, will only pay against certified

expenditure.

2. Is it a Key Decision as defined in the Constitution?

Yes. Note Cabinet Minute DN. 72 from the meeting of 22 November 2017.

LOCAL GROWTH FUND 3 – IMPROVEMENT WORKS TO TOWN HALL SQUARE, RIVERHEAD SQUARE, ST JAMES SQUARE AND FREDERICK WARD WAY

Cabinet considered a report from the Portfolio Holder for Regeneration, Assets, Skills and Housing seeking approval for the Council to act as Accountable Body for and receive Local Growth Funding.

RESOLVED –

(1) That the proposal for the Council to act as Accountable Body for the Local Growth Fund grant be approved and agrees the receipt of these funds.

(2) That the Director of Economy and Growth in conjunction with the Portfolio Holder for Regeneration, Assets, Skills and Housing, and in consultation with the Chief Legal Officer be authorised by Cabinet to:

a. Negotiate and finalise appropriate legal agreements between the Council and Humber LEP.

b. Undertake public consultation on the proposals for St James House/St James Square.

c. Undertake the procurement of capital activities required to deliver the programme activity in accordance with Council's Corporate Procurement Regulations.

d. Put in place appropriate monitoring arrangements for the grant.

(3) To minimise any financial, compliance or other risks to the Council in discharging the Accountable Body function for the funds.

(4) That authority be delegated to the Director of Economy and Growth in conjunction with the Portfolio Holder for Regeneration, Assets, Skills and Housing, and in consultation with the Chief Legal Officer to ensure that all actions necessary and ancillary thereto be completed.

3. Details of Decision

1. To enter into a contract for the disposal of the Riverhead area for development; and

2. To contract with the cinema developer to include the public realm works to the Riverhead area within its wider contract to ensure that there is a single principal contractor having conduct of the entire site and being responsible for delivering the public realm to a quality consistent with that within the cinema development's outside areas. The payment from the Council will be capped at £977k to include the works to the Riverhead, adjoining land and a BT cable diversion (such diversion within the development area of the cinema and subject to State Aid

indemnity). The Council's contribution towards this payment is £450k, with the remainder grant funded.

The State Aid indemnity also covers the infill of the southern slipway works.

4. Is it an Urgent Decision ? If yes, specify the reasons for urgency

Yes. The publicity around the development is increasing and the developers are keen to progress. Their funders are now in place and are looking for a firm commitment from the Council in terms of exchange of contracts.

Therefore, reputationally it would be prudent for the Council to commit by way of exchange as soon as possible.

Negotiations over the terms of the transaction are in their final throes and progress is anticipated in the immediate term.

5. Anticipated outcome(s)

The outcome of this decision will allow the contract for the wider cinema development to be concluded and ensure works to the Council's land are undertaken in a prudent manner.

6. Details of any alternative options considered and rejected by the officer when making the decision

The appointment of a separate contractor was considered but dismissed for the reasons set out in this ODR.

7. Background documents considered:

Disposal of Riverhead area Cabinet Report of 31st March 2014.

Cinema Planning Permission.

Local Growth Fund Cabinet report of 22 November 2017.

**8. Does the taking of the decision include consideration of Exempt information?
If yes, specify the relevant paragraph of Schedule 12A and the reasons**

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

N/a

**10. Monitoring Officer Comments
(Monitoring Officer or Deputy Monitoring Officer)**

The above decisions are consistent with the recommendations and decisions mandated by Cabinet.

Colleagues in Estates and Legal have supported the content of the proposed contract with the developer in line with such recommendations. The terms of the contract are acceptable and protect the Council's interests whilst facilitating development.

In disposing of land the Council is under a statutory duty to obtain the best price reasonably obtainable (s123 Local Government Act 1972). The model adopted facilitates development whilst retaining an interest in profits, being a claw back (overage) of any surplus between the assessed market value at completion and the

overall development costs.

This is a common mechanism to ensure a development return. Further the Council will be facilitating future income streams in terms of business rates (NNDR) and regeneration of the Town Centre. It is advanced that any perceived less than best element will be accommodated with the clear socio-economic benefits arising out of the development as a whole.

Funding is being made available to the developer to facilitate the implementation of the public realm work through a grant agreement with appropriate provisions in terms of outputs (evidencing a socio-economic return), state aid and procurement issues. Whilst ordinarily one would expect an open tender process the above ODR sets out the reasons and justifications for an exception to our internal regime which is supported by Procurement colleagues.

The qualitative risks on public realm together with the potential for conflict of two independent contractors working in concert (in terms of regulatory and practical matters) are believed enough to warrant such an exception.

This is a key regeneration project and the need for complementary and consistent public realm is of high importance.

11. Section 151 Officer Comments
(Deputy S151 Officer or nominee)

The capped cost of the planned works, part of the Unlocking the Potential Capital Project, is identified as £977k. The Council's contribution, approved within the Capital Investment Programme, is £450k. The remainder of these costs is to be met from external grant via the Humber LEP Local Growth Fund allocations

12. Human Resource Comments
(Strategic Workforce Lead or nominee)

13. Risk Assessment (in accordance with the Report Writing Guide)

The Risk to proceeding are far outweighed by the negative risks of seeking to manage two separate contracts and clients immediately adjacent to one another. This will bring about a high potential of there being no bidders and moreover if there were any issues, health and safety or otherwise, there is a significant risk these will be embroiled in discussions between the two contractors and clients. It is therefore entirely appropriate to have a principal contractor in place to mitigate these risks and ensure a uniform standard or public realm quality within the transferred land and the council retained land.



14. Decision maker(s)

Name: Angela Blake

Title: Director for Economy & Growth

Signed: _____

Dated: 5/3/18.

15. Consultation carried out with Portfolio Holder(s):	<p>Name: Cllr. P Wheatley</p> <p>Title: Portfolio Holder for Regeneration, Assets, Skills and Housing</p> <p> 1.3.18</p> <p>Signed and Dated</p>
16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor	<p>Name: Cllr P Jackson</p> <p>Title: Chair: Economy Scrutiny Panel</p> <p> 1/3/18</p> <p>Signed and Dated</p>



Officer Decision Record

1. Subject and details of the matter

Installation of play equipment on land adjacent to Wybers Wood Junior School, Timberley Drive, Grimsby, DN37 9QZ.

The project has been in development for a number of years and utilises £28,000 of Section 106 funding which was received as part of a development on Gloria Way and designated for use to establish a play area in the Freshney Ward. **This funding has to be spent by 30th March 2018 otherwise the Council will be contractually obligated to hand the unspent play area contribution of the section 106 funding back to the developer.**

This is a community led project involving the Wood Park Community Group facilitated by the Council. The Wood Park Community Group are a group of Freshney Ward residents focused on improving the quality of life for people living in the ward.

The Council's facilitation of this project includes using £25,000 of the s106 monies to purchase play equipment which will then be installed by the Council (subject to planning permission). The Wood Park Community Group are contributing £1000 of grant funding towards the cost of purchasing the play equipment.

The ongoing maintenance of the play area will be funded by the community group at a sum of £1200 per annum. The maintenance fee for the first two years will be funded by the remaining £3000 of s106 funding with £2400 being paid towards maintenance and £600 being used to establish a reserve fund to cover the cost of replacing or removing any damaged equipment..

The Group is also looking to undertake fundraising activity in the future to ensure there is sufficient funding in the longer term for maintenance of the equipment.

A legal agreement has been drawn up to clarify the role of the group once the equipment is installed. Planning permission has been submitted by the community group and an objection has been raised by Sport England on the basis that they think the land is designated as playing fields. The Council has responded that the fields have never been designated as playing fields, that the last use of the land was as a school field and that the appropriate action has been taken to enable part of the field to be used for a small play park.

Once the play area has been installed if any resource implications fall on to the Council the site will be added to the play area review list and will be reviewed along with all other existing play parks on a two year rolling cycle.

