

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4159

Author:

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Department:

Development and Growth

Contact:

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Subject:

Broadmarsh Centre - Progress to next stage and approval of LEP funding

Key Decision (decision valued at more than £1million):

Yes

Total Value:

£11.99m (Type: Capital)

Decision Being Taken:

- 1) To accept £7.99m LEP funding from the Government's Get Building Fund grant.
- 2) To delegate authority to the Corporate Director for Development and Growth, in consultation with the Director of Legal and Governance, to agree the funding conditions and sign any funding agreement.
- 3) To allocate £4m of the Transforming Cities Fund to Broadmarsh public realm works.
- 4) To enter into a contract with Wilmott Dixon Construction (WDC) under the SCAPE Framework for early enabling works in respect of the Phase 1 demolition works.
- 5) To grant authority to enter into a contract with WDC under the SCAPE Framework to carry out the Phase 1 demolition and associated public realm works at the Broadmarsh Centre subject to (1) acceptance of the LEP funding; and (2) the Corporate Director for Development and Growth agreeing and finalising the contract requirements.
- 6) To note that from 1st April 2021 WDC will take over the decommissioning and mothballing works as set out in decision 3 of the 20th October 2020 Executive Board report.
- 7) To amend the capital programme as detailed in the exempt finance comments (100% grant funded).

A report outlining the next steps for the Broadmarsh redevelopment was approved by Executive Board on the 20th October 2020. This approval enabled key activities and technical support to be procured to bring the site forward for the first phase of redevelopment. The recommendations in this report are to reflect the progress that has been made since the October report, and clearly record the value of the decision being taken in respect of the funding to be received.

The Full Business Case for the scheme was submitted on 26 February 2021. The LEP Investment Board approved the business case on 10 March 2021 subject to grant conditions and final approval of the LEP Board.

The scope of the works required for the Phase 1 demolition has identified that to include the surrounding public realm requirements would ensure effective delivery of the works, including the contract management, site management and securing best value for the funding being received. It is therefore intended to allocate part of the TCF funding (approved at Executive Board in June 2020) for this specific element of the Broadmarsh public realm works.

Receipt of the LEP funding will enable the first phase redevelopment of the Broadmarsh Centre to progress. Along with £4m of match funding provided from the Transforming Cities Fund the Council will manage a £11.99m programme of works, to be delivered through a combination of in-house provision and appointed contractors, which will include:

- The demolition of c. 10,000 sq. m area of the Broadmarsh Centre;
- The establishment of new public realm to connect Lister Gate with Collin Street;
- Further development of the masterplan and delivery options for the wider Broadmarsh site and adjacent development area;
- The cleared site being brought forward for development.

In the development of the Full Business Case the Council had to provide details of the proposed works. To assist with that, and acting under Recommendation 7 of the 20th October 2020 Executive Board report, WDC, through the SCAPE Major Works England and Northern Ireland framework have provided early contractor engagement to enable contractual arrangements to be identified, including costings for the demolition works.

Finalising the full scope of the Council's requirements and contractual provisions for the Phase 1 and public realm works is not anticipated to be concluded before mid-April, however there are known requirements for some early enabling works to be undertaken, including the relocation of a sub-station and temporary re-location of the Lister Gate right of way. On confirmation and acceptance of the LEP funding, and in order that the demolition contract can be delivered within the LEP grant expenditure timescales of March 2022, an early order for these enabling work will need to be placed. This order will be with WDC and in accordance with the Scape framework. It is expected that these enabling works will commence by no later than April 2021 which will also ensure the smooth transition of WDC acting as Principal Contractor for the purposes of the Construction (Design and Management) Regulations 2016 when Sir Robert McAlpine vacate the site on the 31st March 2021.

As part of the in-house delivery early works are also required to enable the creation of the new entrance off Middle Hill to support the agreement of alternative access proposals for 3rd parties across the service deck. These modifications to the junction will be delivered in house and through the use of the Council's Highways Framework.

Following the receipt of the LEP funding, and the finalising of the Council's requirements and contract documents, it is intended that the Council will enter into the main construction contract with WDC. In order to progress this matter smoothly a delegation has been recommended that the Corporate Director for Development and Growth finalise these arrangements.

It is intended that the cost of all proposed works set out in this report will be kept within the current available budget of £11.99m.

