

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

2398

Author:

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Department:

Development

Contact:

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Subject:

Marketing Nottingham & Nottinghamshire

Total Value:

£740,110 (Type: Revenue)

Decision Being Taken:

1. To approve the allocation of £740,110 in 2016/17 to Marketing Nottingham and Nottinghamshire Ltd to operate as the Place Marketing Organisation for Nottingham and Nottinghamshire.
2. To dispense with paragraph 5.1.2 of Nottingham City Council's contract procedure rules in accordance with section 3.29 of the Council's Financial Regulations to fund Marketing Nottingham and Nottinghamshire to deliver Place Marketing services that will create the environment for the continued development of tourism and the visitor economy in and the attraction of business investment to Nottingham.
3. To delegate authority to the Director for Economic Development to finalise and enter into the Grant Agreement on behalf of the Council.

<p><b>Reasons for the Decision(s)</b></p>	<p>Historically, Nottingham and Nottinghamshire have been marketed separately as destinations for inward investment and visitors. The marketing has been delivered in the main by Invest in Nottingham (inward investment) and Experience Nottinghamshire (visitor economy).</p> <p>In April 2014 Nottingham City and Nottinghamshire County Councils proposed to integrate the inward investment and visitor economy marketing functions within a single organisation, creating a single centre of place marketing expertise to boost the effective marketing of our reputation and resultant economic benefits.</p> <p>Marketing Nottingham and Nottinghamshire Ltd (MNN) was established in April 2015, through the remodelling of Experience Nottinghamshire. Over the past year MNN has undergone a period of organisational transformation to enable it to evolve into a fully integrated Place Marketing Organisation for Nottingham and Nottinghamshire.</p> <p>Following this successful remodelling, the Council is now proposing to formally transfer its inward investment function to MNN from 1st April 2016, the details of the transfer will be set out in the SLA including a schedule of provisions which will deal with the transfer of the employees in accordance with the TUPE regulations. Consequently, the Council will increase its funding to MNN for the financial year 2016/17 to enable it to operate an inward investment service in addition to the existing visitor economy marketing service. The Council has also earmarked additional funding for the delivery of agreed marketing campaigns to promote the city.</p> <p>The Council intends to provide grant funding to MNN to deliver 'services of general economic interest', namely the provision of services that further regional development as outlined in OFT guidance (2004).</p> <p>This will enable the City Council to deliver an approach to marketing the City to inward investors and visitors that will:</p> <ul style="list-style-type: none"> <li>(a) maximise its contribution to growth in the area</li> <li>(b) deliver additional spending and investment in the local economy</li> <li>(c) lead to the creation of new jobs in the area</li> </ul>
<p><b>Other Options Considered:</b></p>	<p>Do nothing (i.e. maintain the status quo): Rejected as the opportunity to create and exploit the synergies that arise from a unified approach to place marketing would be lost, alongside the opportunity for greater efficiency (through shared back office functions).</p>
<p><b>Background Papers:</b></p>	<p>Delegated decisions ref 1438 (published 22 April 2014), 1847 (published 16 Feb 2015) and 1887 (published 16 March 2015)</p>
<p><b>Published Works:</b></p>	<p>n/a</p>
<p><b>Affected Wards:</b></p>	<p>Citywide</p>

**Colleague / Councillor Interests:**

**Cllr Nick McDonald is a Board member of Marketing Nottingham & Nottinghamshire. Chris Henning (Director, Economic Development) attends Board meetings as an observer.**

**Any Information Exempt from publication:**

**Yes**

**Dispensation from Financial Regulations:**

**Yes**

**Exempt Information:**

**Description of what is exempt:**

**Legal advice is exempt.**

**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**

**1 - Information relating to any individual**

**The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it contains information relating to individual employees of the Council.**

**2 - Information which is likely to reveal the identity of an individual**

**The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it contains information relating to individual employees of the Council.**

**4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.**

**The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to current consultation that has been taking place relating to individual employees of the Council.**

**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 confidential legal advice in relation to this matter.**

**Documents exempt from publication:**

Exempt Legal Advice Marketing Nottingham and Nottinghamshire Limited.docx, 2016-03-24 employment legal advice.docx

**Consultations:**

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:**

None

**Equality:**

EIA not required. Reasons: There are no changes to policies, services or functions.

**Relates to staffing:**

Yes

**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:** Cllr Brian Parbutt

**Consultation Date:** 18/03/2016

Any delay in implementing this decision would lead to a gap in place marketing activity which would undermine the city's approach to attracting investment and creating jobs for local citizens.

**Advice Sought:**

Legal, Finance, Human Resources

**Legal Advice:**

This advice is exempt from publication and is contained within an exempt appendix Advice provided by Andrew James (Team Leader Contracts and Commercial) on 24/03/2016.

**Finance Advice:**

This decision seeks approval to award £0.740m Marketing Nottingham and Nottinghamshire Limited, to operate as the Place Marketing Organisation (PMO) for the financial year 1 April 2016 to 31 March 2017. The expenditure will be financed as follows:

- £246,670 Existing Economic Development budget in respect of Tourism (ref 6351)
- £ 40,340 Existing Inward investment budget (ref 6196-626)
- £228,100 Existing Economic Development budget for staff transferring to the new PMO (ref 6208)
- £125,000 Good to Great theme 2 reserves in respect of a new PMO (ref 6221-V12) - note 1
- £ 50,000 Good to Great theme 2 reserves for City promotions / campaigns (ref 6221-V13) - note 1
- £ 50,000 Nottingham Growth Plan reserves in respect of MIPIM (ref 6207) - note 1
- £740,110 TOTAL

Note 1 - these funding streams are temporary / time limited.

Dispensation from contract procedure rule 5.1.2 is required under financial regulation 3.29 for operational reasons.

Advice provided by Maria Balchin (Finance Analyst) on 22/03/2016.

**HR Advice:**

As the proposal relates to services being outsourced, this will create a transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), therefore the following should be considered. Any employee of Nottingham City Council who is assigned to the Invest in Nottingham Team will be in scope to transfer under TUPE to Marketing Nottingham & Nottinghamshire Ltd unless s/he formally objects to transfer.

It will be the responsibility of Nottingham City Council to carry out the relevant information and consultation process under TUPE and any objection to the transfer would be communicated by individual employees to Nottingham City Council. TUPE places an obligation on Marketing Nottingham & Nottinghamshire as the transferee to engage with Nottingham City Council to undertake genuine consultation with affected employees and trade unions on any proposed changes to the terms of employees' contracts of employment. These changes must be for an economic, technical or organisational ('ETO') reason and this must be consulted on with affected parties. Marketing Nottingham & Nottinghamshire cannot harmonise terms and conditions unless it is for an ETO reason.

It is important for Nottingham City Council to provide information to Marketing Nottingham & Nottinghamshire on employee's terms and conditions in order for Marketing Nottingham & Nottinghamshire to identify where potential measures may need to be proposed.

Advice provided by Makeshya Henningham (Service Redesign Consultant) on 18/03/2016.

**Signatures**

<b>Jon Collins (Leader &amp; PH Strategic Regeneration &amp; Development)</b>
<b>SIGNED and Dated: 31/03/2016</b>
<b>Ian Curryer (Chief Executive)</b>
<b>SIGNED and Dated: 30/03/2016</b>
<b>Theresa Channell (Head of Corporate and Strategic Finance) - Dispensation from Financial Regulations</b>
<b>SIGNED and Dated: 30/03/2016</b>
<b>Chief Finance Officer's Comments:</b>