2. Is it a Key Decision as defined in the Constitution?

No

3. Details of Decision

1. To approve using the play area contribution of the s106 funding to purchase play equipment for use in the Freshney Ward either as part of the project described above or, if planning permission is not obtained, for use on other play areas within the Freshney Ward.
2. To approve, subject to planning approval, the installation of the play equipment and the establishment of a play area on the site edged blue on the attached plan.
3. To enter into the licence agreement with the Wood Park Community Group to ensure the

<p>Group have the ongoing responsibility for managing and funding the project.</p> <p>4. To formally appropriate the land from educational use to land as a park and play area</p>
<p>4. Is it an Urgent Decision ? If yes, specify the reasons for urgency</p>
<p>Yes – the decision is time critical as the section 106 funding has to be spent by 30th March 2018.</p>
<p>5. Anticipated outcome(s)</p>
<p>For a new play area to be developed, managed and maintained by the community as an ongoing community led project, resulting in a positive impact on community wellbeing from greater use of an area of open space and which encourages children and young people to be more physically active.</p>
<p>6. Details of any alternative options considered and rejected by the officer when making the decision</p>
<p>Various other sites have been looked at over the last few years but no other site has proved suitable. The option to utilise the s106 funding for an alternative project was explored but was not deemed viable.</p> <p>If the above decisions are not acceptable then the following decision will be required</p> <ol style="list-style-type: none"> 1. To decide not to proceed with the project and to hand the Section 106 funding back to the developer. It should be noted that there will be potentially significant reputational issues for the Council to address if this decision is made. <p>Alternatively the Council may want to minimise any risks and place greater emphasis on the role of the community group in leading on the project by deciding the following</p> <ol style="list-style-type: none"> 2. To approve to the purchase and installation of the play equipment as at paragraph 3(1) above subject to a clear commitment from ward councillors that they will utilise part of their ward funding allowance to cover the costs of any shortfall in fundraising by the Wood Park Community Group. This will show clear community commitment for the project and will protect the council against any revenue implications if the community group are unsuccessful in their fundraising efforts. NB this may also come with reputational issues for the council to manage if the ward councillors do not support this approach.
<p>7. Background documents considered:</p>
<p>None</p>
<p>8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons</p>
<p>No</p>
<p>9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)</p>
<p>None</p>
<p>10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)</p>
<p>The Council are contractually obligated to spend the s106 £28,000 play area contribution on play areas within the Freshney Ward by 30th March 2018 or return this money to the developer. Colleagues in Legal have supported the content of the proposed licence agreement with the support of Assets and Neighbourhood Services. The terms of the licence agreement are acceptable and support the Council's interests while facilitating this community led project.</p> <p>The Council have the power to appropriate the land under s122 of the Local Government Act 1972 where it is satisfied that the land in question is no longer required for the purpose for which it is held, The land for the proposed play area is currently cited in the Local Plan as education land but colleagues in Assets have confirmed the land has not been used as such since approximately 1990. The Council can hold the land for use as open space/ play area under s10 Public Open Space Act 1906 on the provisos that it is maintained so as to permit enjoyment by the public under proper control and regulation and maintained in a good and decent state. Further the Open Space Act permits enclosure with proper railings, gates and such like together with any requisite ground works</p>

11. Section 151 Officer Comments
(Deputy S151 Officer or nominee)

As outlined above, the Council currently holds £28,000 section 106 monies that has to be utilised by 30/3/18 or repaid to the developer.

The proposed payment for the play equipment is in accordance with the conditions within the section 106 agreement.

If ward funding was used instead then this would be directly out of Council funds and would reduce the money available for ward members to fund other schemes in their area.

12. Human Resource Comments
(Strategic Workforce Lead or nominee)

13. Risk Assessment (in accordance with the Report Writing Guide)

The project is a community led project and the group has agreed to fund raise to obtain the money required to insure and maintain the equipment after the initial 2 year maintenance funding from the s106 monies. There is risk that the group will not raise the level of funds required which would result in the Council incurring costs that are not budgeted for to either maintain the park or remove the equipment. The cost of removing the equipment and reinstating the field will be approximately £1800. This risk has been mitigated in the licence agreement as the Group are obligated to pay £1200 per annum for maintenance. If the maintenance costs are not £1200 any surplus funds will be paid into a reserve fund held by the Council to cover the cost of replacing or removing the play equipment if the Group no longer manage the play area.


Given the short deadline for spending the Section 106 funding (30.03.18) there is a risk that the money will not be committed and spent in time and will have to be handed back to the developer. There is a significant reputation risk to the Council if this occurs.

There is an opportunity to expand activity on the field around the play equipment if the group is successful in fund raising bringing an under used area of land back in to community use.

