

Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

The National Lottery Heritage Fund (NLHF) Townscape Heritage Scheme provides grants to properties along Alexandra Road and Seaview Street for building repair and reinstatement of architectural features; roof works; shopfront repair and improvements; and to bring long-term vacant properties back into use.

Approval is sought to finalise the project appraisal, approval and claims process to enable the award of grant funding and delegate authority to the Acting Assistant Director for Regeneration to approve payments of grant monies up to the value of £350k to such recipients, in accordance with grant conditions and to ensure that all actions necessary and ancillary thereto be completed. Any payments above this threshold will be approved through an additional Officer Decision Record.

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

No - however Cabinet, at its meeting of 22nd November 2017 (FP11/17/07), delegated authority to the Director of Economy and Growth in consultation with the Monitoring Officer, Director of Finance, Operations and Resources and relevant Portfolio Holder to:

1. finalise the project appraisal, approval and claims processes for the award of grants to third party property owners;
2. finalise appropriate legal agreements between the Council and third party property owners awarded grants through the TH programme, including the arrangements and contractual terms for the payment of grant monies to such recipients in accordance with the grant conditions and the monitoring of grants thereafter;
3. ensure that all actions necessary and ancillary thereto be completed.





3. Details of Decision

The Townscape Heritage Project Manager has worked closely with Legal Officers and NLHF to develop a comprehensive project appraisal, approval and claims process for the award of grants to third party property owners.

The project appraisal and claims process is attached in Appendix 1 along with details of the Heritage Grants Panel.

Approval is sought to finalise the project appraisal, approval and claims processes to enable the award of grant funding and delegate authority to the Acting Assistant Director for Regeneration to approve payment of grant monies up to the value of £350k to such recipients, in accordance with grant conditions and ensure that all actions necessary and ancillary thereto be completed. Any payment above this threshold will be approved through

an Officer Decision Record.
4. Is it an Urgent Decision? If yes, specify the reasons for urgency
No, however the first grant application has now been received and has been assessed by the Grants Panel, therefore approval of the claims process and legal agreements is required to enable this grant to be approved by NELC and grant funding released.
5. Anticipated outcome(s)
To approve the project appraisal, approval and claims processes for the award of grants to third party property owners which will enable grant applications to be approved and grant funding released.
6. Details of any alternative options considered and rejected by the officer when making the decision
N/A
7. Background documents considered:
Cabinet on 22 nd November 2017 (FP11/17/07).
NLHF Townscape Heritage Funding Agreement.
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 <i>(Monitoring Officer or Deputy Monitoring Officer)</i>
Approval is line with the Cabinet decision of 22 nd November 2017 and subsequent delegations. Legal officers have been involved and will continue to offer advice & support, as appropriate.
. Section 151 Officer Comments <i>(Deputy S151 Officer or nominee)</i>
The grants will be paid from the Cleethorpes NLHF Townscape Heritage capital scheme that is part of the Council's approved Capital Investment Programme.
12. Human Resource Comments <i>(Strategic Workforce Lead or nominee)</i>
There are no Human Resource implications with this report.
13. Risk Assessment (in accordance with the Report Writing Guide)
Failure to approve the project appraisal, approval and claims process will impact on the ability to award grants to prospective applicants and NELC's ability to achieve full grant allocation within the prescribed timeframes (by June 2022). Failure to progress the scheme will have a negative impact on the overall regeneration of Cleethorpes.
The funding allocation for the first application is within this financial year 2019/20, therefore the contract needs to be confirmed quickly to enable the work to commence on site.
A full risk assessment for the Townscape Heritage Scheme is attached to this report.

14. Decision maker(s)	<p>Name: Clive Tritton</p> <p>Title: Interim Director Economy & Growth</p> <p>Signed: </p> <p>Dated: 6th April 2020</p> <p>Name: Sharon Wroot</p> <p>Title: Director of Resources and Governance</p> <p>Signed: </p> <p>Dated: 6th April 2020</p> <p>Name: Simon Jones</p> <p>Title: Chief Legal and Monitoring Officer</p> <p>Signed: </p> <p>Dated: 6th April 2020</p>
15. Consultation carried out with Portfolio Holder(s):	<p>Name: Cllr John Fenty</p> <p>Title: Portfolio Holder for Regeneration and Skills</p> <p></p> <p>_____ Signed and Dated 06-04-2020</p>
16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor	<p>Name: _____</p> <p>Title: _____</p> <p>_____ <i>Signed and Dated</i></p>



Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

School Admission Arrangements

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

Yes

3. Details of Decision

See attached

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

Yes. As per the attached report, in accordance with legislation these arrangements should be determined and published, after any relevant consultation by 28 February 2020. While no material changes are recommended to the admission arrangements, it was considered prudent to deal with this matter as an urgent officer decision, which would then be referred to the next available Cabinet meeting for information.

5. Anticipated outcome(s)

See attached

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

See attached

7. Background documents considered

See attached

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)

See attached

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

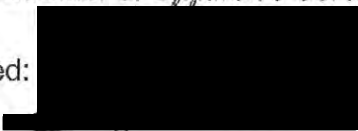


See attached

12. Human Resource Comments (Head of People and Culture or nominee)

See attached

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

See attached

14. Decision Maker(s):	Name: Joanne Hewson Title: Director of Children's Services Signed:  Dated: 24 th February 2020
15. Consultation carried out with Portfolio Holder(s):	Name: Councillor Ian Lindley Title: Portfolio Holder for Children, Education and Young People Signed:  Dated: 24 th February 2020
16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor	Name: Councillor Oliver Freeston Title: Chair of the Children and Lifelong Learning Scrutiny Panel Signed:  Dated: 24 th February 2020



Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

Approval to award the contract for the Garth Lane and Frederick Ward Way Public Realm Improvement Scheme following a compliant procurement process in accordance with Council's Corporate Procurement Regulations and Cabinet decision DN.70 dated 18th December 2019.

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

Yes, although noting that Cabinet at its meeting of 16th December 2019 delegated authority to the Director of Economy & Growth, in conjunction with the Leader of the Council: -

- a. undertake the procurement of capital activities required to deliver the programme activity in accordance with Council's Corporate Procurement Regulations
- b. award a tender within the allocated budget
- c. take all actions necessary to secure the continued implementation and ultimate completion of the scheme including detailed design changes and all ancillary issues arising.

The report also authorises the Chief Legal and Monitoring Officer to execute all documentation arising.

3. Details of Decision

This project is funded through the NELC, Humber LEP and MHCLG and will make a significant contribution to the Council's strategic objective of a 'Stronger Economy' by delivering key infrastructure and public realm works that will unlock and accelerate private sector investment in the town centre

The total budget for the scheme is £3.752m. This includes £1.302m funding from the Humber LEP (in line with the Unlocking the Potential Contract Variation), £2.225m Town Deal (subject to funding conditions) and £225k NELC match.

Other costs relating to this project (which are not included within the Contract price but are included within the overall budget) are costs in relation to ground condition and other surveys, vegetation clearance, fountain design and installation, dredging, aquatic planting, landscaping and lowering of overhead cables.

Approval is now required, following a fully compliant procurement process, to let the main contract to CR Reynolds at a cost of £2,495,062 which includes a provisional allowance of £1,036,389 for the design and construction of a new 5m wide footbridge (subject to funding conditions).

4. Is it an Urgent Decision? If yes, specify the reasons for urgency
<p>Yes. The main contract must be on site in March 2020 in order to comply with MHCLG funding arrangements.</p> <p>The Contract duration is estimated to be 12 months.</p>
5. Anticipated outcome(s)
<p>To allow for the Contract to be let and onsite works to commence on Garth Lane Public Realm and Frederick Wards Way.</p>
6. Details of any alternative options considered and rejected by the officer when making the decision
<p>N/A</p>
7. Background documents considered:
<p>Cabinet on 16th December 2019 DN.70 – TOWN CENTRE REGENERATION - GARTH LANE FREDERICK WARD WAY, BRIDGE AND PUBLIC REALM IMPROVEMENTS</p> <p>The Greater Grimsby Town Deal - Full Business Case.</p> <p>'Unlocking the Potential' Contract Variation - Humber LEP</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>No</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>N/A</p>
10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)
<p>The above decision is as anticipated by Cabinet and is consistent with the delegations given</p>
11. Section 151 Officer Comments (Deputy S151 Officer or nominee)
<p>The resources required to undertake the improvements to the Garth Lane site and Frederick Ward Way Public Realm Improvement Scheme are incorporated into the Council's approved capital programme. The financial implications arising from the investment have been scrutinized as part of the business case approval process. Total spend is anticipated to be maintained within the budget allocation.</p>

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

There are no Human Resource implications associated with this report.

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

Risks identified include: -

The Humber LEP and Town Deal funding allocation for this scheme is within financial year 2020/21. Contracts need to be let and therefore allow the project to be delivered within the timescales set out in the Funding Agreements. Failure to let the Contract quickly will impede progress and prevent the scheme being delivered within the funding timescales.

Other risks identified include: -

- Environment Agency permits will be required to deliver works adjacent to the river. Engagement with the Environment Agency is ongoing.
- Project obstructions – surveys have been undertaken and engagement with highways is ongoing
- Disruption caused by on-site works – stakeholder engagement has been undertaken (and will continue) and a communications plan developed to mitigate this risk.
- Delivery of Heritage Trail – paving is to incorporate artwork created through community engagement, a Lead Artist has been identified through a separate tender exercise

14. Decision maker(s)

Name: Clive Tritton

Title: Interim Director of Economy and Growth


Signed: 

Dated: 26/2/20

15. Consultation carried out with Leader of Council:

Name: Cllr Phillip Jackson

Title: Leader of Council


Signed and Dated

28/2/20

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 (to include reasons for the decision)
This ODR is to obtain approval for the palette of materials to be used for the Garth Lane Frederick Ward Way and Public Realm Improvements in accordance with the Cabinet Decision DN.70 dated 18th December 2019.
2. Is it a Key Decision as defined in the Constitution?
No, although noting that Cabinet at its meeting of 16 th December 2019 delegated authority to the Interim Director of Economy and Growth, in conjunction with the Leader of the Council, and in consultation with the Chief Legal and Monitoring Officer to:- <ul style="list-style-type: none"> a. undertake the procurement of capital activities required to deliver the programme activity b. take all actions necessary to secure the continued implementation and ultimate completion of the scheme including detailed design changes, including bridge design, planning applications and all ancillary issues arising. <p>That the Chief Legal and Monitoring Officer be authorised to execute all documentation arising</p>
3. Details of Decision
<p>This project is funded through the NELC, Humber LEP and MHCLG and will make a significant contribution to the Council's strategic objective of a 'Stronger Economy' by delivering key infrastructure and public realm works that will unlock and accelerate private sector investment in the town centre.</p> <p>Materials were presented to the Leader and the Portfolio Holder for Environment and Transport on 6th January 2020 and following materials were agreed for the scheme: -</p> <p>Highways (South Side of River Freshney): -</p> <ul style="list-style-type: none"> • Paving - 'Mistral' • Pedestrian guard rails – standard • Lighting - standard columns with YOA Maxi lanterns • Paint finish - grey <p>Public Realm (North Side of River Freshney): -</p> <ul style="list-style-type: none"> • Paving - Tegula. • Stepped seating – Buff coloured Niso granite. • Lighting - Shuffle lighting columns finished in bronze, bespoke 'I-Beam' along the dock side. • Railings - Seafront Ballustrade stainless steel type railings are to be used in the

<p>public realm and dock side areas.</p> <p>The purpose of this ODR is to formally record this decision in order that the contractor can be instructed.</p>
<p>4. Is it an Urgent Decision? If yes, specify the reasons for urgency</p> <p>Yes. The main contract must be on site in March 2020 in order to comply with funding arrangements.</p>
<p>5. Anticipated outcome(s)</p> <p>To allow materials to be specified and ordered on appointing a contractor.</p>
<p>6. Details of any alternative options considered and rejected by the officer when making the decision</p> <p>N/A</p>
<p>7. Background documents considered:</p> <p>Cabinet on 16th December 2019 DN.70 – TOWN CENTRE REGENERATION - GARTH LANE FREDERICK WARD WAY, BRIDGE AND PUBLIC REALM IMPROVEMENTS</p> <p>The Greater Grimsby Town Deal - Full Business Case.</p> <p>'Unlocking the Potential' Contract Variation - Humber LEP</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>N/A</p>
<p>10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)</p> <p><i>The report follows the Cabinet meeting of 16th December 2020 and is consistent with the decisions made therein.</i></p> <p>The above decision is as anticipated by Cabinet and is consistent with the delegations given</p>
<p>11. Section 151 Officer Comments (Deputy S151 Officer or nominee)</p> <p>On the basis that the choice of materials does not lead to an overspend against the approved capital programme allocation, the approval of the palette is supported.</p>

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

There are no Human Resource implications associated with this report.

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

The Humber LEP and Town Deal funding allocation for this scheme is within financial year 2020/21. Materials need to be fully specified in order for contracts to be let and therefore allow the project to be delivered within the timescales set out in the Funding Agreements. Failure to let the Contract quickly will impede progress and prevent the scheme being delivered within the funding timescales.

Other risks identified include: -

- Environment Agency permits will be required to deliver works adjacent to the river. Engagement with the Environment Agency is ongoing.
- Project obstructions – surveys have been undertaken and engagement with highways is ongoing
- Disruption caused by on-site works – stakeholder engagement has been undertaken (and will continue) and a communications plan developed to mitigate this risk.
- Delivery of Heritage Trail – paving is to incorporate artwork created through community engagement, a Lead Artist has been identified through a separate tender exercise

14. Decision maker(s)

Name: Clive Tritton

Title: Interim Director of Economy & Growth

Signed: 

Dated: 26/2/20

15. Consultation carried out with Leader of the Council:

Name: Cllr Phillip Jackson

Title: Leader of the Council



Signed and Dated

28/2/20

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 (to include reasons for the decision)
Approval to award the contract of the St James Square capital scheme following a compliant procurement process in accordance with Council's Corporate Procurement Regulations and Cabinet decision DN.114 dated 14th March 2019
2. Is it a Key Decision as defined in the Constitution?
<p>Yes, although noting that Cabinet at its meeting of 11th March 2019 delegated authority to the Director of Economy & Growth, in conjunction with the Portfolio Holder for Regeneration, Skills and Housing to: -</p> <ul style="list-style-type: none"> a. undertake the procurement of capital activities required to deliver the programme activity in accordance with Council's Corporate Procurement Regulations b. award a tender within the allocated budget c. take all actions necessary to secure the continued implementation and ultimate completion of the scheme including detailed design changes and all ancillary issues arising. <p>The report also authorises the Chief Legal and Monitoring Officer to execute all documentation arising.</p>
3. Details of Decision
<p>'Unlocking the Potential' is a capital programme that will accelerate the development of three key sites in Grimsby Town Centre (St James Square, Garth Lane and Town Hall Square). This programme will make a significant contribution to the Council's strategic objective of a 'Stronger Economy' by delivering key infrastructure and public realm works that will unlock and accelerate private sector investment in the town centre.</p> <p>The total budget for St James Square is £1.780m. This includes £1.540m funding from the Humber LEP, £140k through the Cultural Development Fund (CDF) and £100k NELC match funding.</p> <p>Other costs relating to this project, not included in the Contract above, are costs in relation to lighting and electrical, public art, CCTV, tree management, surveys and fees.</p> <ol style="list-style-type: none"> 1. Following a fully compliant procurement process to award the main contract relating to the 'St James Square' element of the programme.
4. Is it an Urgent Decision? If yes, specify the reasons for urgency
Yes. The main contractor must be on site early 2020 in order to comply with LEP funding arrangements and to enable completion prior to Christmas events 2020.

The Contract duration is estimated to be 10 months.

5. Anticipated outcome(s)

To allow for the Contract to be awarded and onsite works to commence at St James Square.

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

N/A

7. Background documents considered:

Cabinet on 22nd November 2017 DN.72 – LOCAL GROWTH FUND 3 – IMPROVEMENT WORKS TO TOWN HALL SQUARE, RIVERHEAD SQUARE, ST JAMES SQUARE AND FREDERICK WARD WAY

Cabinet on 11th March 2019 DN.114 – ST JAMES SQUARE – PUBLIC REALM PROJECT

'Unlocking the Potential' funding Agreement from the LEP

Tender Assessment Report

**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 anticipated decision is consistent with the previous decision and delegations of Cabinet (11th March 2019) and the process followed is compliant with the Contract Procedure Rules and Public Contracts Regulations.

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

The cost of the tender can be covered through the budget allocated for St James Square within the approved Capital Investment Programme.

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

There are no Human Resource implications associated with this report.

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

Risks identified include: -

- The Humber LEP funding allocation for this scheme needs to be defrayed prior to 20/21, therefore the Contracts need to be let quickly to allow the project to be delivered within these timescales and prior to the Christmas period (due to Minster activity).
- Faculty approval – has not yet been granted, the application was submitted in September and has encountered delays. NELC legal team are working with the Minster/Diocese to resolve the issues.
- Construction start date is delayed – tenders were re-submitted to allow for value engineering creating a delay, approval to let the contract will mitigate further delays
- Project obstructions – surveys have been undertaken and an Archaeologist will be engaged to conduct a 'watching brief' during any excavation works to mitigate this risk.
- Disruption caused by on-site works – stakeholder engagement has been undertaken (and will continue) and delivery of the communications plan will mitigate this risk.
- Delivery of the Art Project (CDF)– stone benches are to incorporate artwork created through community engagement, a Lead Artist has been identified through a separate tender exercise
- CDF Funding – The Art Project will address a number of requirements outlined in the Access Statement, a Lead Artist has been identified through a separate tender exercise

14. Decision maker(s)

Name: Clive Tritton

Title: Interim Director of Economy and Growth


Signed: 

Dated: _____

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

Name: Cllr John Fenty

Title: Portfolio Holder for Regeneration, Skills and Housing

 Signed and Dated

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 (to include reasons for the decision)
Approval to award the Contract of the Public Art Project following a compliant procurement process in accordance with Council's Corporate Procurement Regulations and Cabinet decision DN.114 dated 14th March 2019.
2. Is it a Key Decision as defined in the Constitution?
<p>Yes, although noting that Cabinet at its meeting of 11th March 2019 delegated authority to the Director of Economy and Growth, in conjunction with the Portfolio Holder for Regeneration, Skills and Housing to: -</p> <ul style="list-style-type: none"> a. undertake the procurement of capital activities required to deliver the programme activity in accordance with Council's Corporate Procurement Regulations b. award a tender within the allocated budget c. take all actions necessary to secure the continued implementation and ultimate completion of the scheme including detailed design changes and all ancillary issues arising. <p>The report also authorises the Chief Legal and Monitoring Officer to execute all documentation arising.</p>
3. Details of Decision
<p>'Unlocking the Potential' is a capital programme that will accelerate the development of three key sites in Grimsby Town Centre (St James Square, Garth Lane and Town Hall Square). This programme will make a significant contribution to the Council's strategic objective of a 'Stronger Economy' by delivering key infrastructure and public realm works that will unlock and accelerate private sector investment in the town centre.</p> <p>Specifically, this document relates to the 'St James Square' element of the programme.</p> <ul style="list-style-type: none"> 1. To award the public art contract following a fully compliant procurement process,. This element of the Project is supported through Cultural Development Fund funding.
4. Is it an Urgent Decision? If yes, specify the reasons for urgency
<p>Yes. The main contractor must be on site early 2020. The art project directly influences material elements of the work, some of which have long lead times. In order to coordinate the works on site and the artistic input, the contract for the art work must be in place early Feb 2020.</p> <p>The Contract duration is estimated to be 10 months.</p>
5. Anticipated outcome(s)

To award the above contract
6. Details of any alternative options considered and rejected by the officer when making the decision
N/A
7. Background documents considered:
<p>Cabinet on 22nd November 2017 DN.72 – LOCAL GROWTH FUND 3 – IMPROVEMENT WORKS TO TOWN HALL SQUARE, RIVERHEAD SQUARE, ST JAMES SQUARE AND FREDERICK WARD WAY</p> <p>Cabinet on 11th March 2019 DN.114 – ST JAMES SQUARE – PUBLIC REALM PROJECT</p> <p>'Unlocking the Potential' funding Agreement from the LEP</p> <p>Tender Assessment Report</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
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 <i>(Monitoring Officer or Deputy Monitoring Officer)</i>
The above anticipated decision is consistent with the previous decision and delegations of Cabinet (11 th March 2019) and the process followed is compliant with the Contract Procedure Rules and Public Contracts Regulations.
11. Section 151 Officer Comments <i>(Deputy S151 Officer or nominee)</i>
The cost of the tender can be covered through the budget allocated within the approved Capital Investment Programme.

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

There are no Human Resource implications associated with this report.

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

- The outcome of the public art consultation and engagement will feed into the Capital Works. The timescales for delivery of the Capital Works in December 2020, therefore progressing this element of the project is critical.
- The Cultural Development Fund requested an Accessibility Audit in relation to the Public Realm Project. Recommendations from the Audit relate to interpretation and wayfinding which will be progressed through the public art project, therefore letting this contract is critical to the success of the overall project and CDF funding.

14. Decision maker(s)

Name: Clive Tritton

Title: Interim Director of Economy and Growth

Signed: 

Dated: _____

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

Name: Cllr Fenty

Title: Portfolio Holder for Regeneration, Skills and Housing.


Signed and Dated

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

Nomination of Property known as 'The Wellington Street Methodist Church', 354 Wellington Street, Grimsby, DN32 7JS as an Asset of Community Value

The subject site has been nominated as an Asset of Community Value on the 18 December 2019 by NELC VCSE Alliance (Company Ltd by Guarantee). The nomination is appended to this ODR at appendix 2. The nomination is in line with 'The Assets of Community Value (England) Regulations 2012' (the "Regulations"), and the Localism Act (the "Act") which came into effect in September 2012.

The Council has a duty to respond to nominations within an eight-week window which is due on the 13 February 2020.

The Act defines only certain groups are able to nominate. NELC VCSE Alliance, the group making the nomination, are deemed eligible under the Act.

The site appears to meet the definition of an asset of community value as set out in section 88 of the Act and therefore it shall be listed for a period of 5 years on the Register as well as the local land charges register.

