

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	5167
Author:	Rachael Evans
Department:	Communities, Environment and Resident Services
Contact:	Rachael Evans (Job Title: Museums Development Manager, Email: rachael.evans@nottinghamcity.gov.uk, Phone: 01158762197)
Subject:	To approve the acceptance and expenditure of a grant awarded by Historic England for a development phase at Newstead Abbey.
Total Value:	£104,000 (Type: Revenue)
Decision Being Taken:	To accept and spend against a grant awarded from Historic England for £104,000 [including the procurement and awarding of contracts]. The grant has been awarded to Newstead Abbey for a development phase to develop a programme of repairs to RIBA stage 4 to enable the site to secure external funding in the future to deliver the repairs. The 20% match funding for the development phase [£26,000] is earmarked from the Service's Arts Council England National Portfolio Organisation [ACE NPO] grant 2024-2025. The ACE NPO grant expenditure has previously been approved by the Executive Board in 2023.
Reasons for the Decision(s)	Following on from previous restoration and development work delivered at Newstead Abbey over the last 5 years, the museum service has been working with Historic England to develop up a programme of urgent repairs to remove Newstead Abbey from the Heritage at Risk Register. Currently the building suffers from long-term ingress resulting in internal areas becoming unsafe for staff, visitors, volunteers and collections. The grant award of £104,000 from Historic England will enable the Service to contract a professional team through the NCC procurement process. Individual contracts will be awarded to a Conservation Accredited Architect, Structural Engineer and Quantity Surveyor to develop up the programme of repairs to RIBA stage 4 to support future funding applications whereby the programme of repairs can then be delivered. Match funding is ringfenced from the confirmed ACE NPO grant fund and therefore project delivery is at no cost to the Council. The grant from Historic England has been awarded with no commitment from the Service that future funding for delivering the repairs will be secured. So there is no risk to the Council of the monies being clawed back. This budget allocated is sufficient , with contingency, to deliver the development phase. The timeframe is to have completed the development phase by February 2025.

Other Options Considered:

To do nothing would put Newstead Abbey at risk. In 2014 the condition survey stated that the roofs needed repairing urgently within 5 years. A decade later and the very nature of the building and the age of the roofs has meant further deterioration whereby internal areas are having to be propped to prevent ceilings collapsing. In some areas, particularly in storage areas, ceilings have collapsed and the museum collections are having to be relocated to other areas. In order that the Service is able to apply for substantial funding to repair the roofs the project must be designed to RIBA stage 4. Therefore to do nothing, to not accept the grant awarded by Historic England would prevent the Service being able to apply for funding and Newstead Abbey would continue to deteriorate and to remain statutory compliant the repair costs would then be the responsibility of the Council.

Background Papers:

Published Works:

Affected Wards:

Citywide

Colleague / Councillor Interests:

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

Improving
Nottingham's cultural offer enables communities to feel engaged with their heritage which in turn supports community and cultural cohesion.

Equality:

EIA not required. Reasons: This decision does not relate to changing policies, services or functions.

Social Value Considerations:

N/a

Relates to Council Property Assets:

Yes

Decision Type:

Officer

Executive Decision? Yes

£50,000 or more: Yes

Scheme of Delegation Reference Number or Other Source of Delegation: 1

Subject to Call In: No
The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

Person Consulted: Phil Wye
Consultation Date: 02/09/2024
Operational Officer decisions are not subject to call-in

Advice Sought: Legal, Finance, Procurement, Property

Legal Advice:
The report seeks approval to accept grant funding from Historic England. The council's acceptance of the £104,000 grant from Historic England is contingent upon compliance with their terms and conditions. It is crucial to ensure that all obligations outlined by Historic England are met to avoid any potential issues. Since the grant includes provisions for procurement and the awarding of contracts, these must adhere to the council's procurement policies and applicable laws. The proposal involves contracting a professional team through the NCC procurement process. It is essential that all procurement procedures are followed diligently to ensure transparency and compliance with regulations, such as The Public Contracts Regulations 2015. This will help mitigate any legal challenges related to the awarding of contracts. The proposal indicates that the 20% match funding of £26,000 will be sourced from the Arts Council England National Portfolio Organisation grant. Since this grant expenditure has been previously approved, ensure that there is clear documentation evidencing this approval. It is also important to confirm that using the ACE NPO grant for this purpose aligns with any stipulations associated with it.

The proposal states that the project delivery is at no cost to the council and that there is no risk of the grant being clawed back, even if future funding for repairs is not secured. It is essential to maintain thorough records of all financial transactions and project progress to support this assertion and to satisfy any audits or inquiries from grantors.

Given the building's current condition and safety concerns, all legal requirements related to health and safety must be addressed promptly. This includes ensuring that any areas deemed unsafe are adequately managed during the project phase.

Advice provided by Amana Parveen (Solicitor) on 30/07/2024.

Finance Advice:

This decision seeks approval to accept Historic England grant of £104,000. This grant requires 20% match funding of £26,000, and this will be resourced from Arts Council England National Portfolio Organisation [ACE NPO] approved at Executive Board [July 2023].

The grant will cover expenditure to identify a programme of repairs at Newstead Abbey, to support the development of a bid for external grant funding to cover these costs. The programme of works will allow Historic England to assess the Council's eligibility and value for money of the works to be undertaken.

In the event that the Council chooses not to proceed with a grant application to undertake the identified repairs, there is no risk of this £0.104m being clawed back - this could occur if for example, the Council could not secure the match funding for a possible grant award.

The Historic England grant has been awarded specifically for this project as outlined in the grant award letter and conditions. As a result, the grant will be treated as ring-fenced for this project in the revenue accounts, as any unspent grant must be returned by the Council. The Head of Service for Culture and Libraries will need to put measures in place to ensure compliance to the grant award conditions to avoid possible clawback of grant.

Advice provided by Maria Balchin (Finance Analyst) on 02/07/2024.

Property Advice:

If this programme of works goes ahead and future bids are successful, it will reduce future liabilities for the Council and does not place additional pressure on the Building Maintenance budgets. We recommend the condition survey carried out in 2021 is used as the basis for the development of this plan.

In addition, any compliance documentation generated needs to be saved against the Concerto site for example H&S folders, commissioning certification etc.

Advice provided by Christine Read (Property Business Partner) on 24/06/2024.

Procurement Advice:

There are no Procurement concerns with the decisions being sought. All contracts awarded must be compliant with Contract Procedure Rules and applicable provisions of the Public Contracts Regulations 2015 (or its successor), and the Procurement Team should be consulted to ensure that this is the case. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 15/07/2024.

Signatures:

Colin Parr (Corporate Director, CERS)

SIGNED and Dated: 05/09/2024