14. Decision maker(s)

Name: Sharon Wroot

Title: Director of Finance Operations and Resources

Signed: 

Dated: 14/3/18

15. Consultation carried out with Portfolio Holder(s):

Name: Cllr Patrick

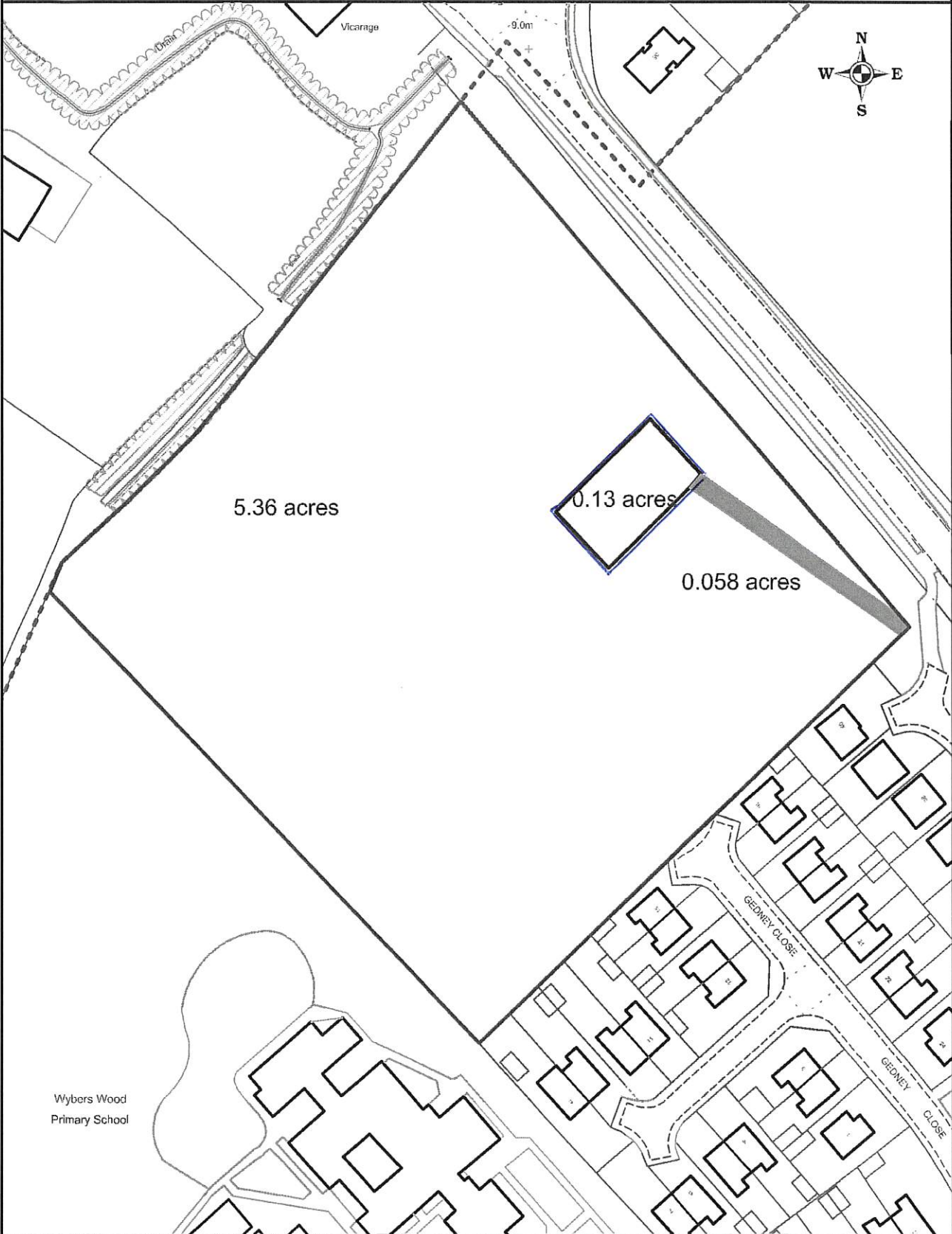
Title: Portfolio Holder for Finance, Community Assets, Governance and Tourism




Signed and Dated

14/3/18

Location Map



 Working in Partnership	Details Wybers Wood Play Area			Rev No.			© Crown copyright. All rights reserved www SL 2000	
	NLPG 11085307	Scale 1:1250	Date 27/02/2018	3			Aerious Limited Unit 5, RiverCourt Albert Drive, Sheerwater Surrey, GU21 5RP	www.aerious.com
	File Pathname / Project / Drawing No.							

Jamie Dunn (NELC)

From: Cllr Stanley Shreeve (NELC)
Sent: 07 March 2018 16:15
To: Jamie Dunn (NELC)
Subject: Re: Wood park Play Equipment

Jamie,

Sorry I missed your call but I was in a meeting. I am content for you to go ahead as requested as it seems to be in line with S106 agreement. Better the money spent as agreed than back to developer.

Cllr Stan Shreeve

Sent from my iPhone

On 7 Mar 2018, at 14:05, Jamie Dunn (NELC) <Jamie.Dunn@nelincs.gov.uk> wrote:

Good afternoon, further to my voicemail message, an officer decision record (ODR) will be signed off by Sharon Wroot in the next few days to purchase play equipment for the above scheme. The funding to purchase the equipment is from a section 106 agreement and has to be spent by 30th March otherwise it will go back to the developer. The decision is to purchase the equipment and agree to locate it on part of the former school field near Wybers Wood subject to planning permission, if planning permission for the chosen site is not given then an alternative site within the Freshney Ward will have to be identified as a condition of the 106 funding is that the funding has to be for a project in the Freshney ward. Given the time pressure the ODR needs to be agreed by the portfolio holder and the relevant scrutiny chair, hence my reason for contacting you.

If you want to discuss in more detail please feel free to contact me and if you would like to see a copy of the ODR please let me know

Thank you

Jamie Dunn, Commissioning and Relationship Manager, CSSU, North East Lincolnshire Council
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU
Telephone Number 01472 325952 | jamie.dunn@nelincs.gov.uk | www.nelincs.gov.uk

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Officer Decision Record

1. Subject and details of the matter
Approval is sought to award the North East Lincolnshire Council Strategic Housing Framework following conclusion of an ENGIE led evaluation process in accordance with the Cabinet decision DN.64 dated 26 October 2017
2. Is it a Key Decision as defined in the Constitution?
Yes
3. Details of Decision
Pursuant to the Cabinet meeting of 25 October 2017 where authority was granted to undertake an EU compliant procurement process for the Capital Works Frameworks and authority delegated for the award of contracts, a procurement exercise for the Strategic Housing Framework has now been completed and approval to carry out the award process in accordance with the Public Contract Regulations 2015, Regulation 76 and Regulation 86 is sought.
4. Is it an Urgent Decision ? If yes, specify the reasons for urgency
No
5. Anticipated outcome(s)
To proceed with the award for North East Lincolnshire Strategic Housing Framework. To issue pre award letters with accompanying decision notice and post Alactel letters to all successful and unsuccessful tenderers. To issue the framework award notices in accordance to Regulation 50 and Regulation 108.
6. Details of any alternative options considered and rejected by the officer when making the decision
N/A
7. Background documents considered:
Cabinet on 25 October 2017 approved the following:

DN.64

(1) That authority be delegated to the Director of Economy and Growth to release an EU-compliant procurement process for the Capital Works Frameworks (through ENGIE).

(2) That upon completion of the process, the award of the contracts to the successful provider(s) be delegated to the Director of Finance, Resources and Operations in consultation

with the Director of Economy and Growth and the Portfolio Holder for Regeneration, Assets, Skills and Housing and the Portfolio Holder for Finance, Community Assets, Governance and Tourism.

(3) That authority be given to the Monitoring Officer to complete all requisite legal documentation in relation to the matters outlined above.

(4) That a report be brought back to Cabinet in 12 months' time providing a review on the awarded contract and its effectiveness vis a vis the local supply chain

**8. Does the taking of the decision include consideration of Exempt information?
If yes, specify the relevant paragraph of Schedule 12A and the reasons**

No.

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

N/A

10. Monitoring Officer Comments
(Strategic Director – Governance & Transformation or nominee)

The procurement process and subsequent award of the contract is consistent with the Cabinet decision of 26th October 2017. Legal officers will support the provision of all requisite legal documentation. As per the Cabinet decision, a progress report must be provided by October 2018.

11. Section 151 Officer Comments
(Head of Finance & Assets or nominee)

The procurement exercise has identified the preferred bidders through an assessment of cost and quality, which evidences value for money in the award of the Strategic Housing Framework approved list of providers.

12. Human Resource Comments
(Head of Governance & Business Support or nominee)

There are no direct Human Resource implications arising from this decision

13. Risk Assessment (in accordance with the Report Writing Guide)

The current frameworks expire on 31 March 2018. Failure to award the framework on time would mean that any project after this date would need to be tendered on a case by case basis. This would be inefficient and potentially result in additional costs for projects through increased administration.

14. Decision maker(s)

Name: **Angela Blake**

Title: **Director of Economy and Growth**

Signed: _____

Dated: 14/3/18

Name: **Sharon Wroot**

Title: **Director of Finance, Resources and Operations**

Signed: _____

Dated: 14/3/18

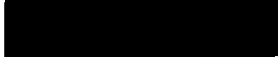
15. Consultation carried out with Portfolio Holder(s):

Name: **Cllr Peter Wheatley**

Title: **Portfolio Holder for Regeneration, Assets, Skills and Housing**

Signed and Dated

15.3.18

	<p>Name: Cllr Matthew Patrick</p> <p>Title: Portfolio Holder for Finance, Community Assets, Governance and Tourism</p> <p>Signed: </p> <p>Dated: <u>14/3/18</u></p>
<p>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor</p>	<p>Name: _____</p> <p>Title: _____</p> <p>_____ Signed and Dated</p>



Officer Decision Record

1. Subject and details of the matter
Approval is sought to award the North East Lincolnshire Council Highways Capital Works Framework following the conclusion of an ENGIE led evaluation process in accordance with the Cabinet decision DN.64 dated 26 October 2017.
2. Is it a Key Decision as defined in the Constitution?
Yes
3. Details of Decision
Pursuant to the Cabinet meeting of 25 October 2017 where authority was granted to undertake an EU compliant procurement process for the Capital Works Frameworks and authority delegated for the award of contracts, a procurement exercise for the Highways Capital Framework has now been completed and approval to carry out the award process in accordance with the Public Contract Regulations 2015, Regulation 76 and Regulation 86 is sought.
4. Is it an Urgent Decision? If yes, specify the reasons for urgency
No
5. Anticipated outcome(s)
To proceed with the award for North East Lincolnshire Highways Capital Works Framework.
To issue pre award letters with accompanying decision notice and post Alcatel letters to all successful and unsuccessful tenderers.
To issue the framework award notices in accordance to Regulation 50 and Regulation 108.
6. Details of any alternative options considered and rejected by the officer when making the decision
N/A
7. Background documents considered:
Cabinet on 25 October 2017 approved the following:

DN.64

(1) That authority be delegated to the Director of Economy and Growth to release an EU-compliant procurement process for the Capital Works Frameworks (through ENGIE).

(2) That upon completion of the process, the award of the contracts to the successful provider(s) be delegated to the Director of Finance, Resources and Operations in consultation with the Director of Economy and Growth and the Portfolio Holder for Regeneration, Assets, Skills and Housing and the Portfolio Holder for Finance, Community Assets, Governance and Tourism.

(3) That authority be given to the Monitoring Officer to complete all requisite legal documentation in relation to the matters outlined above.

(4) That a report be brought back to Cabinet in 12 months' time providing a review on the awarded contract and its effectiveness vis a vis the local supply chain

**8. Does the taking of the decision include consideration of Exempt information?
If yes, specify the relevant paragraph of Schedule 12A and the reasons**

No.

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

N/A

10. Monitoring Officer Comments
(Strategic Director – Governance & Transformation or nominee)

The procurement process and subsequent award of the contract is consistent with the Cabinet decision of 26th October 2017. Legal officers will support the provision of all requisite legal documentation. As per the Cabinet decision, a progress report must be provided by October 2018.

11. Section 151 Officer Comments
(Head of Finance & Assets or nominee)

The procurement exercise has identified the top 7 preferred bidders that scored highest in quality and all of which exceeded the minimum benchmark quality score. The resultant framework list of approved contractors will then be used in individual tender exercises to establish the preferred providers offering greatest value for money for each respective scheme.

12. Human Resource Comments
(Head of Governance & Business Support or nominee)

There are no direct Human Resource implications arising from this decision.