In the spirit of the Localism Act, the Regulations are not considered in isolation. What determines the nomination is whether, in the opinion of the Local Authority, an asset would meet the definition of an asset of community value as set out in section 88 of the Act.

In summary, the definition of 'community' value within the meaning of the Act requires that land or buildings in a local authority's area:

- has in the recent past or is currently used of having; or
- continues to have; or
- to have a realistic prospect within the next 5 years of having

a non-ancillary* use that furthers social wellbeing or social interests.

(*for example, an ancillary use is something that is "secondary" (or "incidental") to another use.)

In line with section 88 of the Act, it is for the Local Authority to test these criteria in relation to the value that nominations have and to Communities of North East Lincolnshire.

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

No – the decision:

- will not result in a capital receipt;
- relates to and impacts solely on one Ward (East Marsh);
- is not significant in terms of the number of residents / service users that will be affected in the ward;

- is not likely to result in substantial public interest; and
- will not incur a significant social, economic or environmental risk.

3. Details of Decision

It is considered, in accordance with s88(2)(b) of the Localism Act 2011, that it is realistic to think there is a time in the next five years when the non-ancillary use of the Property would contribute to the social wellbeing or social interests of the local community and therefore it would be the opinion of the Local Authority to support the nomination.

The nomination has been read in conjunction with the criteria outlined in s88 of the Localism Act 2011 and demonstrates by its own virtue that it should be accepted as an Asset of Community Value; namely that:

'the Wellington Street Methodist Church;

1. there is a time in the next five years when there could be;

a non-ancillary* use that **furtheres social wellbeing or social interests** of the public'

(*for example, an ancillary use is something that is "secondary" (or "incidental") to another use.)

Agreement to the nomination will result in the Property being entered on to the Register held by the Council as an 'Asset of Community Value' for a period of five years'.

Once an asset has been listed, nothing further will happen unless and until, the owner (in this case TRUSTEES FOR METHODIST CHURCH PURPOSES of Central Buildings, Oldham Street, Manchester M1 1JQ.) decides to dispose of the asset, either through the grant or assignment of a qualifying lease (i.e. originally granted for at least twenty-five years).

It is noted however, should the owner consider disposal, a community interest group has 6 weeks of the Council informing the nominator of the disposal to the Community to register their interest. The remaining full moratorium period of 6 months' applies whereby Community Groups are given the opportunity to prepare a business plan and finance for the owner to consider. The owner will then determine a sale to whoever it chooses, once the full moratorium period has concluded.

If the owner of the property incurs loss or expense that it would likely not have occurred had the land not been listed as an Asset of Community Value the owner is able to claim compensation from the Local Authority. If a compensation claim is found to be reasonable the Local Authority will be required to pay the compensation sums to the owner.

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

N/A – it is not a Key Decision needed to be made urgently.

5. Anticipated outcome(s)

That the land known as The Wellington Street Methodist Church, as detailed in section 1, is defined as an Asset of Community Value and will be entered onto Part 1 of the Register – 'Assets Held on the Register' for a period of 5 years, in line with the Localism Act.

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

N/A

7. Background documents considered:

None.

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)

Under the Localism Act 2011 the Council is duty bound to consider all community nominations for land to be listed as assets of community value and either accept the nomination and include it on the Council's list of assets of community value or reject the nomination and include it in the list of land unsuccessfully nominated for inclusion as assets of community value. The legal process and implications in relation to this nomination are set out in the main body of the report. Legal Services will continue to be engaged to advise throughout the nomination process

11. Section 151 Officer Comments

(Deputy S151 Officer or nominee)

There are no direct financial implications on the basis that the Council fulfils its obligations. There remains a low risk that the Council could incur a financial penalty in the event that it caused any delay to a sale or lease arrangement.

12. Human Resource Comments

(Strategic Workforce Lead or nominee)

There are no HR implications

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

Crime and Disorder – the site is currently operational and is in private ownership and as such does not fall within the responsibility of the Council. The site is situated adjacent to other operational premises and within a high residential area and is less likely to receive regular or high levels of vandalism and acts of anti-social behaviour due to its location.

Diversity – The review of the nomination has tested the benefit to the local community in respect to an asset of value. The Council believe that there is value to the Community.

Value for Money – The decision comes as per the Localism Act whereby groups of a certain standing can nominate eligible assets of community value which can pause any subsequent disposal of an asset. It is of the opinion of the Local Authority whether to accept any nomination, and it is for the asset owner to determine whether to accept any bid in relation to any subsequent sale, neither of which it has any obligation to do.

14. Decision maker

Name: Sharon Wroot

Title: Director of Resources and Governance

Signed: _____

Dated: 21/3/2020

15. Consultation carried out with Portfolio Holder:

Name: Cllr. John Fenty

Title: Portfolio Holder for Regeneration, Skills and Housing

Signed: _____

Dated: 21.3.2020

Appendix One – Site Plan



Appendix Two – nomination and NEL VCSE Articles

Community Right NEL VCSE Alliance
to Bid Request.pdf Revised Articles.pdf

Community Right to Bid

Nomination Form



The purpose of Community Right to Bid legislation is to give communities a right to identify a property that is believed to be of value to their social interests or social wellbeing and gives them a fair chance to make a bid to buy the property in the open market if the property owner decides to sell. If your community group or organisation wants to nominate a building you should complete the following form.

Once completed please return the application form to:

Jack Fox - Assets Advanced Practitioner (Corporate)

North East Lincolnshire Council

Civic Offices

Knoll Street

Cleethorpes

North East Lincolnshire

DN35 8LN

Telephone Number: (01472) 323388

E-mail: jack.fox@nelincs.gov.uk

SECTION 1: ABOUT THE PROPERTY TO BE NOMINATED

Name of Property	The Wellington Street Methodist Church
Address of Property	354 Wellington St, Grimsby DN32 7JS
Postcode	DN32 7JS
Property Owners Name	Grimsby and Cleethorpes Methodist Circuit
Address	I am unsure of the postal address of the circuit but have emailed them for this information
Postcode	
Current Occupiers Name	Wellington Street Methodist Church congregation

SECTION 2: ABOUT YOUR COMMUNITY ORGANISATION

Name of Organisation	NEL VCSE Alliance		
First Name:	Julie	Surname:	Walmsley
Position in Organisation	Chairperson		
Email Address	julie@mydoorstep.org.uk		

Address	Unit 4b, the courtyard, freeman street market, freeman street Grimsby		
Postcode	DN32 7DS		
Telephone:		Mobile:	07795457693

SECTION 3: WHAT IS YOUR ORGANISATION TYPE

<input type="checkbox"/>	Constituted Community/Voluntary Group	<input type="checkbox"/>	Parish/Town Council
<input type="checkbox"/>	Neighbourhood Forum	<input type="checkbox"/>	Un-constituted Community Group
<input type="checkbox"/>	Industrial & Provident Society	<input type="checkbox"/>	Community Interest Company
<input type="checkbox"/>	Company Limited by Guarantee	<input checked="" type="checkbox"/>	Charity

How many members do you have (this is particularly important for un-constituted community groups)?

SECTION 4: SUPPORTING INFORMATION FOR NOMINATION

Any information entered in this section may be copied and passed onto the owner of the property you are nominating.

Why do you feel the property is an asset of community value? Please give as much information as possible.

In 2018 a partnership of local agencies (NELC, CCG, Humberside Police, ABP Ports, NSPCC, EMU) led by the Alliance were awarded a significant grant from the Lottery Community Fund and Govt. Department of Culture, Media and Sport to implement a place based social action plan in the East Marsh of Grimsby. The funding is initially for 2 years but will be extended by a further 3 years upon the successful implementation of the plan.

Central to this plan was the identification and acquisition of a community hub that could become the focal point for community activity, local democracy and social action. We were made aware of the Methodist Chapel in Wellington Street which was an excellent location and seemed ideal for our purposes. Negotiations were begun and meetings held with our community partner organisation EMU which were very fruitful leading to the drawing up of a lease and an agreement in principal of an initial leasehold period (starting early January) with the potential to purchase at a later stage.

This was all very positive and so members have busied themselves in the interim period with trying to attract funding from grant making trusts to ensure that the building can be well maintained, managed and utilities covered. EMUs fundraising efforts have paid off and they secured £15,000 funding from Bright Ideas Fund to support them with the development of a community hub and are also through to the 2nd round of a large funding bid to Tudor Trust to help with refurbishment and updating.

It was a shock to learn very recently that the position regarding the future of the Methodist Chapel had changed significantly and without any further dialogue with EMU. The Methodist Chapel has become central to the successful achievement of our social

action plan (and therefore access to further funding); and central to the development of a community hub from where we can engage local people in improving the East Marsh and the lives of residents through social action and rebuilding relationships.

With so much riding on this we would like to register the Methodist Chapel as an Asset of Community Value and if accepted as such would seek to exercise the Community Right to Bid if and when the building comes on the market. An email received yesterday from Jackson Green and Preston confirmed that the building is not currently on the market but is likely to go on the market in the New Year so time is of the essence.

SECTION 5: FUTURE USE

If you were successful in securing this property, what would your organisation use this building for? Please give as much information as possible.

The building would be turned into a community hub and would be the focal point for place based social action in the East Marsh.

SECTION 6: BOUNDARY OF PROPERTY

What do you consider to be the boundary of the property? Please give as much detail as possible (if possible, please include a plan).


The boundary is very well defined by a perimeter wall along Wellington Street and Rutland Street which encloses the Chapel and its carpark

SECTION 7: ATTACHMENT CHECKLIST

	Copy of group constitution (if you are a constituted group)
	Name & home addresses of 21 members registered to vote in nomination area (if group is not constituted)
	Site boundary plan (if possible)

SECTION 8: DECLARATION

I confirm that I have the authority to submit this nomination on behalf of the relevant body and that to the best of my knowledge the information contained in the application is complete and accurate.

Signed	
Position in the organisation	Chairperson
Dated	19th December 2019

COMPANY NOT HAVING A SHARE CAPITAL
Articles of Association of
North East Lincolnshire VCSE Alliance
Registered Company Number 09850529

1 The company's name is

North East Lincolnshire VCSE Alliance
(and in this document it is called the 'charity').

Interpretation

2 In the articles:

'address' means a postal address or, for the purposes of electronic communication, a fax number, an e-mail or postal address or a telephone number for receiving text messages in each case registered with the charity;

'the articles' means the charity's articles of association;

'the charity' means the company intended to be regulated by the articles;

'clear days' in relation to the period of a notice means a period excluding:

- the day when the notice is given or deemed to be given; and
- the day for which it is given or on which it is to take effect;

'the Commission' means the Charity Commission for England and Wales;

'Companies Acts' means the Companies Acts (as defined in section 2 of the Companies Act 2006) insofar as they apply to the charity;

'the directors' means the directors of the charity. The directors are charity trustees as defined by section 177 of the Charities Act 2011;

'document' includes, unless otherwise specified, any document sent or supplied in electronic form;

'electronic form' has the meaning given in section 1168 of the Companies Act 2006;

'the memorandum' means the charity's memorandum of association;

'officers' includes the directors and the secretary (if any);

'the seal' means the common seal of the charity if it has one;

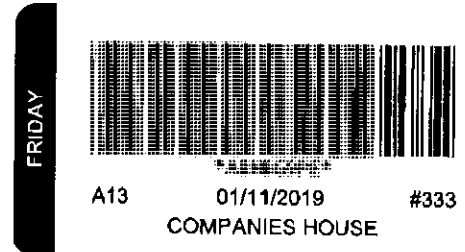
'secretary' means any person appointed to perform the duties of the secretary of the charity;

'the United Kingdom' means Great Britain and Northern Ireland; and

words importing one gender shall include all genders, and the singular includes the plural and vice versa.

Unless the context otherwise requires words or expressions contained in the articles have the same meaning as in the Companies Acts but excluding any statutory modification not in force when this constitution becomes binding on the charity.

Apart from the exception mentioned in the previous paragraph a reference to an Act of Parliament includes any statutory modification or re-enactment of it for the time being in force.



COMPANY NOT HAVING A SHARE CAPITAL

Liability of members

- 3 The liability of the members is limited to a sum not exceeding £1, being the amount that each member undertakes to contribute to the assets of the charity in the event of its being wound up while he, she or it is a member or within one year after he, she or it ceases to be a member, for:
- (1) payment of the charity's debts and liabilities incurred before he, she or it ceases to be a member;
 - (2) payment of the costs, charges and expenses of winding up; and
 - (3) adjustment of the rights of the contributories among themselves.

Objects

- 4 The charity's objects ('Objects') are specifically restricted to the following:
1. *To promote all or any charitable purposes for the benefit of the public principally but not exclusively in the local government area of north east Lincolnshire and its environs (hereinafter called the "area of benefit" and in particular but not exclusively by:*
 - i. *The advancement of education, the protection of health and the relief of poverty, distress and sickness*
 2. *To promote the voluntary sector and to promote the efficiency and effectiveness of other charitable organisations for the benefit of the public in the area of North East Lincolnshire and its environs by:*
 - i. *Liaising between charities, voluntary organisations, government agencies and other groups on relevant issues;*
 - ii. *Providing training, conferences and seminars on subjects relevant to their efficiency;*
 - iii. *Identifying their needs and establishing projects or policies to address them;*
 - iv. *Assisting in the administration of funding programmes to charities and voluntary organisations, monitoring for grants, recommending grants, assisting in applications for grants;*
 - v. *Providing information to the press and the public on the operation of, or problems encountered by them;*
 - vi. *Providing services to them such as legal, accountancy and management advice services;*
 - vii. *Providing advice and information on fund-raising techniques appropriate for voluntary organisations and charities;* viii. *Acting as a representative in relation to government policies and legislation.*
- The voluntary sector' means charities and voluntary organisations. - Charities are organisations, which are established for exclusively charitable purposes in accordance with the law of England and Wales. - voluntary organisations are independent organisations, which are established for purposes that add value to the community as a whole, or a significant section of the community, and which are not permitted by their constitution to make a profit for private distribution. Voluntary organisations do not include local government or other statutory authorities.*

COMPANY NOT HAVING A SHARE CAPITAL

Powers

- 5 The charity has power to do anything which is calculated to further its Object(s) or is conducive or incidental to doing so. In particular, the charity has power:
- (1) to raise funds. In doing so, the charity must not undertake any taxable permanent trading activity and must comply with any relevant statutory regulations;
 - (2) to buy, take on lease or in exchange, hire or otherwise acquire any property and to maintain and equip it for use;
 - (3) to sell, lease or otherwise dispose of all or any part of the property belonging to the charity. In exercising this power, the charity must comply as appropriate with sections 117 and 122 of the Charities Act 2011.
 - (4) to borrow money and to charge the whole or any part of the property belonging to the charity as security for repayment of the money borrowed or as security for a grant or the discharge of an obligation. The charity must comply as appropriate with sections 124 - 126 of the Charities Act 2011 if it wishes to mortgage land;
 - (5) to co-operate with other charities, voluntary bodies, statutory authorities and other organisations to exchange information and advice with them;
 - (6) to establish or support any charitable trusts, associations or institutions formed for any of the charitable purposes included in the Objects;
 - (7) to acquire, merge with or to enter into any partnership or joint venture arrangement with any other charity;
 - (8) to set aside income as a reserve against future expenditure but only in accordance with a written policy about reserves;
 - (9) to employ and remunerate such staff as are necessary for carrying out the work of the charity. The charity may employ or remunerate a director only to the extent it is permitted to do so by article 7 and provided it complies with the conditions in that article;
 - (10) to:
 - (a) deposit or invest funds;
 - (b) employ a professional fund-manager; and
 - (c) arrange for the investments or other property of the charity to be held in the name of a nominee; in the same manner and subject to the same conditions as the trustees of a trust are permitted to do by the Trustee Act 2000;
 - (11) to provide indemnity insurance for the directors in accordance with, and subject to the conditions in, section 189 of the Charities Act 2011;
 - (12) to pay out of the funds of the charity the costs of forming and registering the charity both as a company and as a charity.

COMPANY NOT HAVING A SHARE CAPITAL

Application of income and property

- 6 (1) The income and property of the charity shall be applied solely towards the promotion of the Objects.
- (2) (a) A director is entitled to be reimbursed from the property of the charity or may pay out of such property reasonable expenses properly incurred by him or her when acting on behalf of the charity.
- (b) A director may benefit from trustee indemnity insurance cover purchased at the charity's expense in accordance with, and subject to the conditions in, section 189 of the Charities Act 2011.
- (c) A director may receive an indemnity from the charity in the circumstances specified in article 57.
- (d) A director may not receive any other benefit or payment unless it is authorised by article 7.
- (3) Subject to article 7, none of the income or property of the charity may be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of profit to any member of the charity. This does not prevent a member who is not also a director receiving:
- (a) a benefit from the charity in the capacity of a beneficiary of the charity;
- (b) reasonable and proper remuneration for any goods or services supplied to the charity.

Benefits and payments to charity directors and connected persons

7 (1) General provisions

No director or connected person may:

- (a) buy any goods or services from the charity on terms preferential to those applicable to members of the public;
- (b) sell goods, services, or any interest in land to the charity;
- (c) be employed by, or receive any remuneration from, the charity;
- (d) receive any other financial benefit from the charity; unless the payment is permitted by sub-clause (2) of this article, or authorised by the court or the Charity Commission.

In this article a 'financial benefit' means a benefit, direct or indirect, which is either money or has a monetary value.

Scope and powers permitting directors' or connected persons' benefits

- (2) (a) A director or connected person may receive a benefit from the charity as a beneficiary of the charity provided that it is available generally to the beneficiaries of the charity.

COMPANY NOT HAVING A SHARE CAPITAL

- (b) A director or connected person may enter into a contract for the supply of services, or of goods that are supplied in connection with the provision of services, to the charity where that is permitted in accordance with, and subject to the conditions in, sections 185 and 186 of the Charities Act 2011.
- (c) Subject to sub-clause (3) of this article a director or connected person may provide the charity with goods that are not supplied in connection with services provided to the charity by the director or connected person.
- (d) A director or connected person may receive interest on money lent to the charity at a reasonable and proper rate which must be not more than the Bank of England bank rate (also known as the base rate).
- (e) A director or connected person may receive rent for premises let by the director or connected person to the charity. The amount of the rent and the other terms of the lease must be reasonable and proper. The director concerned must withdraw from any meeting at which such a proposal or the rent or other terms of the lease are under discussion.
- (f) A director or connected person may take part in the normal trading and fundraising activities of the charity on the same terms as members of the public.

Payment for supply of goods only – controls

- (3) The charity and its directors may only rely upon the authority provided by sub-clause (2)(c) of this article if each of the following conditions is satisfied:
 - (a) The amount or maximum amount of the payment for the goods is set out in an agreement in writing between the charity or its directors (as the case may be) and the director or connected person supplying the goods ('the supplier') under which the supplier is to supply the goods in question to or on behalf of the charity.
 - (b) The amount or maximum amount of the payment for the goods does not exceed what is reasonable in the circumstances for the supply of the goods in question.
 - (c) The other directors are satisfied that it is in the best interests of the charity to contract with the supplier rather than with someone who is not a director or connected person. In reaching that decision the directors must balance the advantage of contracting with a director or connected person against the disadvantages of doing so.
 - (d) The supplier is absent from the part of any meeting at which there is discussion of the proposal to enter into a contract or arrangement with him or her or it with regard to the supply of goods to the charity.
 - (e) The supplier does not vote on any such matter and is not to be counted when calculating whether a quorum of directors is present at the meeting.
 - (f) The reason for their decision is recorded by the directors in the minute book.
 - (g) A majority of the directors then in office are not in receipt of remuneration or payments authorised by article 7.

COMPANY NOT HAVING A SHARE CAPITAL

- (4) In sub-clauses (2) and (3) of this article:
- (a) 'charity' includes any company in which the charity:
 - (i) holds more than 50% of the shares; or
 - (ii) controls more than 50% of the voting rights attached to the shares; or
 - (iii) has the right to appoint one or more directors to the board of the company.
 - (b) 'connected person' includes any person within the definition in article 61 'Interpretation'.

Declaration of directors' interests

- 8 A director must declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the charity or in any transaction or arrangement entered into by the charity which has not previously been declared. A director must absent himself or herself from any discussions of the charity directors in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the charity and any personal interest (including but not limited to any personal financial interest).

Conflicts of interests and conflicts of loyalties

- 9 (1) If a conflict of interests arises for a director because of a duty of loyalty owed to another organisation or person and the conflict is not authorised by virtue of any other provision in the articles, the unconflicted directors may authorise such a conflict of interests where the following conditions apply:
- (a) the conflicted director is absent from the part of the meeting at which there is discussion of any arrangement or transaction affecting that other organisation or person;
 - (b) the conflicted director does not vote on any such matter and is not to be counted when considering whether a quorum of directors is present at the meeting; and
 - (c) the unconflicted directors consider it is in the interests of the charity to authorise the conflict of interests in the circumstances applying.
- (2) In this article a conflict of interests arising because of a duty of loyalty owed to another organisation or person only refers to such a conflict which does not involve a direct or indirect benefit of any nature to a director or to a connected person.

Members

- 10 (1) The subscribers to the memorandum are the first members of the charity.
- (2) Full Membership is open to constituted charities, voluntary organisations and not-for-profit organisations or groups who support the Objects of the Charity and who are operating within NE Lincs and who:
- (a) apply to the charity in the form required by the directors; and
 - (b) are approved by the directors.

COMPANY NOT HAVING A SHARE CAPITAL

- (3) Associate Membership is open to individuals and organisations or groups who do not meet the requirements for Full Membership but who support the Objects of the Charity and who are operating within NE Lincs and who:
 - (a) apply to the charity in the form required by the directors; and
 - (b) are approved by the directors.
- (4)
 - (a) The directors may only refuse an application for membership if, acting reasonably and properly, they consider it to be in the best interests of the charity to refuse the application.
 - (b) The directors must inform the applicant in writing of the reasons for the refusal within twenty-one days of the decision.
 - (c) The directors must consider any written representations the applicant may make about the decision. The directors' decision following any written representations must be notified to the applicant in writing but shall be final.
- (5) Membership is not transferable.
- (6) The directors must keep a register of names and addresses of the members.

