

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	3172
Author:	Greg Pickup
Department:	Development and Growth
Contact:	Greg Pickup (Job Title: Townscape Heritage Project Manager, Email: greg.pickup@nottinghamcity.gov.uk, Phone: 01158764047)
Subject:	Works to 38 Carrington Street
Total Value:	£31,039.31 (Type: Capital)
Decision Being Taken:	To grant a dispensation from Contract Procedure Rules within Financial Regulations in order to make a direct contract award for completion of grant-funded works currently in progress on site at 38 Carrington Street. This will involve terminating the current contract with the main contractor and entering into a contract for completion with the subcontractor.
Reasons for the Decision(s)	<p>Nottingham City Council have been informed that the contractor was unable to complete the project. On the basis that their original quote for works was the most competitive and itself based largely on a mark-up of the subcontractor quote (the largest subcontractor), officers recommend directly appointing said subcontractor as lead-contractor for completion of the works through a direct appointment.</p> <p>The dispensation is requested on operational grounds; it will minimise the risk of time and cost overrun since the subcontractor already have extensive knowledge of the project and are themselves in the middle of undertaking works to the shopfront (in fact parts of the original shopfront are currently in their workshop for repair). The scheme's funder Heritage Lottery Fund have confirmed their agreement with this proposal in writing.</p>

**Other Options Considered:**

1) Do nothing - the project would not be completed. This would leave the shopfront unfinished (it is currently without glazing, a door, or base to the shopfront) and it would have to be boarded over once the hoardings currently on site are removed. The space within; intended for use by the Townscape Heritage Scheme to deliver the scheme's outreach activities and as Nottingham's Urban Room, would no longer be available for use. This would jeopardise Nottingham City Council's ability to meet the requirements of its Carrington Street Area Townscape Heritage Scheme and also its Heritage Action Zone Scheme (which the Urban Room project forms part of). For these reason, this option was rejected.

2) Undertake a further procurement exercise to obtain further quotes for completion of works. This is likely to add both significant time and cost to the programme, since a premium is likely to be charged by other contractors for picking up part-finished "work in progress". Time delays would also jeopardise the intended opening of the space as the Townscape Heritage showcase and Nottingham's Urban Room in time for an anticipated summer launch event and site opening. This option may also require further approvals from Heritage Lottery Fund and scheme Grants Panel, particularly if costs increased as a result of this, adding further to the potential time and cost delay. For these reasons, this option was rejected.

**Background Papers:**

None.

**Published Works:**

None.

**Affected Wards:**

Bridge

**Colleague / Councillor Interests:**

None

**Dispensation from Financial Regulations:**

Yes

**Consultations:**

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:**

None

**Equality:**

EIA not required. Reasons: Decision does not set out proposals for changes to a policy, service or function.

**Social Value Considerations:**

Not applicable - the decision is below Social Value Consideration thresholds.

**Relates to Council Property Assets:** 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:** Councillor Brian Parbutt  
**Consultation Date:** 22/05/2018  
Councillor Parbutt has agreed that the decision can be exempted from call-in, to avoid any further delays to the works being completed.

**Advice Sought:** Legal, Finance, Procurement, Property

**Legal Advice:** Under Financial Regulation 3.29 the Council may grant a dispensation to its Contract Procedure Rules, and specifically in this proposal, Rule 5.1.1 for operational issues. Those issues have been set out in this agreement and raise no significant legal concerns. On that basis the proposed course of action to award the contract to the current sub-contractor is supported.  
Advice provided by Naomi Vass (Senior Solicitor) on 21/05/2018.

**Finance Advice:** The current project's main subcontractor can complete the work within the originally agreed financial budget, is already on site and working on the project. This proposal seeks a direct award to the sub-contractor which requires a dispensation from Contract Procedure Rules (5.1.1) in accordance with Financial Regulations 3.29, and is appropriate in these circumstances.  
Advice provided by Susan Tytherleigh (Senior Finance Manager) on 18/05/2018.

**Procurement Advice:** Given the circumstances, this appears to be a sensible and pragmatic course of action. If the dispensation to Contract Procedure Rules is granted then there are no procurement implications.  
Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 17/05/2018.

**Property Advice:** This decision is a pragmatic one as it will directly appoint the existing subcontractor to complete the work so will minimise the risk of cost and time overrun for the project.  
Advice provided by Pippa Hall (Portfolio and Investment Manager) on 18/05/2018.

**Signatures**

<b>Jane Urquhart (PH for Housing and Planning)</b>
<b>SIGNED and Dated: 04/06/2018</b>
<b>David Bishop (Deputy CE, CD for Development and Growth)</b>
<b>SIGNED and Dated: 25/05/2018</b>
<b>Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations</b>
<b>SIGNED and Dated: 24/05/2018</b>
<b>Chief Finance Officer's Comments:</b>