Other Options Considered:

- 1. To not accept the LEP funding: not bringing forward the Broadmarsh site for redevelopment would have a significant detrimental impact on the City Centre.
- 2. To do nothing: to fail to effectively maintain and operate the Broadmarsh site would breach the Council's statutory and landowner responsibilities.
- 3. To sell the site or seek alternative sources of investment in its present state. This is rejected as the site requires significant work before it becomes developable. In its current state it is likely to be viewed by any investor as a liability. Developing a masterplan and part demolition will enable the site to be brought forward as a developable asset.

Background Papers:

None

Published Works:

20th October 2020 Executive Board - Broadmarsh Next Steps

Affected Wards:

Citywide

Colleague / Councillor Interests:

None

Any Information Exempt from publication:

Yes

Exempt Information:

Description of what is exempt:

Property comments

Legal comments

Finance comments

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 disclosure of the information within the attached comments could prejudice the Council's commercial negotiating position.

5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings relating to a proposed transaction and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

It is not in the public interest to disclose this information because it contains confidential legal advice in respect of the proposed transaction and disclosure could prejudice the Council's position.

Documents exempt from publication:

Exempt legal appendix for LEP Funding Broadmarsh (2021-03-17).docx, Exempt Appendix Property Advice - Broadmarsh Centre LEP Bid 11.03.2021.docx, Exempt Appendix 210318 - Finance Comments - BM LEP Grant.docx

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

Redevelopment of the site will reduce opportunities for crime and disorder.

Equality:

Please login to the system to view the EIA document: EIA Broadmarsh Centre Site.docx

Social Value Considerations:

The location and scale of the Broadmarsh site means it is important to the population of the City and wider region. The market on its own is unlikely to deliver an optimal solution, given the uncertainty and complexity around the site and its potential value. Public sector intervention, at this stage, has the ability to overcome this market failure and create value for residents of and visitors to the City Centre.

Relates to Council Property Assets:

Yes

Relates to Building Services:

Yes

Decision Type:

Leader's Key Decision

Subject to Call In:

Yes

Call In Expiry date:	25/03/2021
Advice Sought:	Legal, Finance, Procurement, Equality and Diversity
Legal Advice:	This advice is exempt from publication and is contained within an exempt appendix Advice provided by Naomi Vass (Senior Solicitor) on 18/03/2021.
Finance Advice:	This advice is exempt from publication and is contained within an exempt appendix Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 18/03/2021.
Procurement Advice:	On the understanding that Legal Services have advised that this approach is compliant with the Public Contracts Regulations, there are no significant procurement issues with the decisions being sought Advice provided by Sue Oliver (Category Manager - Procurement) on 17/03/2021.
Equality and Diversity Advice:	Comments were provided on the original EIA directly to the author. Once the equality information has been received the EIA will need updating to reflect this. Happy to sign off. Advice provided by Rosie Donovan (Equality and Employability Consultant) on 17/03/2021.
Building Services Advice:	From the information provided in the report there are no issues from Building Services perspective. Advice provided by Trevor Bone (Property Maintenance Manager) on 10/03/2021.
Property Advice:	This advice is exempt from publication and is contained within an exempt appendix Advice provided by Beverley Gouveia (Estates Surveyor) on 11/03/2021.
Signatures:	David Mellen (Leader/ PH Regeneration, Schools, Communications)
	SIGNED and Dated: 18/03/2021
	Chris Henning (Corporate Director for Development and Growth)
	SIGNED and Dated: 18/03/2021

+3Equality Impact Assessment Form

[screentip-sectionA](#)

1. Document Control

1. Control Details

Title:	Broadmarsh Centre Redevelopment
Author (assigned to Pentana):	Sarah Lake
Director:	Chris Henning
Department:	Growth and Development
Service Area:	Major Projects
Contact details:	0115 8763409
Strategic Budget EIA: Y/N	N
Exempt from publication Y/N	N

2. Document Amendment Record

Version	Author	Date	Approved
0.1	Sarah Lake	28.09.2020	Yes
0.2	Sarah Lake	26.01.2021	Yes
0.3	Sarah Lake	17.03.21	Yes

3. Contributors/Reviewers

Name	Position	Date
Chris Deas	Director of Major Projects	28.09.20
Rex Littlewood	Programme Manager - Broadmarsh	
Rosey Donovan	Equality and Employability	17.03.21

4. Glossary of Terms

Term	Description
SPV - BLRP	Special Purpose Entity – Broadmarsh Limited Retail Partnership

[screentip-sectionB](#)

2. Assessment

1. Brief description of proposal / policy / service being assessed

Redevelopment of the Broadmarsh Centre site following the disclaiming of the lease by the Intu's SPV - BLRP and overall control of the site being handed back to the Council.