Classes of membership

- 11 (1) The directors may establish classes of membership with different rights and obligations and shall record the rights and obligations in the register of members.
- (2) The directors may not directly or indirectly alter the rights or obligations attached to a class of membership.
- (3) The rights attached to a class of membership may only be varied if:
 - (a) three-quarters of the members of that class consent in writing to the variation; or
 - (b) a special resolution is passed at a separate general meeting of the members of that class agreeing to the variation.
- (4) The provisions in the articles about general meetings shall apply to any meeting relating to the variation of the rights of any class of members.

Termination of membership

12 Membership is terminated if:

- (1) the member dies or, if it is an organisation, ceases to exist;
- (2) the member resigns by written notice to the charity unless, after the resignation, there would be less than two members;
- (3) any sum due from the member to the charity is not paid in full within six months of it falling due;
- (4) the member is removed from membership by a resolution of the directors that it is in the best interests of the charity that his or her or its membership is terminated. A resolution to remove a member from membership may only be passed if:

COMPANY NOT HAVING A SHARE CAPITAL

- (a) the member has been given at least twenty-one days' notice in writing of the meeting of the directors at which the resolution will be proposed and the reasons why it is to be proposed;
- (b) the member or, at the option of the member, the member's representative (who need not be a member of the charity) has been allowed to make representations to the meeting.

General meetings

- 13 (1) The charity must hold its first annual general meeting within eighteen months after the date of its incorporation.
- (2) An annual general meeting must be held in each subsequent year and not more than fifteen months may elapse between successive annual general meetings.
- 14 The directors may call a general meeting at any time.

Notice of general meetings

- 15 (1) The minimum periods of notice required to hold a general meeting of the charity are:
- (a) twenty-one clear days for an annual general meeting or a general meeting called for the passing of a special resolution;
 - (b) fourteen clear days for all other general meetings.
- (2) A general meeting may be called by shorter notice if it is so agreed by a majority in number of members having a right to attend and vote at the meeting, being a majority who together hold not less than 90 percent of the total voting rights.
- (3) The notice must specify the date time and place of the meeting and the general nature of the business to be transacted. If the meeting is to be an annual general meeting, the notice must say so. The notice must also contain a statement setting out the right of members to appoint a proxy under section 324 of the Companies Act 2006 and article 22.
- (4) The notice must be given to all the members and to the directors and auditors.
- 16 The proceedings at a meeting shall not be invalidated because a person who was entitled to receive notice of the meeting did not receive it because of an accidental omission by the charity.

Proceedings at general meetings

- 17 (1) No business shall be transacted at any general meeting unless a quorum is present.
- (2) A quorum is:
- (a) five members present in person or by proxy and entitled to vote upon the business to be conducted at the meeting; or
 - (b) one tenth of the total membership at the time whichever is the greater.
- (3) The authorised representative of a member organisation shall be counted in the quorum.

COMPANY NOT HAVING A SHARE CAPITAL

- 18 (1) If:
- (a) a quorum is not present within half an hour from the time appointed for the meeting; or
 - (b) during a meeting a quorum ceases to be present; the meeting shall be adjourned to such time and place as the directors shall determine.
- (2) The directors must reconvene the meeting and must give at least seven clear days' notice of the reconvened meeting stating the date, time and place of the meeting.
- (3) If no quorum is present at the reconvened meeting within fifteen minutes of the time specified for the start of the meeting the members present in person or by proxy at that time shall constitute the quorum for that meeting.
- 19 (1) General meetings shall be chaired by the person who has been appointed to chair meetings of the directors.
- (2) If there is no such person or he or she is not present within fifteen minutes of the time appointed for the meeting a director nominated by the directors shall chair the meeting.
- (3) If there is only one director present and willing to act, he or she shall chair the meeting.
- (4) If no director is present and willing to chair the meeting within fifteen minutes after the time appointed for holding it, the members present in person or by proxy and entitled to vote must choose one of their number to chair the meeting.
- 20 (1) The members present in person or by proxy at a meeting may resolve by ordinary resolution that the meeting shall be adjourned.
- (2) The person who is chairing the meeting must decide the date, time and place at which the meeting is to be reconvened unless those details are specified in the resolution.
- (3) No business shall be conducted at a reconvened meeting unless it could properly have been conducted at the meeting had the adjournment not taken place.
- (4) If a meeting is adjourned by a resolution of the members for more than seven days, at least seven clear days' notice shall be given of the reconvened meeting stating the date, time and place of the meeting.
- 21 (1) Any vote at a meeting shall be decided by a show of hands unless before, or on the declaration of the result of, the show of hands a poll is demanded:
- (a) by the person chairing the meeting; or
 - (b) by at least two members present in person or by proxy and having the right to vote at the meeting; or
 - (c) by a member or members present in person or by proxy representing not less than one-tenth of the total voting rights of all the members having the right to vote at the meeting.
- (2) (a) The declaration by the person who is chairing the meeting of the result of a vote shall be conclusive unless a poll is demanded.

COMPANY NOT HAVING A SHARE CAPITAL

- (b) The result of the vote must be recorded in the minutes of the charity but the number or proportion of votes cast need not be recorded.
- (3) (a) A demand for a poll may be withdrawn, before the poll is taken, but only with the consent of the person who is chairing the meeting.
(b) If the demand for a poll is withdrawn the demand shall not invalidate the result of a show of hands declared before the demand was made.
- (4) (a) A poll must be taken as the person who is chairing the meeting directs, who may appoint scrutineers (who need not be members) and who may fix a time and place for declaring the results of the poll.
(b) The result of the poll shall be deemed to be the resolution of the meeting at which the poll is demanded.
- (5) (a) A poll demanded on the election of a person to chair a meeting or on a question of adjournment must be taken immediately.
(b) A poll demanded on any other question must be taken either immediately or at such time and place as the person who is chairing the meeting directs.
(c) The poll must be taken within thirty days after it has been demanded.
(d) If the poll is not taken immediately at least seven clear days' notice shall be given specifying the time and place at which the poll is to be taken.
(e) If a poll is demanded the meeting may continue to deal with any other business that may be conducted at the meeting.

Content of proxy notices

- 22 (1) Proxies may only validly be appointed by a notice in writing (a 'proxy notice') which -
- (a) states the name and address of the member appointing the proxy;
 - (b) identifies the person appointed to be that member's proxy and the general meeting in relation to which that person is appointed;
 - (c) is signed by or on behalf of the member appointing the proxy, or is authenticated in such manner as the directors may determine; and
 - (d) is delivered to the charity in accordance with the articles and any instructions contained in the notice of the general meeting to which they relate.
- (2) The charity may require proxy notices to be delivered in a particular form, and may specify different forms for different purposes.
- (3) Proxy notices may specify how the proxy appointed under them is to vote (or that the proxy is to abstain from voting) on one or more resolutions.
- (4) Unless a proxy notice indicates otherwise, it must be treated as -
- (a) allowing the person appointed under it as a proxy discretion as to how to vote on any ancillary or procedural resolutions put to the meeting; and
 - (b) appointing that person as a proxy in relation to any adjournment of the general meeting to which it relates as well as the meeting itself.

COMPANY NOT HAVING A SHARE CAPITAL

Delivery of proxy notices

- 22A (1) A person who is entitled to attend, speak or vote (either on a show of hands or on a poll) at a general meeting remains so entitled in respect of that meeting or any adjournment of it, even though a valid proxy notice has been delivered to the charity by or on behalf of that person.
- (2) An appointment under a proxy notice may be revoked by delivering to the charity a notice in writing given by or on behalf of the person by whom or on whose behalf the proxy notice was given.
- (3) A notice revoking a proxy appointment only takes effect if it is delivered before the start of the meeting or adjourned meeting to which it relates.
- (4) If a proxy notice is not executed by the person appointing the proxy, it must be accompanied by written evidence of the authority of the person who executed it to execute it on the appointor's behalf.

Written resolutions

- 23 (1) A resolution in writing agreed by a simple majority (or in the case of a special resolution by a majority of not less than 75%) of the members who would have been entitled to vote upon it had it been proposed at a general meeting shall be effective provided that:
- (a) a copy of the proposed resolution has been sent to every eligible member;
 - (b) a simple majority (or in the case of a special resolution a majority of not less than 75%) of members has signified its agreement to the resolution; and
 - (c) it is contained in an authenticated document which has been received at the registered office within the period of 28 days beginning with the circulation date.
- (2) A resolution in writing may comprise several copies to which one or more members have signified their agreement.
- (3) In the case of a member that is an organisation, its authorised representative may signify its agreement.

Votes of members

- 24 Subject to article 11, every member, whether an individual or an organisation, shall have one vote.
- 25 Any objection to the qualification of any voter must be raised at the meeting at which the vote is tendered and the decision of the person who is chairing the meeting shall be final.
- 26 (1) Any organisation that is a member of the charity may nominate any person to act as its representative at any meeting of the charity.
- (2) The organisation must give written notice to the charity of the name of its representative. The representative shall not be entitled to represent the organisation at any meeting unless the notice has been received by the charity. The representative may continue to represent the organisation until written notice to the contrary is received by the charity.

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- (3) Any notice given to the charity will be conclusive evidence that the representative is entitled to represent the organisation or that his or her authority has been revoked. The charity shall not be required to consider whether the representative has been properly appointed by the organisation.

Directors

- 27 (1) A director must be a natural person aged 16 years or older.
- (2) No one may be appointed a director if he or she would be disqualified from acting under the provisions of article 39.
- 28 The minimum number of directors shall be three but (unless otherwise determined by ordinary resolution) shall not be subject to any maximum.
- 29 The first directors shall be those persons notified to Companies House as the first directors of the charity.
- 30 A director may not appoint an alternate director or anyone to act on his or her behalf at meetings of the directors.

Powers of directors

- 31 (1) The directors shall manage the business of the charity and may exercise all the powers of the charity unless they are subject to any restrictions imposed by the Companies Acts, the articles or any special resolution.
- (2) No alteration of the articles or any special resolution shall have retrospective effect to invalidate any prior act of the directors.
- (3) Any meeting of directors at which a quorum is present at the time the relevant decision is made may exercise all the powers exercisable by the directors.

Retirement of directors

- 32 At the first annual general meeting all the directors must retire from office unless by the close of the meeting the members have failed to elect sufficient directors to hold a quorate meeting of the directors. At each subsequent annual general meeting one-third of the directors or, if their number is not three or a multiple of three, the number nearest to one-third, must retire from office. If there is only one director he or she must retire.
- 33 (1) The directors to retire by rotation shall be those who have been longest in office since their last appointment. If any directors became or were appointed directors on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot.
- (2) If a director is required to retire at an annual general meeting by a provision of the articles the retirement shall take effect upon the conclusion of the meeting.

Appointment of directors

- 34 The charity may by ordinary resolution:
- (1) appoint a person who is willing to act to be a director; and
- (2) determine the rotation in which any additional directors are to retire.

