

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	4631
Author:	Nicholas Hibberd
Department:	Growth and City Development
Contact:	Nicholas Hibberd (Job Title: Regeneration Team Leader, Email: nicholas.hibberd@nottinghamcity.gov.uk, Phone: 0115 8761668)
Subject:	Broad Marsh - Procurement of Master Planner, Development Manager, Technical Due Diligence, Levelling Up Fund and new Perfect Circle Contract
Total Value:	£695,000 (Type: Capital)
Decision Being Taken:	<p>To grant authority to commence procurement processes, in compliance with the Council's Contract Procedure Rules, to appoint a Master Planner and Development Manager in respect of the Broadmarsh redevelopment. To delegate authority to the Corporate Director of Growth &amp; City Development to enter into the procured contracts subject to the agreement of a suitable funding solution.</p> <p>To grant authority to procure all advisors as required for the purpose of completing the second round Levelling Up Fund application, advising on the retained shopping centre structures and a more detailed business case on the Broad Marsh project, subject at all times to compliance with the Council's Contract Procedure Rules, and delegate authority to the Corporate Director of Growth &amp; City Development to enter into the procured contracts subject to the agreement of a suitable funding solution.</p> <p>Approve the appointment and entering into a new contract with Perfect Circle JV Ltd via the Scape National Consultancy Framework, to procure services required for preparation of the Levelling UP Fund bid and associated works.</p>
Reasons for the Decision(s)	<p>The identified items are all critical workstreams required to move forward with the redevelopment of the Broad Marsh area.</p> <p>Funding for these elements are being resolved and are dependent on conclusion of the Broad Marsh Phase 1 Demolition Contract and other sources of funding.</p>

<b>Other Options Considered:</b>	<b>Not progressing with activities - not progressing with the activities would mean the overall programme of re-development of the Broad Marsh would be significantly delayed resulting in further deterioration in the activity on Lister Gate and surrounding areas of the Broad Marsh. This could lead to further shop closures and further loss of employment. Delay would also negatively affect the Council's ability to secure external funding for longer term delivery, as the master planning and due diligence will provide confidence of delivery for external funders.</b>
<b>Background Papers:</b>	<b>None</b>
<b>Published Works:</b>	<b>None</b>
<b>Affected Wards:</b>	<b>Citywide</b>
<b>Colleague / Councillor Interests:</b>	<b>None</b>
<b>Use of Consultants</b>	<b>Number of Days:0</b>
	<b>Rate per Day:0</b>
	<b>Total value:0</b>
	<b>Start date:16/05/2022</b>
	<b>End date:31/08/2023</b>
<b>Reason for using a consultant:</b>	<b>A Master Planner - the Council now needs to turn the vision into a master plan which assesses in more detail the specific constraints and inter-dependencies of the sites, works through design and planning of the spaces to ensure there is a more detailed, deliverable solution for the site. A Consultant Development Manager - the current Council team needs additional technical support in delivering the critical workstreams as the current team resources are extremely limited, and do not have all the technical expertise in-house, especially given the complexity of the scheme.  Technical Due Diligence on the Frame - to appoint an advisor to understand the ability to deliver the proposals for the Frame and the retained risks, by undertaking the appropriate due diligence works.</b>
<b>Other options considered:</b>	<b>Using in house resources - as above, all of the technical expertise is not available in-house.</b>
<b>Name of consultant:</b>	<b>Unknown at this stage</b>
<b>Reason for selection?</b>	<b>Consultants not selected at this stage.</b>
<b>Has the consultant previously completed work for the City Council?</b>	<b>Unknown at this stage.</b>

