



RECORD OF DELEGATED DECISION (OFFICER)

1. Decision Reference No.	CEX335
2. Name/Title of Officer	Edd De Coverly Chief Executive
3. Email address of Officer	edecoverly@melton.gov.uk
4. Title / Subject Matter:	AOC - Securing expertise to support delivery of design and planning application for the levelling up fund
5. Type of Decision:	Public
6. Key Decision?	Yes – expenditure of over £50k
7. Decision Taken:	<p>1. To Award a contract through a framework to secure a multidisciplinary team to undertake all relevant works required to submit a planning application on behalf of the council.</p>
8. Reasons for Decision:	<p>To undertake all works necessary to enable the submission of a planning application for the Stockyard development, which is being funded through the Levelling up fund, a diverse and varied amount of expertise are required. To maximise the value and ensure efficiencies in the timescales for delivery it has been agreed that the most appropriate route to securing the wide range of services needed is through securing a contractor for these works that is then able to utilise its access to a multidisciplinary team to ensure the planning application is fully prepared and submitted.</p> <p>A procurement options appraisal has been undertaken to look at the best route to secure this multidisciplinary team whilst also making sure the council best interests are served in terms of time constraints and ensuring value for money. The preferred option for securing these services is for a direct award through a compliant framework which will enable the council to meet its deadlines relating to the development of the site by end of March 2025</p> <p>This award will be to take the required programme of works up to and including RIBA 4 which will include all surveys, design, and other technical drawings to enable the submission of a full application for the Stockyard proposition. This way should the application be approved, the Council will be able to move quickly to the construction phase which will be procured later in the project programme and is scheduled to be complete by March 2025.</p>

Cabinet will regularly oversee and monitor the preparation of the design for the Stockyard to ensure that it maximises the benefits of the scheme, operates in accordance with funding conditions and facilitates a complimentary, not competitive offer to the high street and town market area. Once the design has been agreed informally, a further formal Cabinet decision will be required to formally endorse the proposition, prior to developing and submitting the Planning Application. It is anticipated the Cabinet decision will be required by December 2023, with a view to submitting the planning application in the New Year.

9. Authority / Legal Power:

Cabinet of [June 16th 2022](#) approved the principles of the Stockyard project (point 6 of the minutes) as part of the submitting of the Levelling Up Funding Bid.

On securing the funding, [Cabinet on Wednesday, 8th March, 2023,](#) considered the scheme and recommended to [Council on Thursday, 23rd March, 2023](#) acceptance of the funding. Council resolved to accept Melton's proportion of the LUF funding and to enter the capital scheme for the Stockyard to the capital programme to enable its delivery.

The Chief Executive can approve contracts up to £3million provided that the Contract Procedure Rules have been complied.

The Chief Executive has delegated authority in regards to the overall responsibility for the delivery of all Council services pursuant to 12.1 of the Officer Scheme of Delegation

10. Background Papers attached?

No

11. Alternative options available / rejected:

1. Undertake required works ourselves – MBC does not have the required range of expertise within its workforce to undertake all necessary works to successfully submit a planning application of this nature. Should we look to recruit to these roles the delay caused by the recruitment process would cause significant delay to the programme which would push us beyond the timeframes agreed with Government, as well as incur significant additional costs.
2. Do nothing – this is not considered a viable option as without planning the stockyard proposal would not be able to be developed.
3. Open procurement for multidisciplinary team – this method would have delayed the programme of works by ten weeks, the impact of which would have been the council being unable to meet its obligations to government in regard to the end date for the delivery of the Stockyard Proposition
4. Procure design and construction as one contract – This method would have committed the council into an overarching £12m programme of works. At this early of a stage in the programme it was felt the risk of this approach was too high and would have caused issues further on in the process should there have been any unforeseen implications in the programme.

12. Implications:

<p>Legal</p>	<p>The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (contract) Act 1997, s1). The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK and EU legislation every contract entered into on behalf of the Council must also comply with the Council's Contract Procedure Rules and the Council's Financial Regulations.</p> <p>The Financial Procedure Rules provides that the Chief Executive can approve contracts up to £3million provided that the Contract Procedure Rules have been complied.</p> <p>This work would only be for the submission of the planning application. As the Council's own application, the application would need to be determined by the Council's Planning Committee.</p> <p>Funding for this work is from the Levelling Up Fund and therefore any expenditure must comply with any legal and/or contractual requirements pursuant to that funding.</p> <p>The Council will enter into a contract for this work which will be advised upon by external Legal Services.</p> <p>[Legal Approval – 3 July 2023]</p>
<p>Finance</p>	<p>A specification of works has been developed for this phase and it is expected that to get the planning application submitted and additional works to be undertaken to RIBA 4 will cost up to £800k. This cost is broken down into stages and has been checked by our client-side project managers who are accepting of the costs provided being in line with current market expectations.</p> <p>This is being funded through the LuF programme and is considered eligible expenditure against which we can claim back the costs. Invoices will be retained for costs incurred which will be submitted to Rutland County Council as the Accountable body for the programme to draw down against these expenses. This will be done on a half yearly basis (3 months retrospectively and 3 months forward based upon planned expenditure for that period)</p> <p>Additional External legal support to provide advice on the contract being signed through the framework will also be funded through the LUF.</p> <p>[Finance Approval – 26 June 2023]</p>
<p>Procurement</p>	<p>The framework in question has been vetted and is OJEU/FTS compliant and a direct award is viable which meets all funding requirements. Whilst a direct award from frameworks may not give the most competitive pricing the ability not to have to restart from zero with a new consultant and instead use someone with intimate site knowledge can</p>

	<p>provide value for money in terms of a shorter contract period comparatively.</p> <p>(Welland Procurement Approval – 27 June 2023)</p>
HR	<p>A multidisciplinary team will be appointed through a framework agreement and relevant checks relating to IR35 will be undertaken if necessary. No other HR implications are identified as a result of this decision.</p> <p>[HR & Communications Approval – 28 June 2023]</p>
Other	<p>The following checks will be carried out during the contract award process</p> <ul style="list-style-type: none"> - Financial credit checks - Insurance certificates - Health and safety policies

13. APPROVAL/SIGN OFF (Do not complete until all implications signed off at Section 12)

Signature of Decision Maker with authority to sign :	<p>Email approval received Edd de Coverly Chief Executive</p>
Consultation with:	<p>Email notification received Councillor Sharon Butcher Portfolio Holder for Town Centre, Growth & Prosperity Email notification received Councillor Pip Allnatt Leader – Melton Borough Council</p>
Date:	2 August 2023

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