

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4499
Author:	Sushma Fear
Department:	Growth and City Development
Contact:	Sushma Fear (Job Title: Assistant Project Manager, Email: sushma.fear@nottinghamcity.gov.uk, Phone: 01158763411)
Subject:	Broad Marsh - Site Holding Costs
Key Decision (decision valued at more than £1million):	Yes
Total Value:	£930,600 (Type: Revenue)
Decision Being Taken:	To grant retrospective approval for the expenditure of required management costs, including essential repairs and maintenance, to hold the Broad Marsh site in a safe and statutory compliant manner, as set out in the Exempt Appendix.
Reasons for the Decision(s)	<p>A report was approved at the 20 October 2020 Executive Board meeting that set out the way forward for the redevelopment of the Broad Marsh site. This approval included expenditure up to 31 March 2021 for essential asset management costs to hold the site in a safe, secure and statutory compliant manner. With the scope of works now confirmed for the Local Enterprise Partnership-funded phase 1 demolition contract, the costs for ongoing site responsibilities have been established. These costs include necessary on-site security provision, compliance testing, statutory authority services, empty rates liabilities and essential repairs and maintenance. The majority of these costs will be delivered by internal Council resources. Additional requirements for Wilmott Dixon Construction will form part of the enabling contract that is already in place and compliantly procured. These are enabling works that have become apparent and needed as part of the main demolition contract, which was signed in July 2021, and for which there is authority under Leader's Key Decision 4159, approved on 18 March 2021. This decision seeks approval for the expenditure of these costs from 1 April 2021 until 31 March 2022, to ensure appropriate site management is in place.</p>
Other Options Considered:	1) To do nothing: this option is rejected as to fail to effectively maintain and operate the Broad Marsh site would breach the Council's statutory and landowner responsibilities.

Background Papers:

None

Published Works:

Executive Board, Tuesday 20 October 2020: Broadmarsh - Next Steps
(item 51, <https://committee.nottinghamcity.gov.uk/ieListDocuments.aspx?CId=177&MIId=8580&Ver=4>)
Delegated Decision 4159: Broadmarsh Centre - Progress to next stage and approval of LEP funding
(<https://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=5505>)

Affected Wards:

Citywide

Colleague / Councillor
Interests:

None

Any Information Exempt
from publication:

Yes

Exempt Information:

Description of what is
exempt:

The a breakdown of costs.

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 the decision contains information that is commercially sensitive and, if published, could prejudice the Council's negotiating position.

Documents exempt from
publication:

BM site holding costs exempt Appendix A.pdf

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

The redevelopment of the Broad Marsh area will significantly transforms the vitality and viability of the southern part of the city centre.

Equality:

EIA not required. Reasons: The decision does not relate to a new or changing policy, service or function.

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:

27/01/2022

Advice Sought:

Legal, Finance

Legal Advice:

This report raises no significant legal concerns. The allocation of the budget being requested will be primarily for services being provided internally, or to meet Council function obligations (such as the empty rates). The remainder of the funding will be used to extend some of the necessary enabling works being undertaken by Wilmott Dixon construction in order for them to progress the main demolition of the western side of the site. This Scape framework contract has already been approved under a Leader's Key Decision and the additional work creates no issue from a procurement law perspective. With regard to the EnviroEnergy work, again this creates no issue - these costs are for the removal of EnviroEnergy-owned plant, which is required as the site is prepared for redevelopment opportunities.

Advice provided by Naomi Vass (Senior Solicitor) on 08/11/2021.

Finance Advice:

The costs within this decision and incurred during 2021/22 will be funded from Capital Reserves. An allowance has been made within the Medium Term Financial Strategy for any holding or maintenance costs incurred beyond March 2022.

As these costs are revenue in nature, this decision falls outside of the scope of the Capital Board.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 17/12/2021.

Property Advice:

<p>The costs detailed in the Exempt Appendix cover required maintenance and statutory checks that are the landlord/owner's responsibility. Property Services will continue to work with Property Maintenance and the Broad Marsh Centre project team to ensure the property is maintained and meets all statutory requirements.</p> <p>Advice provided by Beverley Gouveia (Development and Disposals Manager) on 16/09/2021 - reviewed and confirmed on 22/12/2021.</p>
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Building Services Advice:

<p>This report raises no significant concerns and Building Services are engaged with the delivery of statutory works on site. With regard to the omission of the sub-station, this change does not raise any concerns.</p> <p>Advice provided by Trevor Bone (Property Maintenance Manager) on 20/10/2021.</p>
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Signatures:

David Mellen (Leader/ PH Strategic Regeneration Communications)
SIGNED and Dated: 19/01/2022
Sajeeda Rose (Corporate Director of Growth & City Development)
SIGNED and Dated: 18/01/2022