

LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT DECISIONS
TAKEN BY THE CHIEF EXECUTIVE**

NORTH DEVON COUNCIL CONSTITUTION
– Part 3 Annex 2: Officer Delegations –
Chief Executive



Reference No:

1) SUBJECT: Urgent Works to 47 High Street, Green Lanes, Barnstaple

2) REQUESTED DECISION: Approval to set aside the requirement to run an open tender under the Contract Procedure Rules to award a contract for construction works to enable letting to proceed.

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT: Unit 47 High Street was the former KFC restaurant. When North Devon Council acquired the freehold of the property from the former Landlords of Green lanes, the property was left in the previous layout, with the KFC fit out remaining in place. The lease to KFC having expired. Letting the unit as a whole with the ground and upper floors is not viable.

NDC property team were in the process of preparing to strip out the property when two potential tenants came forward for the unit. Both tenants wanted access to trade before Christmas. Terms have now been agreed with one retailer to take the whole of the ground floor with the intention of getting the unit ready for the retailer to fit out and trade before Christmas.

Without working towards this date and the potential letting, there is a risk to the Council that this unit will remain vacant indefinitely. The void costs to the Council from not having the unit let are currently £60,000 pa.

Having previous experience working on Green Lanes before it was owned by the Council, Curry and Brown were instructed through a framework agreement to specify a strip out and fit out tender to enable a contractor to be procured for the urgent works required. This process had to be undertaken within a 24 hour period to enable the procurement and appointment of a contractor to meet the works deadline to enable any chance of Christmas trading for the tenants.

In advance of sending out the tender, Curry and Brown contacted six contractors to establish if they would be willing to tender and be in a position to complete the works within the tight timeframe. Four contractors responded positively to this. Subsequently, two contractors responded to the tender. The option to proceed with the cheapest tender was agreed between Praxis, Curry and Brown and the NDC Property Manager. While it is a requirement of the Contract Procedure Rules to run

an open tender, this demonstrates a level of competition was undertaken despite the short timescales to demonstrate that best value is being obtained.

Hence the requirement for this urgent discussion request to enable the instruction for the works to be confirmed with the selected contractor.

4) FINANCIAL IMPLICATIONS:

This property is vacant and has been since 2019. Little interest has been shown from the market. It is poorly configured, access to the upper floors being through the centre of the building. The upper floors have reduced net internal area and there is very limited usable space, with much being taken up by disused plant and internal walls/access space.

The opportunity presented by the prospective tenant, will produce a nil costs initially to the Council, and following a rent period to allow for tenant fit out costs, a positive revenue of £30,000 pa.

In order to facilitate this, the ground floor requires a complete strip out, reconfiguration, a new shop front and the disconnection of the end of life services.

In addition it will be necessary to redesign the upper floors with a new access from the High Street to repurpose this space in order to make it revenue producing to the Council.

The costs for this initial phase of works is £278,326.70 plus VAT including Fees. Consultancy Fees for the redesign of the upper floors are quoted at £45,000 plus VAT.

These initial costs will be funded through the current budgetary framework in place within the Green Lanes budget and through the Corporate Property earmarked reserves.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

N/A – if these works are not undertaken the unit is virtually unlettable and will continue to have ongoing negative cost implications to the Council. From a regeneration perspective, the unit as it stands creates dead frontage on this area of the High Street. The unit has been empty for 3 years. Securing this tenant is the best opportunity we have had to get a quality retail offer in this property. Running an open tender with appropriate timescales would not be possible given the tight timescales to secure this tenant.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

No Conflicts are relevant.

7) A NOTE OF ANY DISPENSATION IF GRANTED:

N/A

8) LIST OF BACKGROUND PAPERS

Curry and Brown Tender Report.

9) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

| Consultee | Consulted Yes/No | Date |
|---|---------------------|----------|
| Leader of Council (<i>or Deputy Leader</i>) | Yes | 13/09/22 |
| Chair of Committee (with the Authority to take the decision) (<i>or Vice-Chair</i>) | | |
| Lead Member Councillor M Prouse | Yes | 13/09/22 |
| Councillor I Roome | Yes | 13/09/22 |
| Ward Member(s) Councillor R Mack | Yes | 13/09/22 |
| Head of Service SarahJane MacKenzie-Shapland | Yes | 13/09/22 |
| Finance Tony Rumble | Yes | 13/09/22 |
| Legal Simon Fuller | Yes | 13/09/22 |

10) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE: Helen Bond, Property Manager

11) APPROVED BY CHIEF EXECUTIVE: YES (approved by Deputy Chief Executive in the absence of the Chief Executive)



12) DATE OF DECISION: 14 September 2022

13) CHIEF EXECUTIVE'S COMMENTS: This unit within Green Lanes is vacant and has been since 2019 (over 3 years) with very little interest shown from the market. It

is poorly configured with access to the upper floors being through the centre of the building; with the potential to act quickly and secure this tenant being the best opportunity we have had to get a quality retail offer in this property. To run an open tender with appropriate timescales would not be possible given the tight timescales to secure this tenant as set out above.

14) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

3 October 2022

GUIDANCE NOTES

NOTE:

PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
3. The Chief Executive will make his decision.

PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

Officer Delegations: the Chief Executive:

Urgent Decision Making

- 3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:
- 3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and
 - 3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and
 - 3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.