To facilitate the first phase of redevelopment, the Council has secured (subject to detailed business case approval) a grant from the D2N2 LEP 'Get Build Fund' for a first phase demolition and public realm project.

The funding has also allowed the development of the wider site masterplan to prepare a compelling vision for the site and strategies to deliver that vision.

To hear as many views and ideas as possible from citizens as to what they would like to see for this part of the city centre "The Big Conversation" has over a 10 week period engaged with the public over the future development of the site. This involved events with local residents, young people, businesses, the voluntary sector and other key partner organisations for example, Nottingham College, Nottingham University, Nottingham Trent University, Nottingham Partners, Creative Quarter Board, and the Growth Board (D2N2). All comments and ideas received will inform the master planning process and a further engagement events will take place during the summer of 2021 to feed into the final vision.

[screentip-sectionC](#)

2. Information used to analyse the effects on equality:

3. Impacts and Actions:

<u>screeintip-sectionD</u>	Could particularly benefit X	May adversely impact X
People from different ethnic groups.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Men	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Women	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trans	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy/ Maternity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Younger	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Please underline the group(s) /issue more adversely affected or which benefits.</i>		

<p style="text-align: right;"><u>screeentip-sectionE</u></p> <p>How different groups could be affected (Summary of impacts)</p>	<p style="text-align: right;"><u>screeentip-sectionF</u></p> <p>Details of actions to reduce negative or increase positive impact (or why action isn't possible)</p>
<ul style="list-style-type: none"> • Disabled groups, older people, or pregnant woman due to temporary diversion routes creating longer pedestrian routes to Lister Gate and onward through the city. 	<p>1 Actions will need to be uploaded on Pentana.</p> <ul style="list-style-type: none"> • During the demolition and public realm works, diversion routes for traffic and pedestrians will be clearly signed with temporary changes communicated in advance through face to face engagement, publicity, signage, press release and social media. Press releases on My Nottingham News are done in a plain text format with alt text captions on pictures to help those with screen readers access the information, and are issued across TV, print, radio and social media to increase reach. • The intention is for Lister Gate right of way to remain open and accessible to all users during the works. This will benefit all users but in particular older people and disabled groups who would otherwise use a longer alternative route to get to the Lister Gate area. • Lighting will also be improved to the southern aspect of the Lister Gate entrance. • Redevelopment of the Broadmarsh Centre and treatment of the neighbouring highway network is an opportunity to provide more clearly defined and accessible routes to and through the area which would assist all users.

<ul style="list-style-type: none"> • All groups will benefit due to the opportunity to have views heard and fed into the wider masterplan for the site. • Outcomes from the project are to improve inclusivity, access and mobility throughout the city, and to provide and maintain employment in City’s service sector through the construction programme and new businesses post development. 	<ul style="list-style-type: none"> • The award of the contract is for works to an enclosed site which the public does not have access to. During construction works, the project management team will ensure that any accessibility issues are addressed as soon as possible. The Lister Gate right of way will be temporarily relocated to the east of the site to ensure continued access for pedestrians through to Lister Gate and beyond. • The public engagement process provides the opportunity for local residents, young people, businesses, the voluntary sector and other key partner organisations to give their views which will feed into the masterplanning for the area. This will be through a variety of mediums such as an online platform, contact with businesses and stakeholder groups, and an engagement base open for the public to drop in to. • An example of a consultation partner is the Nottingham Local Access Forum, an independent body set up to assess the extent to which local rights of way network meets the present and likely future needs of the public. In providing advice they give consideration for the needs and abilities of different users, social, economic and environmental interests and to improve the quality of life for local people.
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4. Outcome(s) of equality impact assessment:

<input checked="" type="checkbox"/>	No major change needed	<input type="checkbox"/>	Adjust the policy/proposal
<input type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

5. Arrangements for future monitoring of equality impact of this proposal / policy / service:

- During construction works, the project management team will ensure that any accessibility issues are addressed as soon as possible and communicated in good time.
- A review at the end of each public engagement process to understand needs and views of the public, the findings of which will be reported to the Broadmarsh Steering and Officer Group and fed into the masterplan for the site.

6. Approved by (manager signature) and Date sent to equality team for publishing:

Approving Manager: The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals.	Date sent for scrutiny: 28.09.2020 Send document or Link to: equalities@nottinghamcity.gov.uk
SRO Approval: Chris Deas Chris.deas@nottinghamcity.gov.uk 0115 8764205	Date of final approval: 28.09.2020

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

