

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3820
Author:	Beverley Gouveia
Department:	Development and Growth
Contact:	Beverley Gouveia (Job Title: Estates Surveyor, Email: beverley.gouveia@nottinghamcity.gov.uk, Phone: 01158762381)
Subject:	Procurement and Appointment of Property Managing Agent for Premises at Mulberry Walk, Mere Green, Sutton Coldfield
Total Value:	Exempt (Type: Revenue)
Decision Being Taken:	<p>To approve the procurement of a commercial property agent for the management of premises at Mulberry Walk, Mere Green, Sutton Coldfield. Procurement reference CPU 3978.</p> <p>To delegate authority to the Director of Strategic Assets & Property to negotiate and award the contract to the successful commercial property agent following the competitive procurement procedure.</p> <p>To approve a dispensation from Contract Procedure Rule 5.1.2 under Finance Procedure Rule 3.29. This enables us to seek quotes from property managing agents of known quality and experience, rather than tenders which risks opening the opportunity to unsuitable entities.</p>
Reasons for the Decision(s)	<p>The premises form part of the Property Trading Account with property management being undertaken by a commercial property agent. The existing arrangements are to be terminated and a new managing agents is to be appointed through a formal tender process.</p>
Other Options Considered:	<p>Continue with the existing arrangement - this option was rejected as the current commercial agent has been working on the instruction for over 2 years and rotation is required to improve service provision.</p> <p>Disinstruct the existing agent and undertake management in-house - this option was rejected due to the location of the property and lack of in-house capacity.</p>
Background Papers:	None

Published Works: **None**

Affected Wards: **Citywide**

Colleague / Councillor Interests: **None**

Any Information Exempt from publication: **Yes**

Dispensation from Financial Regulations: **Yes**

Exempt Information:

Description of what is exempt: **Background to the decision containing information on anticipated fees.**

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it would reveal current commercial arrangements and prejudice the Council's position in procuring a managing agent on competitive terms.

Documents exempt from publication: **Exempt Appendix - Mulberry Walk.docx**

Consultations: **Those not consulted are not directly affected by the decision.**

Crime and Disorder Implications: **There are no Crime or Disorder implications included in this decision.**

Equality:	EIA not required. Reasons: This is not a new or changing policy, service or function. The decision adheres to all Council Equality policies.
Relates to Council Property Assets:	Yes
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	13/03/2020
Advice Sought:	Legal, Finance, Procurement, Property
Legal Advice:	As set out by the report author, dispensation under financial regulation 3.29 is required in relation to CPR 5.1.2 given that the estimated value of the scheme over its whole life exceeds £50,000. Advice provided by Sarah O'Bradaigh (senior solicitor) on 11/02/2020.
Finance Advice:	The appointment of a new agent will provide a better management service to maximise rental and capital growth. As a landlord, the City Council is responsible for service charge costs for void premises which are covered by Property Trading Account. Advice provided by Mandy Bryce (Finance Analyst) on 10/02/2020.
Procurement Advice:	There are no procurement issues with the decisions being sought. Due to the specialist nature of the requirement and the market, seeking quotes from suitable organisations is a sensible approach and the Procurement Team will work with the client to ensure this is done in compliance with Contract Procedure rules. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 06/02/2020.
Property Advice:	This is a property decision to facilitate the change of the current managing agent. The due process has been followed due to the value of the work involved. Advice provided by Pippa Hall (Portfolio and Investment Manager) on 13/02/2020.
Signatures	David Mellen (Leader/ PH Regeneration, Safety and Communications) SIGNED and Dated: 03/03/2020 Chris Henning (Corporate Director for Development and Growth) SIGNED and Dated: 04/03/2020 Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations SIGNED and Dated: 02/03/2020 Chief Finance Officer's Comments: