

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	2140
Author:	Jeremy Bryce
Department:	Development
Contact:	Jeremy Bryce (Job Title: Surveyor, Email: jeremy.bryce@nottinghamcity.gov.uk, Phone: 01158763082)
Subject:	9 and 9A Poulton Drive, Colwick, Nottingham NG2 4BN
Total Value:	£80,000 for works Rent in exempt appendix (Type: Capital)
Decision Being Taken:	To grant dispensation from Contract Procedure Rule 5.1.2, in accordance with Financial Regulation 3.29, to appoint specialist contractors Concrete Repairs Ltd (CRL) to remediate the above units to bring them back into tenatable repair. To rent the repaired units to Rinus Roofing Limited from 1 September 2015 for 10 years, with a guaranteed 5 years rental, at the rate detailed in the exempt appendix.
Reasons for the Decision(s)	<p>The pre-cast concrete frame, rafters, purlins, box gutter and exterior over-cladding of these buildings have found to be suffering from carbonation. Now that these units have become void, it is considered timely estate management to instruct contractors to repair the concrete elements in the buildings in readiness for a new tenant.</p> <p>CRL are a reputable contractor who the Council have experience working with previously. They have provided the Council with a quote for the works which is considered reasonable and they are able to complete the works within 5 working days of instruction.</p> <p>The Council has a tenant ready to take occupancy of these units from 1 September 2015 for 10 years with a guaranteed 5 years rental, offering a very competitive rate to the Council. If the units are not made tenatable as soon as possible the Council is at risk of losing these tenants and the competitive rental that is being offered. It is important that the works get underway as soon as possible seeking additional quotes or tenders for the work would add significant time and cost restrictions and increase the risk of the Council losing the tenant.</p>

**Other Options Considered:**

**None. The units will be impossible to re-let in their existing state under Health & Safety Legislation losing income for the Trading Account.**  
**Undertaking a tender process to identify a Contractor who would then need to carry out an inspection to take samples and lab tests would take a significant amount of time and would put the Council at risk of losing the tenant lined up to occupy these properties. CRL have already carried out an inspection and having received the results of lab tests have provided a quotation and they will carry out the works within 5 working days.**

**Background Papers:**

**None**

**Published Works:**

**None**

**Affected Wards:**

**Dales**

**Colleague / Councillor Interests:**

**None**

**Dispensation from Financial Regulations:**

**Yes**

**Exempt Information:**

**Description of what is exempt:**

**Finance advice**

**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 will prejudice the Council's position in negotiations relating to other rent reviews.**

**Documents exempt from publication:**

Appendix to9&9a Poulton Drive PHA.doc, Exempt Finance Advice 9 and 9A Poulton Drive.docx

**Consultations:**

**Date:** 07/08/2015

**Ward Councillors:** Gul Khan, David Mellen, Neghat Khan

**Councillors consulted**

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:**

None

**Equality:**

EIA not required. Reasons: This is not a new or changing policy, service or function.

**Social Value Considerations:**

N/A

**Decision Type:**

Portfolio Holder

**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:** Councillor Brian Parbutt

**Consultation Date:** 18/08/2015

The Council needs to instruct the contractor to carry out concrete repairs to the buildings structure before 21 August in order for them to programme the repairs works to start 24 August. This timeframe has been held open but, if the dates are missed, the contractors cannot get on site for another 6 weeks which delays the tenant occupying the unit

**Advice Sought:**

Legal, Finance, Procurement

**Legal Advice:**

The proposals in this report raise no significant legal issues.

The properties subject to this decision, in their current state are not tenatable and require substantial work in order to be so.

The quote from CRL who is an experienced, reputable contractor, is deemed reasonable for the work required. Obtaining further quotes for this work would in itself incur further costs and extra time delays to make these properties ready to let. The Council has a tenant offering a competitive rental ready to move into these properties once they have been remediated. Any further delay in commencing work risks losing this tenant and risks a potential reduction in revenue and cost recuperation from the rental.

For the reasons mentioned in the report, the recommendation for dispensation from CPR 5.1.2 is supported.  
 Advice provided by Dionne Claire Screamon (Solicitor) on 17/08/2015.

**Finance Advice:**

The report requests approval to incur expenditure of up to an estimated £80,000 to appoint specialist contractors to remediate 9 & 9A Poulton Drive to enable them to be let to tenants. Dispensation from tendering requirements under Contract Procedure Rule 5.1.2 is required under Financial Regulation 3.29 for operational reasons as set out in the report.

It is proposed that the remediation cost of £80,000 be met from Chamber Estate capital receipts, and this has been factored into investment projections which currently estimate an uncommitted capital receipt balance of £0.285m still available for investment at 31 March 2016.

Further Finance Advice is included as an exempt appendix.

Advice provided by Jim Driver (Finance Service Partner) on 14/08/2015.

**Procurement Advice:**

The procurement team supports the decision to seek a dispensation to Contract Procedure Rule 5.1.2 in accordance with Finance Regulation 3.29 on the grounds of urgency and the possible likelihood of the tenant finding alternative accommodation. There are no significant procurement concerns. Advice provided by Sue Oliver (Category Manager - Procurement) on 07/08/2015.

**Signatures**

Graham Chapman (PH for Resources and Neighbourhood Regeneration)
SIGNED and Dated: 18/08/2015
Ian Curryer (Chief Executive)
SIGNED and Dated: 18/08/2015
Theresa Channell (Head of Corporate and Strategic Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 18/08/2015
Chief Financial Officer's Comments: