



## Officer Decision Record – Key Decision

Key decisions taken by an officer are subject to the 5 day call in period from circulation to Members, and therefore the decision will be released for implementation following the call-in period and no call in being received

### 1. Cabinet date and copy resolution this key decision relates to

Cabinet on 16<sup>th</sup> November 2022 approved the following:

1. Notes the proposals for the regeneration of Riverhead Square and the creation of public realm.
2. Delegates to the Executive Director Environment, Economy, and Resources, in consultation with the Leader of the Council authority to progress the technical designs for the landscaping of Riverhead Square and the procurement of a main contractor to deliver the scheme using the existing North East Lincolnshire Council procurement frameworks, and to deal with all matters to award, implement, and mobilise.
3. Authorises the Executive Director for Environment, Economy, and Resources to submit a planning application in support of the Riverhead Square proposals.
4. Authorises the Assistant Director Law and Governance (Monitoring Officer) to execute and complete all requisite legal documentation in relation to the matters outlined above.
5. Notes the option (paragraph 1.17 - 1.18) regarding a major sculptural structure/canopy that was originally proposed and agrees to defer progressing this in the current financial circumstances.

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

Riverhead Square is one of six projects included in Grimsby's Towns Fund programme. The project has been allocated £3.3m of the £20.9m Towns Funding awarded to Grimsby. All six projects have been identified as catalytic regeneration projects in the Grimsby Town Centre (GTC) Masterplan 2020 and the Town Investment Plan and have been prioritised for delivery over the next five years.

This project completes works undertaken in phase one of the scheme and develops Riverhead Square, which currently retains elements of the former bus station, with few facilities to encourage people to spend time within it. In addition, it attracts substantial levels of antisocial behaviour such that 77% of respondents to a recent Council survey stated that they feel unsafe in the town centre at night. As such it fails to attract greater footfall, longer dwell times, and increased spend in the town centre. In addition, the square lacks the infrastructure to easily host events such as concerts, festival, markets, etc. It is on this basis that Riverhead Square plays a key role in the variety of schemes being progressed for the town centre to seek to bring about long term regeneration.

Since Cabinet approval, a procurement exercise has been undertaken using the existing North East Lincolnshire Council procurement frameworks, to secure a main contractor for the works as outlined in the original Cabinet report dated 16<sup>th</sup> November 2022.

### **3. Decision being taken**

To appoint a principal contractor for the Riverhead Square improvement, as per the closed appendix attached to this report.

To issue an award letter to the successful Contractor, CR Reynolds.

### **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. The appointment of the principal contractor will enable materials to be ordered immediately, which will enable preparatory works to be undertaken in readiness for materials arriving so that a seamless transition between work phases can ensue. Delays in ordering materials will lead to project delivery delays.

In addition, ordering materials immediately will ensure that prices quoted in the tender document are locked in.

### **5. Anticipated outcome(s)/benefits**

The Council is seeking to appoint the approved contractor to deliver the principal works contract relating to the implementation of the Riverhead Square improvement scheme.

This appointment has been subject to a procurement exercise utilising North East Lincolnshire Council's Procurement Frameworks. The approved contractor was the highest scoring tenderer based on an exercise that assessed both quality and price criteria.

The appointment of the principal contractor will enable delivery of the Riverhead Square improvement scheme to the required design and within both the project's budget and delivery programme.

### **6. Details of any alternative options considered and rejected by the officer when making the decision (this should be similar to original cabinet decision)**

A procurement exercise has been undertaken that assessed the potential delivery of the scheme by several potential contractors and following assessment, the approved contractor was the most economically advantageous.

The approved contractor is an NELC framework supplier and has a proven track record in delivering schemes such as Riverhead Square and their appointment will support the successful delivery of the works.

### **7. Background documents considered (web links to be included and copies of documents provided for publishing)**

16<sup>th</sup> November – Cabinet Report - Regeneration of Riverhead Square Phase 2

<https://democracy.nelincs.gov.uk/wp-content/uploads/2022/05/6.-Regeneration-of-Riverhead-Square-Phase-2.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)**

N/A

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

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

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

The appointment has been subject to a procurement exercise utilising North East Lincolnshire Council's Procurement Frameworks, with the approved contractor being the highest scoring tenderer based on an exercise that assessed both quality and price criteria thus ensuring value for money is attained.

Appointing the contractor will enable materials to be ordered immediately and will ensure that the prices quoted in the tender document are locked in.

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

There are no direct HR implications

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

The key risks associated with this scheme are:

- Additional costs relating to the development arising.
- Scheme designs not being achievable.
- Delays to the scheme.

The approved contractor has tendered against the prescribed design and costed its works accordingly. As outlined earlier, should there be delays in appointing the contractor then there is a risk of increased cost, but this risk will reduce should the appointment be expedited as planned. In addition, the Council's strategic partner, EQUANS is overseeing the work programme and therefore will monitor this, accordingly, providing an additional level of assurance regarding cost.

The scheme has been designed to RIBA Stage 3 by a professional design team at Arup. EQUANS has subsequently taken the designs to RIBA Stage 4, which formed the tender package sent out to prospective contractors. All contractors that submitted tenders, bid against these designs and all indicated that they could deliver the designed scheme. As outlined above, EQUANS will oversee the contract delivery and work with the contractor to ensure the designed scheme is delivered.

As outlined in this report, all tenderers indicated that the scheme's proposed delivery programme was achievable, subject to appointment and ordering of materials being undertaken in a timely manner.

#### **14. Has the Cabinet Tracker been updated with details of this decision?**

Yes

#### **15. Decision Maker(s):**

Name: Carolina Borgstrom

Title: Director of Economy, Environment and Infrastructure

Signed: REDACTED

Dated: 2<sup>nd</sup> February 2023

#### **16. Consultation carried out with Leader of the Council:**

Name: Cllr Philip Jackson

Title: Leader

Signed: REDACTED

Dated: 3<sup>rd</sup> February 2023

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

Name: Cllr Oliver Freeston

Title: Economy Scrutiny Chair

Signed: REDACTED

Dated: 3<sup>rd</sup> February 2023

Key Decisions are defined in the Constitution as:

A decision (whether taken collectively or individually by members) which is likely:

- (i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards.

A decision will be considered financially significant if:

- (i) in the case of revenue expenditure, it results in the incurring of expenditure or making savings of £350,000 or greater;
- (ii) in the case of capital expenditure, the capital expenditure/savings are in excess of £350,000 or 20% of the total project cost, whichever is the greater

In determining whether a decision is significant in terms of its effect on an area comprising two or more wards, consideration shall be given to:

- (i) the number of residents/service users that will be affected in the wards concerned;
- (ii) the likely views of those affected (i.e. is the decision likely to result in substantial public interest)
- (iii) whether the decision may incur a significant social, economic or environmental risk.