

Version History			
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This document has been prepared using the following ISO27001:2013 standard controls as reference:			
ISO Control	Description		
A.8.2	Information classification		
A.7.2.2	Information security awareness, education and training		
A.18.1.1	Identification of applicable legislation and contractual requirements		
A.18.1.3	Protection of records		
A.18.1.4	Privacy and protection of personally identifiable information		



Agenda Item

**FOR PUBLICATION/NOT FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**13 January 2022**

**Report of the Executive Director for Commissioning, Communities and Policy**

**Urgent Officer Decision  
Cemetery Road, Glossop: 3G All Weather Pitch Contracts  
(Corporate Services and Budget)**

- 1. Divisions Affected**
  - 1.1 Glossop and Charlesworth
- 2. Key Decision**

2.1 This is not a Key Decision

### **3. Purpose**

3.1 To ask Cabinet to note the decision made under delegated powers to enter into contracts to deliver a 3G football pitch and new changing facilities on the Council's land at Cemetery Road, Glossop, having considered that the scope of the works required have increased as the requirements of the site and the contractual arrangements have been better understood.

### **4. Information and Analysis**

4.1 Due to the time scales applying to this project, to mitigate against price increases which could make it unaffordable, an urgent officer decision was sought.

4.2 These projects were reported to Cabinet on 11 March 2021 (item 12(c)), 9 September 2021 (item 12(a)) and 18 November 201 (item 10(c)).

4.3 The decisions taken were:

- to note that approval was given on 16 September 2021, in an Urgent Officer Decision, to enter into (as an Additional Client) and to call-off from non-DCC framework contract, the Framework Alliance Contract, with the Football Foundation (the Client) managed by framework management consultant Robinson Low Francis (RLF). This contract was for the supply and installation of 3G artificial grass pitch at Cemetery Road, Glossop. The Alliance member to deliver the works being TigerTurf UK Limited.
- to approve an increase in the contract sum with TigerTurf UK Limited to £0.758m (previously £0.667m). This sum includes a £0.025m contingency.
- to note that on 11 March 2021 Cabinet approved the award of a contract to Building Projects Group Ltd (BPG) of Glossop for site preparation and construction of a changing room and pavilion at Cemetery Road, Glossop.
- To approve an increase in the contract sum with BPG to £0.928m (previously £0.796m). This includes provisional sums of which £0.025m is a contingency.
- To approve the Council to award a contract with WT Partnership to undertake Quantity Surveying and Project Management services RIBA stages 5, 6 and 7 during the delivery of the project at Cemetery Road, Glossop, at a contract value of £27,300.

- To note that on 11 March 2021 Cabinet approved the addition of £1.500m to the capital programme to build a 3G football pitch and changing facilities at Cemetery Road, Glossop.
- To increase the addition to the capital programme noted above to £1.714m.

4.4 The approvals above were contingent on all sources of funding for the project being confirmed.

4.5 The decision was also taken to approve any further increases to the contract sums and capital programme which relate to this project. This approval being subject to there being no substantive change to the scope of the works and any additional amounts being fully funded from sources external to the Council and not increasing the Council's borrowing requirement.

4.6 These decisions were taken:

- because subsequent to Cabinet's approval for the project in March 2021, additional works were identified as required in order to safeguard the supply of water to the new pavilion and to three third party properties. The Council is responsible for ensuring that the water supply to these properties, which is sourced from a pumping station, is not negatively impacted by the project.
- because it is necessary for the Council to contract directly with WT Partnership to undertake the project management and quantity surveying services during the project delivery in order for the Council to have legal recourse in the event that negligent information is provided or a mistake is made by WT Partnership.
- because the cost of the project has increased, reflecting the increased scope of the works.
- the value of the contracts required to deliver the updated scope of works has increased.
- the value of the project within the Council's capital programme needs to be amended to allow for the increased cost.
- revised offers which fully fund the expected costs, allowing for the updated scope of the works, have been received.
- to allow the project to progress in a timely manner irrespective of non-substantive changes to the project, as long as these do not require additional financial resources from the Council.

4.7 Appendix 2 sets out the detail of the urgent officer decision.

## **5. Consultation**

5.1 No consultation is required.

## **6. Alternative Options Considered**

6.1 N/A – the Managing Executive Director has exercised the power to make this decision. The Cabinet Member for Corporate Services and Budget and the Chair of Improvement and Scrutiny Committee - Resources were consulted before the power was exercised.

## **7. Implications**

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **8. Background Papers**

8.1 This project was reported to Cabinet on 11 March 2021 (item 12(c)), 9 September 2021 (item 12(a)) and 18 November 201 (item 10(c)).

