



OPEN

Officer Decision Record – Key Decision

CLOSED APPENDIX

NOT FOR PUBLICATION

Exempt information within paragraphs 3 of Schedule 12A to the Local Government Act 1972 (as amended)

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)

In April 2024, North East Lincolnshire Council (NELC) appointed Jem Build Ltd as Principal Contractor for the construction of the proposed Sea Road building in Cleethorpes, which formed part of the wider LUF development.

NELC had been working with Jem Build Ltd, and its appointed design team to progress the Sea Road scheme. However, in April 2025 the Council exited its contract with Jem Build Ltd by issuing a termination notice as set out in the conditions within Article 15 of the contract.

Whilst terminating the contract with Jem Build Limited the Council decided to directly contract with Jem Build's existing design team:

- Hodson Architects – Architectural Design
- C2C Consulting Engineers Ltd – Civil and Structural Design

In order to mitigate further delays to the project and to maintain progress against funding deadlines the Council obtained a budget build price for the scheme from Lindum Construction Limited (LCL) which was within budget. However, Lindum required additional information (including the completion of the RIBA Stage 4 designs) in order to provide the Council with a confirmed build figure.

The Council therefore entered into a Pre Contract Services Agreement (PCSA) with LCL. This enabled Lindum to carry out the necessary further due diligence required to provide a detailed build price as well as enabling completion of the RIBA Stage 4 designs for the project.

The work envisaged by the PCSA is complete and Lindum have provided a detailed build price which is within budget. The build price has been checked by Officers and is considered acceptable and to represent value for money.

Further detail is as laid out in the accompanying CLOSED appendix.

3. Decision being taken

That the Director of Economy, Environment and Infrastructure, in consultation with the Leader of the Council, award the contract, appointing LCL as Principal Contractor for the Sea Road project.

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 this is an urgent decision. The project has encountered delays due to the circumstances surrounding the termination of the Jem Build contract and there is a need to progress the build due to funding profiles and ongoing legal pre-let discussions which are far more likely to come to fruition once contracted.

5. Anticipated outcome(s)/benefits

Progression to the construction of the Sea Road building will support the objectives and opportunities which are identified in the Council Plan, Economic Strategy, Local Plan and Cleethorpes' Masterplan.

The construction of the Sea Road development will be completed within DLUHC (now MHCLG) grant funding deadlines and budget availability.

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 the works. However, this would mean the loss of the LUF grant awarded to the Council by MHCLG to improve the site.

Re-procure a Principal Contractor by retendering the project. This would cause a further delay to the works which could ultimately lead to the loss of the LUF grant awarded to the Council by MHCLG to improve the site.

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

<https://www.nelincs.gov.uk/assets/uploads/2023/05/11.-Cleethorpes-Levelling-up-Fund-Cabinet-Report-May-23PDF-93KBicon-namepaperclip-prefixfa.pdf>

<https://www.nelincs.gov.uk/assets/uploads/2024/05/ODR-Sea-Road-principal-contractor-contract-award-REDACTED.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 nominee)

The above decision is consistent with the will and anticipation of Cabinet and falls within the delegations as laid out.

Urgency is supported given the funding time constraints and the need to mobilise quickly so as to mitigate resort disruption.

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

The costs associated with this contract award will be included within the Cleethorpes Masterplan - Sea Road LUF Scheme Project, which forms part of the currently approved capital programme. Costs will be monitored as part of the established governance process for capital spend.

12. Human Resource Comments (Head of People and Culture or nominee) There are no Human Resource implications arising from this decision.
13. Risk Assessment (in accordance with the Report Writing Guide)

The contractor fails to perform to an agreed programme – performance will be monitored by both Project Management and Professional Services officers, with corrective action being taken as necessary, and ultimately a robust build contract (negotiated using external solicitors and our own in house legal team) provides appropriate recourse.

Control of costs – the costs of any post contract variations will be robustly checked and agreed with the Council’s Professional Services officers.

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

Yes

Name: Carolina Borgstrom

Title: Director of Economy,
Environment and Infrastructure

Signed: REDACTED

Dated: 11/03/2026

15. Decision Maker(s):

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

Name: Cllr Philip Jackson

Title: Leader of the Council

Signed: REDACTED

Dated: 11th March 2026

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

Signed: REDACTED

Name: Councillor Holland

Dated: 12th March 2026

Title: Chair of Economy, Culture and
Tourism Scrutiny Panel.

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.