13. Risk Assessment (in accordance with the Report Writing Guide)

The current frameworks expire on 31 March 2018. Failure to award the framework on time would mean that any project after this date would need to be tendered on a case by case basis. This would be inefficient and potentially result in additional costs for projects through increased administration.

14. Decision maker(s)

Name: **Angela Blake**

Title: **Director of Economy and Growth**

Signed: _____

Dated: 14/3/18

Name: **Sharon Wroot**

Title: **Director of Finance, Resources and Operations**

Signed: _____

Dated: 14/3/18

15. Consultation carried out with Portfolio Holder(s):

Name: **Cllr Peter Wheatley**

Title: **Portfolio Holder for Regeneration, Assets, Skills and Housing**

Signed and Dated _____

15-3-18

	<p>Name: Cllr Matthew Patrick</p> <p>Title: Portfolio Holder for Finance, Community Assets, Governance and Tourism</p> <p>Signed: _____</p> <p>Dated: <u>14/3/18</u></p>
<p>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor</p>	<p>Name: _____</p> <p>Title: _____</p> <p>_____ Signed and Dated</p>



Officer Decision Record

1. Subject and details of the matter
<p>Engie on behalf of the Council is seeking authority to carry out a further competition under Crown Commercial Service framework, Water, Wastewater and Ancillary Services (RM3790) Lot 1 Water and Wastewater Services</p> <p>The indicative whole life value is £2.4 million</p> <p>The contract duration will be 4 years in total, 2 years duration with 2 x 1 year extensions.</p> <p>The Council is named as been able to access the framework.</p> <p>All 8 suppliers on the framework will be invited to take part in the further competition.</p> <p>The further competition will be run in accordance with the Councils Contract Procedure Rules, and the requirements of the framework.</p> <p>The contract will be awarded to the Most Economically Advantageous Tender (70% price and 30% quality).</p>
2. Is it a Key Decision as defined in the Constitution?
Yes
3. Details of Decision
<p>Approval to remove academies and non-maintained schools from the NELC Basket in order to procure their own supply.</p> <p>Approval to access the CCS framework as noted above</p> <p>Approval to carry out a further competition under the CCS framework as noted above</p>
4. Is it an Urgent Decision ? If yes, specify the reasons for urgency
<p>Yes. A contract is required to be in place from 01st April 2018 to avoid potential price increases and paying more for the retail element. To note should there be any delay in the procurement this will not affect the water supply.</p>
5. Anticipated outcome(s)
To access and proceed with procurement for water and wastewater services under

the CCS framework.

To safeguard the interests of local non-LEA schools and academies, send out communications to them to advise of the steps they need to take to contract for water supply via the CCS Framework.

6. Details of any alternative options considered and rejected by the officer when making the decision

N/A

7. Background documents considered:

Cabinet on 15 April 2015
Cabinet note the Memorandum of Understanding and the enhanced support Engie (Cofely GDF Suez) will now provide in managing energy procurement and associated services in accordance with the Services Agreement of July 2010

**8. Does the taking of the decision include consideration of Exempt information?
If yes, specify the relevant paragraph of Schedule 12A and the reasons**

No.

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

No.

10. Monitoring Officer Comments

Legal Services will support the completion of this procurement exercise and review the contractual documentation to ensure that the Council's interests are protected to the greatest extent reasonably and commercially possible.

The approach recommended is a framework contract which has the benefits of approved suppliers already meeting certain benchmarks and flagging agreement in advance to appropriate terms and conditions. Further, the Council may achieve better terms by combining its volume with the other public bodies also taking part. There are further advantages of assurance in that any such framework by necessity must be compliant with Public Contracts Regulations 2015. A framework approach is considered good practice and comes with its own efficiencies.

The procurement exercise will be conducted so as to comply with the Council's policy and legal obligations, specifically in compliance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015, and supported by relevant officers. Legal Services will support the completion of the contractual documentation on award.

It is noted that a Cabinet Report has been drafted capturing the above and the intention is to submit this at the earliest opportunity. Such report will make reference to this Officer Decision Record.

11. Section 151 Officer Comments
(Head of Finance & Assets or nominee)

The outlined procurement exercise aims to ensure value for money in the purchase of water supply and waste water services. The financial implications against current budgets will be assessed once tenders are received and evaluated.

