

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	3614
Author:	Martin Cooke
Department:	Commercial and Operations
Contact:	Martin Cooke (Job Title: Principal Environmental Health Officer, Email: martin.cooke@nottinghamcity.gov.uk, Phone: 01158761567)
Subject:	Repair of wall at Woodborough Road/Cranmer Grove
Total Value:	£35,000 (maximum) (Type: Revenue)
Decision Being Taken:	<p>To approve the expenditure to carry out repair works to the wall to the rear of properties on Woodborough Road and Cranmer Grove - installation of ground anchors to stabilise the retaining section of the wall and rebuild the top section, which is insecure.</p> <p>To approve dispensation from Contract Procedure Rules 5.1.2. in accordance with Financial Regulation 3.29 to offer the contract to the only contractor to bid for the repair works.</p>
Reasons for the Decision(s)	<p>The wall in question is a retaining wall between two alleyways. One section of it has moved outwards, and structural engineers advise that further movement is likely.</p> <p>Notices under the Nottinghamshire County Council Act 1985 s5 have been served and the owners of the properties have not been able to arrange the works between themselves.</p> <p>An indicative price of £27,600 has been supplied by one specialist contractor (in April 2018). Only two contractors who carry out this type of work have been identified and the other one failed to give a price. All costs are rechargeable to the owners of the properties involved under the Public Health Act 1936 as detailed in the Nottinghamshire County Council Act 1985.</p> <p>The cost of carrying out these works will be substantially lower than replacing the wall at a later date when it collapses which is likely to cost in excess of £150,000</p> <p>Note: due to the length of time since contact with the owners, if this expenditure is approved ownership will be rechecked and owners will be contacted before the works are commissioned to advise of costs.</p>
Briefing notes documents:	None.

**Other Options Considered:** Not to repair the wall - REJECTED as although the City Council is not legally obliged to carry out the works, if the wall deteriorates then repairs may not be possible and the wall would have to be taken down. If the wall was not rebuilt, the rear yards of the lower properties would be rendered unuseable and the upper alleyway, rear walls, outbuildings and rear sections of garden may be undermined and have to be demolished.

**Background Papers:** None.

**Published Works:** None.

**Affected Wards:** Mapperley

**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: This decision relates to specific properties only and relates to the physical condition of the wall. The work is part of the normal process for dangerous structures.

**Relates to Building Services:** Yes

**Decision Type:** Portfolio Holder

**Subject to Call In:** Yes

**Call In Expiry date:** 15/08/2019

**Advice Sought:** Legal, Finance, Procurement, Building Services

**Legal Advice:** On the assumption that notices were validly served under s5 Of the Nottinghamshire County Council Act 1985 section 290 of the Public Health Act 1936 provides a power for the Council to execute works in default at its discretion. The costs of such works may be recovered from the person(s) served with the notices. Such sums can also be secured by registering a Local Land Charge against the relevant property(ies).

Advice provided by Ann Barrett (Team Leader) on 01/05/2019.

**Finance Advice:** This decision seeks approval to incur expenditure totalling up to £35,000 to make repairs as outlined in the decision.

The Council does not have the resources to undertaken this work. To avoid the situation deteriorating, thereby leading to an increase in cost, the Council will undertake this work and will then recover the cost from the owners of the properties responsible for maintenance. In the event that the owners are unable / unwilling to reimburse the Council for this cost, then the Head of Service for Environmental Health and Safer Housing will need to manage with pressure within their approved budgets.

The decision seeks dispensation from contract procedure rule 5.1.2 in accordance with financial regulation 3.29 to procure the only contractor to bid for the repair works. This is due to the specialist nature of the works to be undertaken and limited number of companies that could complete this work and therefore is supported.

Advice provided by Maria Balchin (Finance Analyst) on 09/05/2019.

**Building Services Advice:** This decision seeks approval to incur expenditure totalling up to £35,000 to make repairs as outlined in the decision.

The Council does not have the resources to undertake this work.

Advice provided by Trevor Bone (Property Maintenance Manager) on 27/06/2019.

**Procurement Advice:** If the dispensation to Contract Procedure Rules is approved then there are direct procurement implications to the appointment. However, it is noted that contractors have already been approached for prices, making this a post-hoc request for approval. For future instances, permission to take an action should be sought and approved before that action is taken in order to ensure good corporate governance. Advice should be sought from the Procurement Team or Legal Services at the earliest opportunity in the process to avoid this situation arising again. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 10/05/2019.

**Signatures**

Linda Woodings as Portfolio Holder (PH Housing, Planning and Heritage)
SIGNED and Dated: 08/08/2019
Andrew Errington (Director, Community Protection)
SIGNED and Dated: 29/07/2019
Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 24/07/2019
Chief Finance Officer's Comments: