



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
<p>Cabinet resolved on the 11th December 2024 (DN.54)</p> <p>1. That the principle of the construction and implementation of the Freshney Place Leisure Scheme as set out is approved.</p> <p>2. Subject to Recommendation 6, that delegated authority be given to the Executive Director Place and Resources, in consultation with the Leader of the Council, to engage with and instruct the contractor to mobilise and implement delivery of the Freshney Place Leisure Scheme and for the Executive Director Place and Resources, in consultation with the Leader of the Council to take all actions reasonably arising, recognising the complexity and wider impacts of the project.</p> <p>3. Authorises that the Executive Director Place and Resources in consultation with the Leader of the Council, to make arrangements for vacant possession of the Market Hall and to take all reasonable steps in relocating and dealing with any occupational rights of impacted market traders.</p> <p>4. That delegated authority be given to the Executive Director Place and Resources to commence a procurement exercise, at the appropriate time and subject to ongoing external professional advice, for a third-party market operator to administer and manage the anticipated market facility and thereafter to award such contract and carry out any ancillary activity reasonably arising.</p>

5. That subject to Recommendation 6 the Executive Director Place and Resources, acting as S151 Officer, be authorised to:

- a. increase the Council's capital programme budget from £30.9m to £49.96m.
- b. increase the external borrowing requirement of the Council by £11.26m.
- c. undertake further borrowing as may reasonably be required, subject to such borrowing being affordable from within the Freshney Place budget envelope.
- d. subject to any external grant conditions, to deal with the reallocation of Towns Fund monies of £3.7m to the Freshney Place Leisure Scheme.

6. That acknowledging that the increased cost of delivery and budgetary support for that lay with Full Council, to refer such request for support to the next Full Council meeting with the following recommendation:

- a. That in receiving the Cabinet Report of 11th December 2024, Full Council acknowledges the analysis of the increased budgetary ask and approves a variance to the 2024/2025 budget policy to facilitate and meet such ask.

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

A contractor is required to undertake the design, procurement, construction and completion of a New Market, Retail and Leisure Development situated at Freshney Place, Grimsby around Market Square. The requirement is split into two Phases. Phase one – Pre-Construction Services Agreement (PCSA) and phase two – the works.

Following a procurement exercise, the Council appointed Morgan Sindall Construction in March 2023 on the basis of a PCSA. The PCSA included a host of non-intrusive and intrusive surveys together with the stripping out of the former BHS unit. That resulted in a RIBA (Royal Institute of British Architects) Stage 4 design which provides a very high level of detail around the exact design and specification of the project. This provided the basis for further market engagement and since June 24, GMI Construction Group (GMI) were engaged via the NEPO framework and reviewed the Stage 4 design, considered further design refinements, value engineering opportunities and ultimately, worked with the supply-chain to pull together a cost and programme for the scheme.

The cost within the contract now proposed is within the sum set out in the report to Cabinet and Full Council.

3. Decision being taken

That the Executive Director Place and Resources, in consultation with the Leader of the Council appoints GMI by way of a Design & Build contract to complete the construction of the leisure scheme.

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 matter is a key regeneration project for the borough and due to timings there are acute price and inflationary sensitivities. Urgency is therefore supported.

5. Anticipated outcome(s)/benefits

The decision will allow the Council to move into the construction phase of the programme and support the continued delivery of the Masterplan and the key element of the transformation of Grimsby Town Centre.

The form of contract will be Design and Build which means the contractor has provided a price and other than in a limited number of circumstances, including specification changes from the client, they are contractually bound to honour that sum.

Site set-up would then commence early shortly afterwards with the first construction works being the strip-out and commencement of demolition works

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

As set out in the Cabinet report of 11th December 2024 (DN.54)

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

Cabinet Decision (DN.54) Freshney Place Leisure Scheme [Cabinet | NELC](#)

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 being taken is consistent with the will and expectation of Cabinet. The framework approach carries advantages of assurance in that any such framework by necessity must be compliant with Public Contracts Regulations 2015. A framework approach is considered good practice and comes with its own efficiencies.

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

The decision to appoint GMI by way of a Design & Build contract to complete the construction of the leisure scheme is consistent with the S151 Officer comments and statement together with the decisions made at Cabinet and Full Council on 11th and 12th December respectively.

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

There are no Human Resource Implications arising from this report.

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

The scheme does not come without project risk. In terms of construction risk, this has been mitigated so far as is reasonably practicable through the survey and strip-out works, RIBA Stage 4 design together with the expertise brought forward by GMI and the support and challenge provided by the Council's retained consultancy team. The form of contract will be Design and Build which means the contractor provides a price and other than in a limited number of circumstances, including specification changes from the client, they are contractually bound to honour that sum. However, as is the case in the majority of construction projects, there are some risks that will remain with the Council and the key ones are as follows:

- statutory undertakers – particularly utilities performance
- archaeology
- pre-existing ground conditions and contamination

- existing structures
- asbestos
- unexploded ordnance

The level of these risks is considered low, but it is appropriate that the report is very clear where liabilities could exist. There is a contingency in the budget for unexpected events and in terms of the programme, the risk is reduced further once the groundworks are completed. Construction works above ground level entails rather less risk.

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

Yes

15. Decision Maker(s):

Name: Sharon Wroot

Title: Executive Director Place and Resources

Signed: REDACTED

Dated:23.01.25

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

Name: Cllr Philip Jackson

Title: Leader and Portfolio Holder for Economy, Regeneration, Devolution and Skills:

Signed: REDACTED

Dated: 23rd January 2025

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

Name: Cllr K Brookes

Title: Chair: Economy, Culture and Tourism Scrutiny Panel

Signed: REDACTED

Dated: 22.1.25

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.