12. Human Resource Comments
(Head of Governance & Business Support or nominee)

There are no direct HR implications arising from the contents of this report.

13. Risk Assessment (in accordance with the Report Writing Guide)

Failure to continue without a supply contract will mean that the Council will pay for water services on deemed rates. As industry margins are relaxed by the regulator the Council will be exposed to significantly increased costs.

Failure to procure a water supply contract will mean that the Council cannot demonstrate VFM upon audit.

14. Decision maker(s)

Name: A. Blake

Title: Director of Economy and Growth

Signed: _____

Dated: _____

22/3/18

15. Consultation carried out with Portfolio Holder(s):

Name: Councillor David Watson

Title: Portfolio Holder Energy and Environment

Signed and Dated

16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor

Name: N/A

Title: _____

Signed and Dated



Officer Decision Record

1. Subject and details of the matter
<p>Engie on behalf of the Council obtained authority (subject of a previous ODR and Cabinet Report) to carry out a further competition under Crown Commercial Service framework, Water, Wastewater and Ancillary Services (RM3790) Lot 1 Water and Wastewater Services</p> <p>The indicative whole life value is £2.4 million</p> <p>The contract duration will be 4 years in total, 2 years duration with 2 x 1 year extensions. The Council is named as been able to access the framework.</p> <p>All 8 suppliers on the framework have been invited to take part in the further competition. The further competition has been run in accordance with the Councils Contract Procedure Rules, and the requirements of the framework. The contract will be awarded to the Most Economically Advantageous Tender (70% price and 30% quality).</p>
2. Is it a Key Decision as defined in the Constitution?
Yes
3. Details of Decision
Approval to award the contract immediately in accordance with the attached award recommendation.
4. Is it an Urgent Decision ? If yes, specify the reasons for urgency
Yes. A contract is required to be in place from 01 st April 2018 and an urgent award is required ahead of Cabinet on 11 th April 2018.
5. Anticipated outcome(s)
<p>To access and proceed with procurement for water and wastewater services under the CCS framework.</p> <p>To safeguard the interests of local non-LEA schools and academies, send out communications to them to advise of the steps they need to take to contract for water supply via the CCS Framework.</p>

6. Details of any alternative options considered and rejected by the officer when making the decision

N/A

7. Background documents considered:

Cabinet on 15 April 2015
Cabinet note the Memorandum of Understanding and the enhanced support Engie (Cofely GDF Suez) will now provide in managing energy procurement and associated services in accordance with the Services Agreement of July 2010

**8. Does the taking of the decision include consideration of Exempt information?
If yes, specify the relevant paragraph of Schedule 12A and the reasons**

No.

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

No.

10. Monitoring Officer Comments

The procurement exercise has been conducted so as to comply with the Council's policy and legal obligations, specifically in compliance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015, and supported by relevant officers. Legal Services will support the completion of the contractual documentation on award.

It is noted that a Cabinet Report has been drafted capturing the above and the intention is to submit this at the earliest opportunity. Such report will make reference to this Officer Decision Record.

11. Section 151 Officer Comments
(Head of Finance & Assets or nominee)

The procurement exercise has required tenderers to bid with a margin that they will charge on top of wholesale market prices for water. The successful tenderer is that with the lowest margin, which achieves best value for money from the exercise.

Actual costs will be monitored on an ongoing basis against service budgets through normal budget monitoring processes.

12. Human Resource Comments
(Head of Governance & Business Support or nominee)

There are no direct HR implications arising from the contents of this report.

13. Risk Assessment (in accordance with the Report Writing Guide)

Failure to continue without a supply contract will mean that the Council will pay for water services on deemed rates. As industry margins are relaxed by the regulator the Council will be exposed to significantly increased costs.

Failure to procure a water supply contract will mean that the Council cannot demonstrate VFM upon audit.

14. Decision maker(s)

Name: A. Blake

Title: Director of Economy and Growth


Signed: 

Dated: 6th April 2018

15. Consultation carried out with Portfolio Holder(s):

Cllr Watson: verbally 6th April 2018.

Name: Tony Neul

Title: Strategic Commissioning Lead Energy and Environment


Signed and Dated 6th April 2018

16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor

Name: N/A

Title:



Signed and Dated

