



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

The decision is in accordance with the resolutions and delegations (see below) established in relation to Cleethorpes Levelling Up Fund (LUF) Projects of 14th June 2023 (Cabinet Decision Notice DN.11).

Cabinet resolved:

1. That the plans for progressing the Levelling Up Fund projects as set out in the report be noted.
2. That the Director of Economy, Environment, and Infrastructure, in consultation with the Leader of the Council be delegated authority to procure and appoint professional design, technical, regeneration, including associated specialist skills, and contractors, required to progress and deliver the Cleethorpes Levelling Up Fund projects.
3. That the Director of Economy, Environment, and Infrastructure, in consultation with the Leader of the Council, be authorised to:
 - a. Defray the LUF grants within the terms of any conditionality.
 - b. Undertake all ancillary activity reasonably arising in support and implementation of the above recommendations.
4. That the Assistant Director Law and Governance (Monitoring

Officer) be authorised to execute and complete all requisite legal documentation in relation to the matters outlined above.

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

A procurement exercise undertaken by EQUANS procurement to procure and appoint a Principal Contractor for 2 Sea Road, Cleethorpes, DN358LE. JemBuild Ltd are the successful contractor for the construction of the new building at Sea Road.

A quotation for the repair and reconstruction of the retaining wall separating Pier Gardens and the buildings below on the Central Promenade, which includes part of the boundary of the 'Sea Road' construction site, was requested from JemBuild Ltd under an exception request 00002615 prepared and authorised by NELC. These works are required following the approval of the £18.4m Government funding which included Sea Road, Pier Gardens and Market Place and were not considered as part of the original tender specification as the original Sea Road project red line boundary did not extend as far as the retaining wall/Pier Gardens boundary.

It was agreed by EQUANS and NELC that the repair and reconstruction of the retaining wall should be carried out prior to the main Sea Road construction contract commencing, while free and safe access is available via the construction site. By undertaking the work now alleviates the need to carry out this work after construction of the new Sea Road building when access will be severely limited. If the work was to be carried out post-construction of the Sea Road building it would have to be carried out from above, in Pier Gardens, making the work more complex, lengthy and expensive. The repair and reconstruction of the retaining wall will provide a robust division between Pier Gardens, approximately 3.5m above the site, and the site and adjacent new buildings below. The wall is currently of differing types of construction, all in differing states of repair. The reconstructed retaining wall will need to be vertical, replacing the current sloping bank which exists to the rear of the curved colonnade building adjacent to the Sea Road site. This will provide additional yard space to the rear of the building some of which will benefit the Sea Road building yard area also.

Contract Sum

The contract sum quoted by JemBuild Ltd is £304,765.49 (excl VAT). This includes the

role as Principal Contractor to C2C Consulting Engineers Ltd who are responsible for the design element of the works, and Contractor OHP. It also includes JemBuild taking responsibility for the role of Principal Designer.

Provisional Sum

A provisional sum of £19,809.76 is not included but is recommended to be allowed for. This sum equates to 6.5% of the projected contract sum.

Contingency

A contingency of the sum of £19,809.76 is provided for risk. This equates to 6.5% of the projected contract sum.

The tender of JemBuild Ltd in the sum of £304,765.49 is considered to be good value considering the current circumstances and is recommended for acceptance. Therefore, including a provisional sum figure of 13%, a value of £344,385.00 is the recommended budget.

Based on the price received from JemBuild Ltd, EQUANS have recommended that this work is carried out prior to the commencement of the 'Sea Road' construction project, which is currently awaiting a site possession date. Following a joint discussion between NELC, EQUANS and EQUANS procurement it was agreed that this is best way to proceed to expedite the main construction contract as quickly as possible to enable a site possession date for that contract to be agreed (subject to utilities diversion dates being received).

3. Decision being taken

That the Director of Economy, Environment, and Infrastructure, in consultation with the Leader of the Council approve the contract award JemBuild Ltd for the repair and reconstruction works to the retaining wall detailed in Section 2 and thereafter to undertake all actions reasonably arising in terms of supporting mobilisation and implementation.

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)/benefits

Progression to the design and re-development of Pier Gardens will support the objectives and opportunities which are identified in the Council Plan, Economic Strategy, Local Plan and Cleethorpes' Masterplan.

This development will continue the regeneration of Cleethorpes, strengthening the local economy, and improving infrastructure and transportation services which will have positive impacts on health, wellbeing, and safety within the town.

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

Do Nothing - The Council could choose to not progress any of the projects. However, this would mean the loss of £18.4m of LUF grant from the area and mean that the potential regeneration of Cleethorpes would not be achieved, including the aspirations contained within the Cleethorpes masterplans. If we were to use the Council's Regeneration partner for all the requirements there would be a limitation on the level of specialist design knowledge and skill required in developing designs for Pier Gardens.

Do Less – we could choose to limit the scale of the various projects. However, this would reduce their impact and upon the ambition of the Cleethorpes' Masterplan.

7. Background documents considered (web links to be included and copies of documents provided for publishing)**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 above clearly underpins the planned regeneration of the area and is within the parameters of the delegations given by Cabinet.

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

The contract cost is to be funded from the Sea Road LUF Scheme which is part of the Council's approved Capital Investment Programme.

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

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

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

The project manager supported by EQUANS will meet regularly with JemBuild to oversee progress, risk management and any issues. These will be reported into the Project Team and Cleethorpes Board, who meet monthly, chaired by the Assistant Director Regeneration. A risk-based approach to project management is in place to ensure that this project is delivered.

Financial risks have already been mitigated by receiving the LUF funding in 2023. Any further cost overruns during delivery of the project will be mitigated for through early risk reporting, value engineering and allocated contingency sums.

14. Has the Cabinet Tracker been updated with details of this decision?**15. Decision Maker(s):**

Name: Carolina Borgstrom

Title: Director of Economy,
Environment & Infrastructure

Signed: REDACTED

Dated: 26/07/2024

**16. Consultation carried out with
Portfolio Holder(s):**

Name: Cllr. Philip Jackson

Title: Leader of North East Lincolnshire
Council

Signed: REDACTED

Dated: 5th August 2024

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

Name:

Title:

Signed:

Dated:

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.