Specific activities to be undertaken by the consultant are:	<p>Master Planner - developing a masterplan that assesses in more detail the specific constraints and interdependencies of the sites, works through design and planning of the spaces to ensure there is a more detailed, deliverable solution for the site.</p> <p>Development Manager - help to conclude a number of critical workstreams to help with the development of the master plan and the development of the business case for the Broad Marsh.</p> <p>An advisor to carry out the required due diligence on the Frame as outlined above.</p>
Period of engagement:	May 2022 to July/August 2023
By what process was the consultant selected?	A competitive tender procedure will be undertaken to select the successful Master Planner and Development Manager consultant in conjunction with procurement colleagues and any other consultants will be procured in compliance with NCC's Contract Procedure Rules.
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	Maintaining the current partly demolished structure comes with significant security costs for the Council. Progressing with the activities contained within this decision is essential to move forward with the re-development of the Broad Marsh where redevelopment of the site will contribute to a safe and pleasant city centre for everyone.
Equality:	EIA not required. Reasons: This decision is not implementing new services.
Relates to staffing:	Yes
Relates to Council Property Assets:	Yes
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	26/05/2022
Advice Sought:	Legal, Finance, Procurement, Human Resources, Property

**Legal Advice:**

There are no legal concerns arising from this report. The report is for the authority to conduct a number of procurement processes in respect of the Broadmarsh site and specifically in relation to the Levelling Up Fund application. The appointment of Perfect Circle JV Ltd will be through the Scape framework, which subject to ensuring compliance with the established framework processes, raises no legal concerns. All other procurements will need to be made in compliance with the Council's Contract Procedure Rules and Public Contracts Regulations 2015.

The award of the contracts procured under this report are to be delegated to the Corporate Director of Growth and City Development, who must be satisfied that the contract has been procured compliantly and that the budget is available prior to the award being made. The total value of contracts awarded must be in line with the value of this decision.

Advice provided by Naomi Vass (Senior Solicitor) on 11/05/2022.

**Finance Advice:**

Within the approved Capital Programme £180k of budget and funding is available for this decision within the current Broad Marsh decision, this available funding could potentially increase depending on the outcome of risks contained within the project risk register.

Therefore, as detailed in the recommendations the Corporate Director of Growth and City Development can only initially contractually commit to the identified £180k. Capital funding will need to be identified net of the identified £180k and funding released from identified risks. Any additional expenditure and funding will require appropriate endorsement by the Capital Board, allocating further council capital resources could mean deferral of alternative council projects due to availability of capital funding.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 06/05/2022.

**Procurement Advice:**

There are no significant procurement implications to the decisions being sought, however we note the following:

- 1) Appointment of the Master Planner and Development Manager will be subsequent to formal tender procedures carried out in accordance with applicable provisions of Contract Procedure Rules and Public Contracts Regulations 2015.
- 2) Appointment of Perfect Circle JV Ltd using the Scape National Consultancy Framework is an acceptable route to appoint a consultant. Compliant use of this route requires the appointment be made in accordance with the terms of the Framework Agreement.
- 3) As it is not yet possible to fully determine the additional level of advice required, we recommend that specific approvals for each appointment should be sought with copies sent through to Procurement once the details of each appointment are known. Further engagement with Procurement will be required for these appointments to ensure compliance with Contract Procedure Rules and the Public Contracts Regulations.

Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 05/05/2022.

**HR Advice:**

The proposal identifies the requirement for additional resources to support delivery of the project, to be facilitated through use of consultants. Assessments indicate that internal resourcing is not viable, due to capacity and technical expertise required to deliver. Resourcing should comply with relevant Procurement advice and guidance and management should ensure that any consultant/s engaged on behalf of the organisation have clear terms in respects of expected behaviour and standards whilst representing the Council. Advice provided by Paul Slater (HR Business Lead) on 14/04/2022.

**Property Advice:**

This decision does not raise any concerns from a Property Services perspective. Property Services are budget holders for the Broad Marsh site and will therefore need to be informed of expected and actual expenditure to ensure accurate forecasting and to approve any expenditure allocated to the project. Advice provided by Beverley Gouveia (Head of Disposals and Development) on 04/05/2022.

**Signatures:**

<b>David Mellen (Leader/ PH Strategic Regeneration Communications)</b>
<b>SIGNED and Dated: 19/05/2022</b>
<b>David Mellen (Leader/ PH Strategic Regeneration Communications)</b>
<b>NOT SIGNED</b>
<b>Sajeeda Rose (Corporate Director of Growth &amp; City Development)</b>
<b>SIGNED and Dated: 17/05/2022</b>