## **9. Appendices**

9.1 Appendix 1 - Implications.

9.2 Appendix 2 - Urgent Officer Decision Record.

## **10. Recommendation(s)**

That Cabinet:

a) notes the decision made under urgent delegated powers.

## **11. Reasons for Recommendation(s)**

11.1 To inform Cabinet of the use of delegated powers and to ensure there is appropriate transparency and oversight of their use.

## **12. Is it necessary to waive the call in period?**

12.1 No

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Sam Holmes

**Contact details:**  
[Samuel.Holmes@derbyshire.gov.uk](mailto:Samuel.Holmes@derbyshire.gov.uk)

**This report has been approved by the following officers:**

<p><b>On behalf of:</b></p> <p>Director of Legal Services and Monitoring Officer Director of Finance and ICT Managing Executive Director Executive Director(s)</p>	
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## Implications

### Financial

- 1.1 The tender price for the 3G pitch is £0.758m (previously £0.667m). This sum includes a £0.025m contingency
- 1.2 The tender price for the changing room and pavilion is £0.928m (previously £0.796m). This includes provisional sums of which £0.025m is a contingency.
- 1.3 The quoted price for Quantity Surveying and Project Management services RIBA stages 5, 6 and 7 during the delivery of the project is £0.028m
- 1.4 The costs of these projects are to be fully funded from Football Foundation grant, contributions from the football club and a grant (partly from Section 106 receipts) from High Peak Borough Council (HPBC).
- 1.5 The revised funding breakdown is:

	£m
Grant from High Peak Borough Council (includes Section 106 monies levied by High Peak Borough and Derbyshire County Council)	0.367
Grant from the Football Foundation	1.230
Funding payable by Glossop Community Club	0.117
<b>TOTAL</b>	<b>1.714</b>

- 1.6 Funding of £30,000 from HPBC is subject to an Executive Decision scheduled for approval on 3 December 2021. The Section 151 Officer at HPBC has confirmed in writing that this decision is highly likely to proceed and be affirmative.
- 1.7 Glossop North End Community Club has confirmed that it now has the funds to meet its expected funding contributions to the project.
- 1.8 Approvals contained in the urgent decision made under delegated powers are contingent on all sources of funding being confirmed.

### Legal

- 2.1 Urgent officer decisions can be taken by Executive Directors as outlined in the Council Constitution, which states: 'Notwithstanding any other provision of this

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Constitution, the Executive Directors shall have power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee’.

### Human Resources

3.1 None directly arising from this report.

### Information Technology

4.1 None directly arising from this report.

### Equalities Impact

5.1 None directly arising from this report.

### Corporate objectives and priorities for change

6.1 Supports the Council ambition of working together alongside communities to deliver services that meet people’s needs.

### Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None directly arising from this report.

### Report Sign Off and Version Control

Report Title	
Author	
Meeting and Date	
Version	
Key Decision (published)	
Exempt item (notice of private meeting published)	

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Implications	Name and Comments	Date Approved
Finance		
Legal		
Human Resources		
Information Technology		
Equalities		
Corporate Objectives and priorities for change		
Consultation		
Other – please specify		

### Author's Directorate Sign Off

		Date
Managing Executive Director/Executive Director		
DMT – if applicable		
CMT – if applicable		
Cabinet Member briefed		
Other – please specify		



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### DERBYSHIRE COUNTY COUNCIL OFFICER DECISION RECORD

<b>Officer:</b> Peter Handford, Director of Finance & ICT	<b>Service:</b> Finance & ICT, CCP
<b>Delegated Power Being Exercised:</b> Urgent Powers	
<b>Subject of Decision:</b>	<p>To seek the Managing Executive Director's urgent approval to allow the Council to enter into contracts to deliver a 3G football pitch and new changing facilities at Cemetery Road, Glossop. These additional approvals being necessary as the scope of the works required have increased as the requirements of the site and the contractual arrangements have been better understood.</p>
<b>Key decision?</b>	Yes
<b>Decision Taken</b> (specify precise details):	<p>To note that approval was given on 16 September 2021, in an Urgent Officer Decision, to enter into (as an Additional Client) and to call-off from non-DCC framework contract, the Framework Alliance Contract, with the Football Foundation (the Client) managed by framework management consultant Robinson Low Francis (RLF). This contract was for the supply and installation of 3G artificial grass pitch at Cemetery Road, Glossop. The Alliance member to deliver the works being TigerTurf UK Limited.</p> <p>To approve an increase in the contract sum with TigerTurf UK Limited to £0.758m (previously £0.667m). This sum includes a £0.025m contingency.</p> <p>To note that on 11 March 2021 Cabinet approved the award of a contract to Building Projects Group Ltd (BPG) of Glossop for site preparation and construction of a changing room and pavilion at Cemetery Road, Glossop.</p> <p>To approve an increase in the contract sum with BPG to £0.928m (previously £0.796m). This includes provisional sums of which £0.025m is a contingency.</p>