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- 35 No person other than a director retiring by rotation may be appointed a director at any general meeting unless:
- (1) he or she is recommended for re-election by the directors; or
 - (2) not less than fourteen nor more than thirty-five clear days before the date of the meeting, the charity is given a notice that:
 - (a) is signed by a member entitled to vote at the meeting;
 - (b) states the member's intention to propose the appointment of a person as a director;
 - (c) contains the details that, if the person were to be appointed, the charity would have to file at Companies House; and
 - (d) is signed by the person who is to be proposed to show his or her willingness to be appointed.
- 36 All members who are entitled to receive notice of a general meeting must be given not less than seven nor more than twenty-eight clear days' notice of any resolution to be put to the meeting to appoint a director other than a director who is to retire by rotation.
- 37 (1) The directors may appoint a person who is willing to act to be a director.
- (2) A director appointed by a resolution of the other directors must retire at the next annual general meeting and must not be taken into account in determining the directors who are to retire by rotation.
- 38 The appointment of a director, whether by the charity in general meeting or by the other directors, must not cause the number of directors to exceed any number fixed as the maximum number of directors.

Disqualification and removal of directors

- 39 A director shall cease to hold office if he or she:
- (1) ceases to be a director by virtue of any provision in the Companies Acts or is prohibited by law from being a director;
 - (2) is disqualified from acting as a trustee by virtue of sections 178 and 179 of the Charities Act 2011 (or any statutory re-enactment or modification of those provisions);
 - (3) ceases to be a member of the charity;
 - (4) in the written opinion, given to the company, of a registered medical practitioner treating that person, has become physically or mentally incapable of acting as a director and may remain so for more than three months;
 - (5) resigns as a director by notice to the charity (but only if at least two directors will remain in office when the notice of resignation is to take effect); or
 - (6) is absent without the permission of the directors from all their meetings held within a period of six consecutive months and the directors resolve that his or her office be vacated.

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Remuneration of directors

40 The directors must not be paid any remuneration unless it is authorised by article 7.

Proceedings of directors

- 41 (1) The directors may regulate their proceedings as they think fit, subject to the provisions of the articles.
- (2) Any director may call a meeting of the directors.
- (3) The secretary (if any) must call a meeting of the directors if requested to do so by a director.
- (4) Questions arising at a meeting shall be decided by a majority of votes.
- (5) A meeting may be held by suitable electronic means agreed by the directors in which each participant may communicate with all the other participants.
- 42 (1) No decision may be made by a meeting of the directors unless a quorum is present at the time the decision is purported to be made. 'Present' includes being present by suitable electronic means agreed by the directors in which a participant or participants may communicate with all the other participants.
- (2) The quorum shall be three or the number nearest to one-third of the total number of directors, whichever is the greater, or such larger number as may be decided from time to time by the directors.
- (3) A director shall not be counted in the quorum present when any decision is made about a matter upon which that director is not entitled to vote.
- 43 If the number of directors is less than the number fixed as the quorum, the continuing directors or director may act only for the purpose of filling vacancies or of calling a general meeting.
- 44 (1) The directors shall appoint a director to chair their meetings and may at any time revoke such appointment.
- (2) If no-one has been appointed to chair meetings of the directors or if the person appointed is unwilling to preside or is not present within ten minutes after the time appointed for the meeting, the directors present may appoint one of their number to chair that meeting.
- (3) The person appointed to chair meetings of the directors shall have no functions or powers except those conferred by the articles or delegated to him or her by the directors.
- 45 (1) A resolution in writing or in electronic form agreed by all of the directors entitled to receive notice of a meeting of the directors and to vote upon the resolution shall be as valid and effectual as if it had been passed at a meeting of the directors duly convened and held.
- (2) The resolution in writing may comprise several documents containing the text of the resolution in like form to each of which one or more directors has signified their agreement.

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Delegation

- 46 (1) The directors may delegate any of their powers or functions to a committee of two or more directors but the terms of any delegation must be recorded in the minute book.
- (2) The directors may impose conditions when delegating, including the conditions that:
- (a) the relevant powers are to be exercised exclusively by the committee to whom they delegate;
 - (b) no expenditure may be incurred on behalf of the charity except in accordance with a budget previously agreed with the directors.
- (3) The directors may revoke or alter a delegation.
- (4) All acts and proceedings of any committees must be fully and promptly reported to the directors.

Validity of directors' decisions

- 47 (1) Subject to article 47(2), all acts done by a meeting of directors, or of a committee of directors, shall be valid notwithstanding the participation in any vote of a director:
- (a) who was disqualified from holding office;
 - (b) who had previously retired or who had been obliged by the constitution to vacate office;
 - (c) who was not entitled to vote on the matter, whether by reason of a conflict of interests or otherwise; if without:
 - (d) the vote of that director; and
 - (e) that director being counted in the quorum; the decision has been made by a majority of the directors at a quorate meeting.
- (2) Article 47(1) does not permit a director or a connected person to keep any benefit that may be conferred upon him or her by a resolution of the directors or of a committee of directors if, but for article 47(1), the resolution would have been void, or if the director has not complied with article 8.

Seal

- 48 If the charity has a seal it must only be used by the authority of the directors or of a committee of directors authorised by the directors. The directors may determine who shall sign any instrument to which the seal is affixed and unless otherwise so determined it shall be signed by a director and by the secretary (if any) or by a second director.

Minutes

- 49 The directors must keep minutes of all:
- (1) appointments of officers made by the directors;
 - (2) proceedings at meetings of the charity;
 - (3) meetings of the directors and committees of directors including:
 - (a) the names of the directors present at the meeting;

COMPANY NOT HAVING A SHARE CAPITAL

- (b) the decisions made at the meetings; and
- (c) where appropriate the reasons for the decisions.

Accounts

- 50 (1) The directors must prepare for each financial year accounts as required by the Companies Acts. The accounts must be prepared to show a true and fair view and follow accounting standards issued or adopted by the Accounting Standards Board or its successors and adhere to the recommendations of applicable Statements of Recommended Practice.
- (2) The directors must keep accounting records as required by the Companies Act.

Annual Report and Return and Register of Charities

- 51 (1) The directors must comply with the requirements of the Charities Act 2011 with regard to the:
- (a) transmission of a copy of the statements of account to the Commission;
 - (b) preparation of an Annual Report and the transmission of a copy of it to the Commission;
 - (c) preparation of an Annual Return and its transmission to the Commission.
- (2) The directors must notify the Commission promptly of any changes to the charity's entry on the Central Register of Charities.

Means of communication to be used

- 52 (1) Subject to the articles, anything sent or supplied by or to the charity under the articles may be sent or supplied in any way in which the Companies Act 2006 provides for documents or information which are authorised or required by any provision of that Act to be sent or supplied by or to the charity.
- (2) Subject to the articles, any notice or document to be sent or supplied to a director in connection with the taking of decisions by directors may also be sent or supplied by the means by which that director has asked to be sent or supplied with such notices or documents for the time being.
- 53 Any notice to be given to or by any person pursuant to the articles:
- (1) must be in writing; or
 - (2) must be given in electronic form.
- 54 (1) The charity may give any notice to a member either:
- (a) personally; or
 - (b) by sending it by post in a prepaid envelope addressed to the member at his or her address; or
 - (c) by leaving it at the address of the member; or
 - (d) by giving it in electronic form to the member's address.

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- e) by placing the notice on a website and providing the person with a notification in writing or in electronic form of the presence of the notice on the website. The notification must state that it concerns a notice of a company meeting and must specify the place date and time of the meeting.
 - (2) A member who does not register an address with the charity or who registers only a postal address that is not within the United Kingdom shall not be entitled to receive any notice from the charity.
- 55 A member present in person at any meeting of the charity shall be deemed to have received notice of the meeting and of the purposes for which it was called.
- 56 (1) Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given.
- (2) Proof that an electronic form of notice was given shall be conclusive where the company can demonstrate that it was properly addressed and sent, in accordance with section 1147 of the Companies Act 2006.
- (3) In accordance with section 1147 of the Companies Act 2006 notice shall be deemed to be given:
- (a) 48 hours after the envelope containing it was posted; or
 - (b) in the case of an electronic form of communication, 48 hours after it was sent.

Indemnity

- 57 (1) The charity may indemnify a relevant director against any liability incurred in that capacity, to the extent permitted by sections 232 to 234 of the Companies Act 2006.
- (2) In this article a 'relevant director' means any director or former director of the charity.

Rules

- 58 (1) The directors may from time to time make such reasonable and proper rules or bye laws as they may deem necessary or expedient for the proper conduct and management of the charity.
- (2) The bye laws may regulate the following matters but are not restricted to them:
- (a) the admission of members of the charity (including the admission of organisations to membership) and the rights and privileges of such members, and the entrance fees, subscriptions and other fees or payments to be made by members;
 - (b) the conduct of members of the charity in relation to one another, and to the charity's employees and volunteers;
 - (c) the setting aside of the whole or any part or parts of the charity's premises at any particular time or times or for any particular purpose or purposes;
 - (d) the procedure at general meetings and meetings of the directors in so far as such procedure is not regulated by the Companies Acts or by the articles;
 - (e) generally, all such matters as are commonly the subject matter of company rules.

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- (3) The charity in general meeting has the power to alter, add to or repeal the rules or bye laws.
- (4) The directors must adopt such means as they think sufficient to bring the rules and bye laws to the notice of members of the charity.
- (5) The rules or bye laws shall be binding on all members of the charity. No rule or bye law shall be inconsistent with, or shall affect or repeal anything contained in, the articles.

Disputes

- 59 If a dispute arises between members of the charity about the validity or propriety of anything done by the members of the charity under these articles, and the dispute cannot be resolved by agreement, the parties to the dispute must first try in good faith to settle the dispute by mediation before resorting to litigation.

Dissolution

- 60 (1) The members of the charity may at any time before, and in expectation of, its dissolution resolve that any net assets of the charity after all its debts and liabilities have been paid, or provision has been made for them, shall on or before the dissolution of the charity be applied or transferred in any of the following ways:
- (a) directly for the Objects; or
 - (b) by transfer to any charity or charities for purposes similar to the Objects; or
 - (c) to any charity or charities for use for particular purposes that fall within the Objects.
- (2) Subject to any such resolution of the members of the charity, the directors of the charity may at any time before and in expectation of its dissolution resolve that any net assets of the charity after all its debts and liabilities have been paid, or provision made for them, shall on or before dissolution of the charity be applied or transferred:
- (a) directly for the Objects; or
 - (b) by transfer to any charity or charities for purposes similar to the Objects; or
 - (c) to any charity or charities for use for particular purposes that fall within the Objects.
- (3) In no circumstances shall the net assets of the charity be paid to or distributed among the members of the charity (except to a member that is itself a charity) and if no resolution in accordance with article 60(1) is passed by the members or the directors the net assets of the charity shall be applied for charitable purposes as directed by the Court or the Commission

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Interpretation

61 In article 7, sub-clause (2) of article 9 and sub-clause (2) of article 47 'connected person' means:

- (1) a child, parent, grandchild, grandparent, brother or sister of the director;
- (2) the spouse or civil partner of the director or of any person falling within sub-clause (1) above;
- (3) a person carrying on business in partnership with the director or with any person falling within sub-clause (1) or (2) above;
- (4) an institution which is controlled –
 - (a) by the director or any connected person falling within sub-clause (1), (2), or (3) above; or
 - (b) by two or more persons falling within sub-clause 4(a), when taken together
- (5) a body corporate in which –
 - (a) the director or any connected person falling within subclauses (1) to (3) has a substantial interest; or
 - (b) two or more persons falling within sub-clause (5)(a) who, when taken together, have a substantial interest.
 - (c) Sections 350 – 352 of the Charities Act 2011 apply for the purposes of interpreting the terms used in this article



Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

This Officer Decision Record relates to the decision to award a construction contract further to the Cabinet instruction to upgrade the junction of B1210/A16 'Toll Bar' Roundabout.

The decision is to approve the award of a construction contract, funded by taking receipt of the grant funding from Greater Lincolnshire Local Enterprise Partnership (GLLEP) to fund the majority of works.

The grant funding agreement with GLLEP is the result of a competitive bidding process, in which the junction upgrade proposal was successful against a number of other competing schemes from other Local Authorities. The junction upgrade will provide excellent value for money and help the Council, and GLLEP, to achieve regeneration targets.

Pursuant to above the decisions:

1. Process the awarding of the construction contract for the project to CR Reynolds LTD

ENGIE have completed a framework tender exercise and are positioned to appoint a contractor who submitted the Most Economically Advantageous Tender (MEAT) as part of that process. The contractor is CR Reynolds LTD. The construction contract for CR Reynolds LTD's element of work is valued at £834,420.82.

The procurement utilised the Council's established, EU-compliant Highways Framework. The tender for the works utilised a 70/30 cost/quality split.

Based on the most economically advantageous tender approach, it is proposed to award the contract to CR Reynolds LTD, who returned the lowest price for the works and the highest 'quality' score of the three responses received.

The main works are scheduled to commence in July 2020 and complete by January 2021. This positions the works schedule conveniently against other planned major schemes on North East Lincolnshire Council's highway network, including the A18 works.

2. Is it a Key Decision as defined in the Constitution?
Yes
3. Details of Decision
<p>At its meeting on 23 December 2019, Cabinet resolved that</p> <p><i>“the existing roundabout be retained and enhanced through a range of measures including providing two lanes for ‘ahead’ travel of the A16 and widening the approaches to the roundabout on Station Road East/West”</i></p> <p><i>and also that</i></p> <p><i>“That the Director for Economy and Growth, in consultation with the Portfolio Holder for Environment and Transport, be authorised to</i></p> <ul style="list-style-type: none"> <i>• finalise the infrastructure design and all ancillary works for the approved scheme.</i> <i>• commence a procurement exercise for the approved scheme and to make an appropriate award.</i> <i>• put appropriate measures in place to minimise the impact of the works on the highway network and the affected communities.</i> <i>• commence negotiations with the developer of the adjoining housing site at Toll Bar to agree any additional highway works to mitigate the traffic impacts of the development required in light of the Cabinet decision”</i> <p>Pursuant to above the decision is to:</p> <ol style="list-style-type: none"> 1. Process the awarding the construction contract for the project to CR Reynolds LTD
4. Is it an Urgent Decision? If yes, specify the reasons for urgency Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.
No.
5. Anticipated outcome(s)
The anticipated outcome is the successful delivery of the project, with delivery commencing in July 2020.
6. Details of any alternative options considered and rejected by the officer when making the decision
<p>The Council could have chosen to do nothing in respect of the proposed junction programme, and refuse the funding. This option has not been pursued because:</p> <ul style="list-style-type: none"> • not improving the capacity of the existing highway network would, if current levels of traffic growth are sustained, lead to unacceptable congestion; impact on the future adoption and delivery of the Local Plan; and place the Council at risk of failing to exercise its statutory duties under the Traffic Management Act 2004 • failure to deliver the proposed improvement schemes could jeopardise the availability of the Local Growth Fund grant for the programme and potentially create reputational risks for the Council in respect of future bids for funding.

In making its decision, the Cabinet considered an option which consisted of the removal of the existing roundabout and replacement with a signalised crossroads junction with appropriate, integrated pedestrian/cycle safety measures. This would have met both highways capacity and road safety objectives, but was rejected in favour of a roundabout-based solution.

7. Background documents considered:

[Cabinet Decision Notice 23rd December 2019](#)

**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 above anticipated decision is consistent with the previous decision and delegations of Cabinet (23rd December 2019) and the process followed is compliant with the Contract Procedure Rules and Public Contracts Regulations.

11. Section 151 Officer Comments

(Deputy S151 Officer or nominee)

The cost of the works is budgeted for within the Council's current approved capital investment programme.

12. Human Resource Comments

(Strategic Workforce Lead or nominee)

There are no direct HR implications

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

Crime and Disorder – No impact

Diversity – No impact

Value for Money – Assessed as high value for money

14. Decision maker	<p>Name: Mark Nearney</p> <p>Title: Assistant Director of Housing and Interim Assistant Director of Highways, Transport and Planning</p> <p>Signed: Signed off via email</p> <p>Dated: 26th June 2020</p>
15. Consultation carried out with Portfolio Holder(s):	<p>Name: Cllr Stewart Swinburn</p> <p>Title: Portfolio Holder for Environment and Transport</p> <p>Signed: Signed off via email.</p> <p>Dated: 26th June 2020</p>

Appendix 1 – Confirmation of email approval

From: Cllr Stewart Swinburn (NELC) <Stewart.Swinburn@nelincs.gov.uk>

Sent: 26 June 2020 14:50

To: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>; Mark Gibbons (Engie) <Mark.Gibbons@nelincs.gov.uk>

Cc: Luke Greaves (Engie) <luke.greaves@nelincs.gov.uk>

Subject: RE: URGENT - Toll Bar ODR

I also approve this ODR,

Regards

Stewart

From: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>

Sent: 26 June 2020 14:47

To: Cllr Stewart Swinburn (NELC) <Stewart.Swinburn@nelincs.gov.uk>; Mark Gibbons (Engie) <Mark.Gibbons@nelincs.gov.uk>

Cc: Luke Greaves (Engie) <luke.greaves@nelincs.gov.uk>

Subject: FW: URGENT - Toll Bar ODR

Importance: High

Mark,

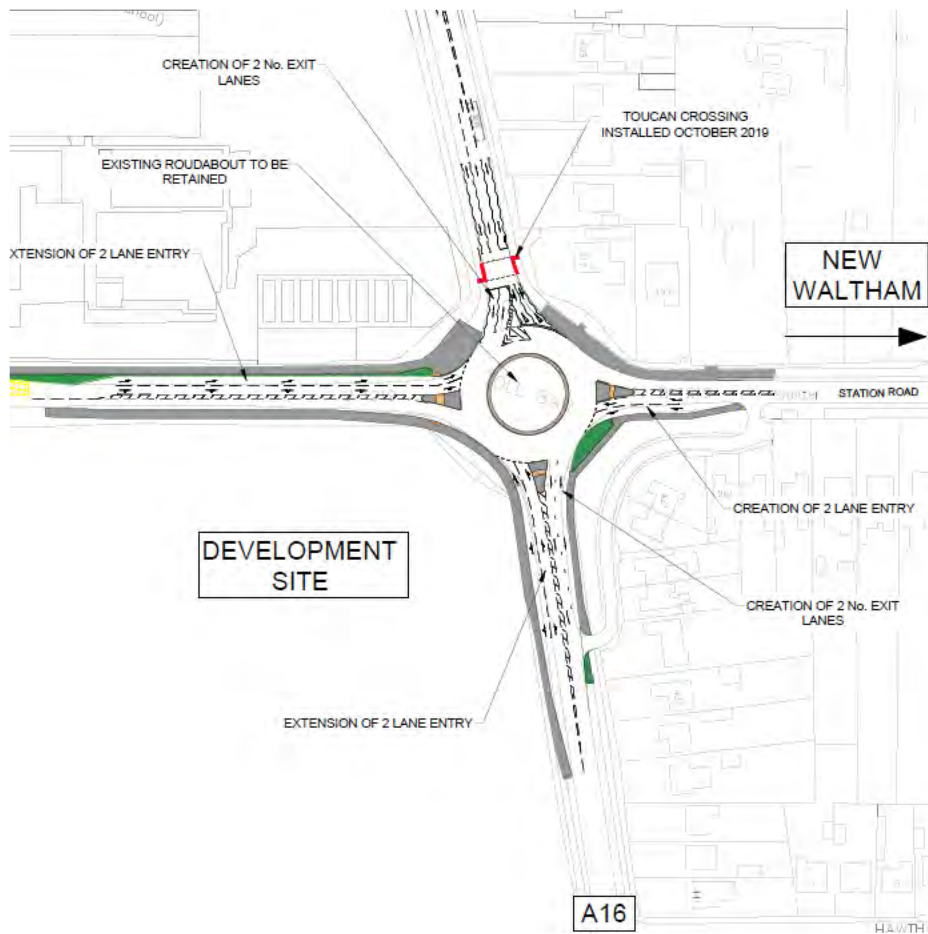
Under delegated powers, bestowed on me by Director of Economy and Growth, I approve this ODR.

Thanks

Mark

Mark Nearney, Assistant Director of Housing
and Interim Assistant Director of Highways, Transport and Planning
North East Lincolnshire Council

Appendix One – Site Location Plan





Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

Implementation of a Council Tax Discount for Special Constables serving with Humberside Police from 01 April 2020.

A request has been made to Cllr Jackson from Keith Hunter, the Police and Crime Commissioner for Humberside Police, asking the council to reintroduce the local discretionary Council Tax discount offered to serving Special Constables with Humberside Police. The Commissioner is seeking to get all the councils served by Humberside Police to offer this discretionary discount so that Special Constables are treated the same throughout the area and to act as an incentive to encourage further recruitment to this voluntary community role.

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

No

3. Details of Decision

To implement the discount for Special Constables who live and serve within the Council area with Humberside Police from 01 April. This discount will be treated as a section 13A discretionary reduction on the Council Tax bill for the individuals who meet the following criteria;

- They must be liable for Council Tax at their home address and must keep up to date with their Council Tax throughout the year. So any Constables who are either in arrears with their Council Tax or who are not liable, e.g. live with parents, will not qualify for this discount.
- Where they are liable for Council Tax at the full 100% liability they will be offered a discount of 50%.
- Where they are liable for Council Tax and already in receipt of a 25% discount for Single Residency Discount then they will be offered a further 25% discount.
- The discount isn't applied directly to the Special Constables Council Tax account but instead paid as a single arrears payment to Humberside Police who reimburse Special Constables by way of a lump sum via their salary in approx. May/June annually for the year ending 31st March.

- Special Constables must work a minimum of 16 hours in every 4 week qualifying period to get the discount. There are 13 qualifying periods per year and officers are entitled to the discount for each period they work thus not penalising officers who only manage to reach the qualifying hours in some periods and not in others.
- If the household contains 2 or more Special Constables the discount will be payable to one of them but this will be the one with the highest number of qualifying periods.
- Humberside Police must obtain annual approval for the scheme from the Home Office a copy of which should be sent to the Council for Audit purposes and in turn Members at NELC must also approve this discount annually.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

No

5. Anticipated outcome(s)

We do not hold any current information on the number of Special Constables who live and work in the borough and whether or not they are liable for Council Tax. However the cost when the scheme was last available in the year 2013/14 was between £5-6k p.a. However Humberside Police are aiming to recruit significantly more Special Constables according to the letter from the Commissioners which again makes quantifying/predicting costs difficult, however it is unlikely to exceed £10k p.a.

In addition, an increase in the number of Special Constables in North East Lincolnshire will contribute towards meeting Council priorities on safety and wellbeing.

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

None

7. Background documents considered

Letter from Police Commissioner
Minutes from Portfolio Briefing Session with Cllr Stan Shreeve dated 24 February 2020 (item 2)



Portfolio Holder
Briefing Finance Resc



Hunter Keith - PCC -
191219.pdf

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 above sees a re-introduction of a scheme originally geared to incentivise recruitment. The Council is able to offer discretionary concessions of this nature against council tax as set out above.

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

In relation to the Council's overall Council Tax income, the proposal to offer a discretionary discount of 25% to special constables is not anticipated to be significant. Whilst information on the number of special constables is not held by the Council, the previous cost of the scheme was approximately £5k per annum (2013/14). The number of special constables is expected to increase over time but the financial impact is unlikely to rise significantly. An estimated cost of £10k would seem to be prudent.

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

There are no direct HR implications

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



Equality and diversity
impact assessment NI

14. Decision Maker(s):

Name: Sharon Wroot

Title: Director of Resources and Governance

Signed: Approved via email.

Dated: 29th June 2020.

15. Consultation carried out with Portfolio Holder(s):	Name: Councillor Stan Shreeve Title: Portfolio Holder for Finance and Resources Signed: approved via email Dated: 29 th June 2020
16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor	Name: Title: Signed: Dated:

Appendix 1 – Email confirmation of sign off

ODR Council Tax Discount for Special Constables

Sharon Wroot (NELC)

Mon 29/06/2020 11:40

To:

- Richard Catlyn (NELC);
- Cllr Stanley Shreeve (NELC);
- Bethany Salkeld (NELC)

Cc:

- Cindy Laherty (NELC);
- Wendy Jackson (NELC)

Hi Richard

This is fine, and I am happy to approve it.

Wendy – if an electronic signature is required, Beth will let you have that.

Thanks all

Sharon

Sharon Wroot, Director of Resources & Governance, North East Lincolnshire Council

Municipal Offices, Town Hall Square, Grimsby, DN31 1HU

Telephone 01472 324423 Mobile 07768553669

sharon.wroot@nelincs.gov.uk | www.nelincs.gov.uk

FW: ODR Council Tax Discount for Special Constables

□

Cllr Stanley Shreeve (NELC)

Mon 29/06/2020 13:14

To:

- Sharon Wroot (NELC);
- Richard Catlyn (NELC)

Cc:

- Wendy Jackson (NELC);
- Cindy Laherty (NELC)

Richard

I confirm that I am content to sign off.

Stan

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Officer Decision Record

1. Subject and details of the matter
<p>Background Information</p> <p>North East Lincolnshire Council currently subsidises the 1, 2 & 20 Europarc bus service. The existing contract is due to expire on 26 September 2020.</p> <p>In order to understand the available options in relation to the future delivery of the 1, 2 and 20 Europarc bus service, it is recommended that Stagecoach East Midlands are awarded a final contract extension from 28 September 2020 to 31 March 2021. The contract extension will allow for Cabinet to receive a report on 30 September 2020 to consider the future of the Europarc bus service subsidy and the contract extension will allow the Council to provide the existing bus operator with 3 month notice in order to enact any changes. ENGIE Procurement have confirmed it is possible to extend the existing Europarc bus service contract.</p>
2. Is it a Key Decision as defined in the Constitution?
<p>Yes. The decision is significant in terms of its effects on communities living or working in an area comprising two or more wards.</p>
3. Details of Decision
<p>To approve a contract extension of the 1, 2 & 20 Europarc bus service (from 28 September 2020 to 31 March 2021 or three months from the date the final decision is made by Cabinet).</p>
4. Is it an Urgent Decision? If yes, specify the reasons for urgency
<p>No.</p>
5. Anticipated outcome(s)
<p>Issue a contract extension of the Europarc bus service from 28 September 2020 to 31 March 2021 (or three months from the date the final decision is made by Cabinet).</p>
6. Details of any alternative options considered and rejected by the officer when making the decision
<p>Option 1 - Do Nothing. This option is not recommended because the Council as the commissioner of this contract needs to clarify future service provision with Stagecoach East Midlands.</p> <p>Option 2 – Undertake a full competitive tender process for the service. This option is</p>

not recommended because the Council's Cabinet has not reviewed the available options and has not authorised a tender exercise to commence.

Option 3 – Award a contract extension to Stagecoach East Midlands for the 1, 2 and 20 Europarc bus service contract from 28 September 2020 to 31 March 2021 or three months from the date the final decision is made (Note: timescales are estimated and may slightly vary). This is the recommended option because it provides sufficient time to further review the available options and for the future of the Europarc bus service to be considered by Cabinet on 30 September 2020 and allows for NELC to provide Stagecoach East Midlands with the required notice periods. This is the recommended option.

An ODR has been approved on 1 June 2020 to use the 2020/2021 Supported Bus Services grant to support the ongoing delivery of the Europarc bus service. If COVID-19 had not occurred, Cabinet may have reviewed the existing Europarc bus service contract. Therefore, the grant could be used to “keep services running” including the Europarc bus service 30 minute frequency in 2020/2021. DfT have confirmed this is in line with the funding objectives and requirements so that is an acceptable use of the funding.

The 2020/2021 Europarc bus service costs can be summarised by:

- The total cost of the Europarc bus service from 1 April 2020 to 31 March 2021 is estimated at £164,000.
- Using the 2020/2021 Supported Bus Services Grant of £93,411 to fund the Europarc bus service from 10 September 2020 to 31 March 2021 will reduce the overall cost of the Europarc bus service to the Council from £164,000 to £70,589 (estimated).

Europarc bus service – future milestones

Item	Date to be completed by
ENGIE Transport Team to submit draft Cabinet Report to Economy and Growth Team.	11 August 2020.
Deadline for Forward Plan submissions.	20 August 2020.
Forward Plan published.	28 August 2020.
Draft Reports to be sent out for Monitoring Comments.	25 August 2020.
NELC Cabinet Meeting.	30 September 2020.
ENGIE Transport Team to notify Stagecoach East Midlands of Cabinet Decision (requires at least 3 months written notice).	8 October 2020
ENGIE Transport Team to notify local businesses and public of Cabinet Decision.	9 October 2020.
Stagecoach East Midlands to notify local authority of Europarc bus service registration change.	20 January 2021.
Stagecoach East Midlands to submit	17 February 2021.

revised Europarc bus service to the Traffic Commissioner.	
Stagecoach East Midlands to deliver revised Europarc bus service.	1 April 2021.
7. Background documents considered:	
Cabinet Report (August 2015 – Open Report). 1, 2 & 20 Bus Service - Options for continuation of the service.	
Cabinet Report (February 2014 – Main body of report - Open. Closed item Appendix 2). Recommendation to make contract award for the Europarc bus service (1, 2 & 20).	
Officer Decision Record - Supported Bus Services Grant 2020/2021 – Approved 1 June 2020.	
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)
Any extension is a matter of contract. Assurances are made above as to the ability to so extend. In the circumstances described an extension appears reasonable so as to permit Cabinet to fully evaluate and assess provision for the future.
11. Section 151 Officer Comments (Deputy S151 Officer or nominee)
As outlined within the ODR, the cost of running the service for the remainder of the year will be subsidised by external grant funding, which will also help towards the transport savings target built into the Medium Term Financial Plan.
12. Human Resource Comments (Strategic Workforce Lead or nominee)
There are no direct HR implications
13. Risk Assessment (in accordance with the Report Writing Guide)
There are a number of risks for the Council in exploring future options for delivery. Under the 1985 Transport Act North East Lincolnshire Council has a duty to provide socially necessary bus services. Socially necessary bus services are those that wouldn't be profitable for bus companies to run and bus services which the local community require (e.g. late night buses, buses services to isolated housing estates

or to employment sites). The Europarc bus service could be deemed as socially necessary.

There are also a number of risks should the Council seek to retender the service to a third party operator. These include the procurement exercise failing to attract compliant tenders from operators, the tender failing to attract more than one bid or the tender prices being unaffordable within the budget envelope for the service.

Should NELC chose to reduce the existing contract, there is a Transport Accessibility Risk associated with this option. For example, a reduced hourly bus service will only be able to serve either Lord St or Corporation Road (areas of high deprivation are likely to suffer from reduced transport accessibility). Also, a reduced hourly service will not be able to serve Victor Street and Wybers Wood.

A contract extension will discharge the Council's duty under the 1985 Transport Act, allow the Council to explore alternative options and will continue to provide opportunities to sustain access to employment, health and other services and to reduce social isolation in direct support of the Council's Stronger Communities objective.

14. Decision maker(s)	Name: Mark Nearney Title: Assistant Director of Housing and Interim Assistant Director of Highways, Transport and Planning Signed: approved via email Dated: 30 th June 2020
15. Consultation carried out with Portfolio Holder(s):	Name: Councillor Stewart Swinburn Title: Portfolio Holder for Environment and Transport Approved via email on 1 st July 2020 _____ Signed and Dated
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

Appendix 1 – confirmation of email approval

From: Cllr Stewart Swinburn (NELC) <Stewart.Swinburn@nelincs.gov.uk>
Sent: 01 July 2020 09:50
To: Jonathan Ford (Engie) <Jonathan.Ford@nelincs.gov.uk>
Cc: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>; Martin Lear (Engie) <Martin.Lear@nelincs.gov.uk>
Subject: RE: Europarc bus service ODR

I fully support this and give my approval.

Cllr Swinburn

From: Jonathan Ford (Engie) <Jonathan.Ford@nelincs.gov.uk>
Sent: 01 July 2020 08:47
To: Cllr Stewart Swinburn (NELC) <Stewart.Swinburn@nelincs.gov.uk>
Cc: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>; Martin Lear (Engie) <Martin.Lear@nelincs.gov.uk>
Subject: Europarc bus service ODR

Dear Cllr Swinburn,

Please can you review the attached ODR. The ODR relates to a contract extension for the Euroaprc bus service from 28 September 2020 to 31 March 2021 which is essentially funded by the 2020/2021 Supported Bus Services Grant. Also, the contract extension will allow Scrutiny (8 September 2020) and Cabinet (28 September 2020) to review the future of the subsidy.

An email back confirming your support/agreement will suffice and Mark Nearney is in support of this ODR (please see the email below).

I would be happy to discuss if you require further explanation or clarification.

Kind Regards,

Jonathan Ford CMILT
Senior Transport Officer
Highways and Transport
Places & Communities North – NEL
jonathan.ford@nelincs.gov.uk
Tel. +44 01472 32 4481
Mob. +44 07919304563

engie.co.uk
New Oxford House, George Street,
Grimsby, North East Lincolnshire, DN31 1HB

From: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>
Sent: 30 June 2020 16:25
To: Jonathan Ford (Engie) <Jonathan.Ford@nelincs.gov.uk>
Cc: Martin Lear (Engie) <Martin.Lear@nelincs.gov.uk>
Subject: RE: Europarc ODR

I approve.

Please forward to Cllr Swinburn seeking his authorisation.

Once complete please send back to Wendy in Dem Services, with supporting emails.

Ta

Mark Nearney, Assistant Director of Housing
and Interim Assistant Director of Highways, Transport and Planning
North East Lincolnshire Council
Municipal Offices , Town Hall Square, Grimsby, DN31 1HU
Tel: 01472 324122 Mobile: 07826 344556
Email: Mark.Nearney@nelincs.gov.uk /www.nelincs.gov.uk