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	<p>To approve the Council to award a contract with WT Partnership to undertake Quantity Surveying and Project Management services RIBA stages 5, 6 and 7 during the delivery of the project at Cemetery Road, Glossop, at a contract value of £27,300.</p> <p>To note that on 11 March 2021 Cabinet approved the addition of £1.500m to the capital programme to build a 3G football pitch and changing facilities at Cemetery Road, Glossop.</p> <p>To increase the addition to the capital programme noted above to £1.714m.</p> <p>The approvals above being contingent on Glossop North End Community Club identifying the outstanding funding to meet its contribution to the project and all other sources of funding being confirmed.</p> <p>To approve any further increases to the contract sums and capital programme which relate to this project. This approval being subject to there being no substantive change to the scope of the works and any additional amounts being fully funded from sources external to the Council and not increasing the Council's borrowing requirement.</p>
<p><b>Reasons for the Decision</b> (specify all reasons for taking the decisions including where necessary reference to Council policy)</p>	<p>On 11 March 2021, Cabinet approved a project to develop the Council's land at Cemetery Road, Glossop, in partnership with the Football Foundation and Glossop North End Community Club and to add these projects to the capital programme.</p> <p>The reports highlighted the need to enter into a partnership to become joint bidder and support funding applications to the Football Foundation to deliver full size floodlit 3G football pitches.</p> <p>At this meeting Cabinet approved:</p> <ul style="list-style-type: none"> <li>• the acceptance of grant funding from the Football Foundation for this purpose.</li> </ul>

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	<ul style="list-style-type: none"><li>• the use of the Football Foundation's artificial grass pitch (AGP) Framework managed by framework management consultants Robinson Low Francis (RLF) for the supply of the 3G pitch and related works.</li><li>• the award of a contract to Building Projects Group Ltd (BPG) of Glossop for site preparation and construction of a changing room and pavilion.</li><li>• the granting of a 35 year lease to the football club.</li><li>• the Director of Legal Services, upon instruction from the Director of Property, to arrange and execute all legal documentation required in relation to the project.</li></ul> <p>These approvals were contingent on Glossop North End Community Club identifying the outstanding funding to meet its contribution to the project and all sources of funding being formally confirmed.</p> <p>Since then, the Council's officers have been working with the club to agree a lease, joint working arrangement and to understand outstanding matters which impact on the cost of the project and how it intends to fully fund all the project costs.</p> <p>During discussions with the club it emerged that there were site issues, relating to the supply of water to the new pavilion and to three third party properties, which had not been addressed in the specified works. The Council is responsible for ensuring that the water supply to these properties, which is sourced from a pumping station, is not negatively impacted by the project.</p> <p>Following investigation with the contractors and engineers, solutions to these issues have been proposed. These are:</p> <ol style="list-style-type: none"><li>1. to disconnect the existing pipe which runs under the site of the new 3G pitch and redirect it around the pitch.</li></ol>
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	<p>2. to fit a tank and booster set which will regulate the demand for water from the new pavilion.</p> <p>Furthermore, it was originally expected that the club would contract with WT Partnership to undertake the project management and quantity surveying services during the project delivery. However, the Council's Property Project Management team and the Council's commercial solicitor have advised that it is necessary for the Council to contract directly with WT Partnership for these services in order for the Council to have legal recourse in the event that negligent information is provided or a mistake is made by WT Partnership.</p> <p>Therefore, a business case, under Protocol 8 of the Council's Financial Regulations to use a Sole Supplier, was sought for the Council to appoint the WT Partnership for quantity surveying and project management services RIBA stages 5, 6 and 7. The Council's Procurement, Financial and Legal Services have been consulted and have approved this business case.</p> <p>A revision to the project funding is now proposed. This fully funds the updated scope of the works.</p> <p>The club itself has confirmed that it now has the funds to meet its expected funding contributions to the project.</p> <p>The Football Foundation have made an increased grant offer which is conditional on the Joint Working Arrangement and lease of the site being agreed and all other funding being in place.</p> <p>High Peak Borough Council (HPBC) have advised that they can make a further £30,000 available. This additional funding is subject to an Executive Decision scheduled for approval on 3 December 2021. The Section 151 Officer at HPBC</p>
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	<p>has confirmed in writing that this decision is highly likely to proceed and be affirmative.</p> <p>On this basis, it is recommended that the Council proceeds with the project, including entering into the grant funding arrangement with the Football Foundation, having received adequate confirmation that all sources of funding from the club and other providers will be available.</p> <p><b><u>Reasons for Urgency</u></b></p> <p>An urgent decision is sought to ensure that this project can proceed to meet the timescales required:</p> <ul style="list-style-type: none"> <li>• to mitigate potential increases to the tendered price, which could make the project unaffordable.</li> </ul> <p>It is anticipated that the Joint Working Agreement, the lease, and the contracts for services will be entered into on or around 3 December 2021. For this reason and the need to safeguard the interests of the County Council, the decision cannot be dealt with by submission to the next Cabinet meeting which takes place on 6 December 2021.</p>
<p><b>Alternative Options Considered</b> (if appropriate)</p>	<ol style="list-style-type: none"> <li>1. Withdraw from these projects. However, this would not deliver the community benefit that these projects promise to bring.</li> <li>2. Take a report to the next Cabinet meeting on 6 December 2021. This is not considered appropriate for the reasons set out in the 'Reasons for Decision' paragraph above.</li> </ol>
<p><b>Background/Reports/Information considered and attached</b> (Legal, Personnel, Financial Implications etc)</p>	<p><b><u>Background Reports</u></b></p> <p>Reports to Cabinet on:</p> <ul style="list-style-type: none"> <li>• 11 March 2021 (item 12(c))</li> <li>• 9 September 2021 (item 12(a))</li> </ul> <p>An additional report was considered by Cabinet on 18 November 2021 in respect of an urgent officer decision relating to this project.</p>

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### **Financial**

The tender price for the 3G pitch is:

- £0.758m (previously £0.667m). This sum includes a £0.025m contingency.

The tender price for the changing room and pavilion is:

- £0.928m (previously £0.796m). This includes provisional sums of which £0.025m is a contingency.

The quoted price for Quantity Surveying and Project Management services RIBA stages 5, 6 and 7 during the delivery of the project is:

- £0.028m

The costs of these projects are to be fully funded from Football Foundation grant, contributions from the football club and a grant (partly from Section 106 receipts) from High Peak Borough Council (HPBC).

The revised funding breakdown is:

	<b>£m</b>
Grant from High Peak Borough Council (includes Section 106 monies levied by High Peak Borough and Derbyshire County Council)	0.367
Grant from the Football Foundation	1.230
Funding payable by Glossop Community Club	0.117
<b>TOTAL</b>	<b>1.714</b>

Funding of £30,000 from HPBC is subject to an Executive Decision scheduled for

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	<p>approval on 3 December 2021. The Section 151 Officer at HPBC has confirmed in writing that this decision is highly likely to proceed and be affirmative.</p> <p>Glossop North End Community Club has confirmed that it now has the funds to meet its expected funding contributions to the project.</p> <p>Approvals contained in this report are contingent on all sources of funding being formally confirmed.</p> <p><b><u>Legal</u></b></p> <p>1.1 Urgent officer decisions can be taken by Executive Directors as outlined in the Council Constitution, which states:</p> <p>‘Notwithstanding any other provision of this Constitution, the Executive Directors shall have power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee’.</p> <p>1.2 The decision to award the contracts can be classified as urgent for the reasons set out in the paragraph headed ‘Reasons for Decision’ above.</p> <p>1.3 2.3 Improvement and Scrutiny Procedure Rules State: “13(6) The call-in procedure set out above shall not apply where the decision being taken by Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council’s or the public interest. All reports recommending that decisions be taken should say whether or not it is proposed</p>
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	<p>that call-in be waived. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the appropriate Improvement and Scrutiny Committee should agree both the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.</p> <p><b><u>Human Resources</u></b></p> <p>None directly arising from this report.</p> <p><b><u>Information Technology</u></b></p> <p>None directly arising from this report.</p> <p><b><u>Equalities Impact</u></b></p> <p>None directly arising from this report.</p> <p><b><u>Corporate objectives and priorities for change</u></b></p> <p>Supports the Council ambition of working together alongside communities to deliver services that meet people’s needs.</p> <p><b><u>Other</u></b></p> <p>None directly arising from this report.</p>
<p><b>Consultation with relevant Cabinet Member(s)</b></p>	<p>Cllr Spencer has been informed and is aware of the need for the Urgent Officer Decision.</p>
<p><b>Call-In</b></p>	<p>Is it required that call-in be waived in respect of the decisions proposed in the report? Yes.</p>
<p><b>Approval of Chair of appropriate Improvement and Scrutiny Committee where call in is intended to be waived – please note this is obligatory in those circumstances</b></p>	<p>Call in period is intended to be waived. Approval of Cllr Swann, Chair of Improvement and Scrutiny Committee - Resources was sought on 25/11/2021 and the waiver has been agreed.</p>



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<b>Decision:</b>	Approved by Emma Alexander
<b>Signature and Date:</b>    Monday 29 November 2021	