

Time 4.30 pm **Public Meeting?** YES **Type of meeting** Executive

Venue Committee Room 3 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Steve Evans (Lab)

Labour

Cllr Obaida Ahmed
Cllr Paula Brookfield
Cllr Chris Burden
Cllr Craig Collingswood
Cllr Jacqui Coogan
Cllr Bhupinder Gakhal
Cllr Jasbir Jaspal
Cllr Louise Miles
Cllr Stephen Simkins

Quorum for this meeting is three voting members.

Information for the Public

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

Item No. Title

MEETING BUSINESS ITEMS

- 1 **Apologies for absence**
- 2 **Declarations of interest**
- 3 **Minutes of the previous meeting** (Pages 5 - 10)
[To approve the minutes of the previous meeting as a correct record]

DECISION ITEMS (AMBER - DELEGATED TO THE CABINET (RESOURCES) PANEL)

- 4 **Procurement - Award of Contracts for Works, Goods and Services** (Pages 11 - 28)
[To approve the award of contracts for works, goods and services]
- 5 **Acquisition of Privately Owned Empty Property by Agreement or Compulsory Purchase: 11 Brown Street, Wolverhampton, WV2 1HR** (Pages 29 - 38)
[To approve the acquisition of privately owned empty property by agreement or compulsory purchase]
- 6 **City Learning Quarter Phase 2 - Central Library and Adult Education Project** (Pages 39 - 46)
[To seek approvals to progress the Central Library and Adult Education project that forms part of Phase 2 of the City Learning Quarter programme]
- 7 **Exclusion of press and public**
[To pass the following resolution:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information on the grounds shown below]

Part 2 - exempt items, closed to press and public

- 8 **City Learning Quarter Phase 2 - Central Library and Adult Education Project** (Pages 47 - 48)
[To present the Central Library and Adult Education project costed risk register referred at Appendix 1 to agenda item 6]
- Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)

9

**Procurement - Award of Contracts for Works,
Goods and Services** (Pages 49 - 70)

[To approve the award of contracts for works, goods
and services]

Information relating to the
financial or business affairs of
any particular person (including
the authority holding that
information) Para (3)

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel Minutes - 20 March 2024
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Attendance

Members of the Cabinet (Resources) Panel

Cllr Steve Evans (Chair)
Cllr Paula Brookfield
Cllr Chris Burden
Cllr Craig Collingswood
Cllr Jacqui Coogan
Cllr Bhupinder Gakhal
Cllr Jasbir Jaspal
Cllr Louise Miles
Cllr Stephen Simkins

Employees

Tim Johnson	Chief Executive
Ian Fegan	Director of City Economy and Partnerships
Alison Hinds	Director of Children's Services
James Howse	Director of Finance
Charlotte Johns	Executive Director of Economy
Richard Lawrence	Director of City Development
David Pattison	Chief Operating Officer
John Roseblade	Director of Resident Services
Andrew Wolverson	Director of Adult Social Care (DASS)
Jaswinder Kaur	Democratic Services and Systems Manager
Dereck Francis	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for absence**
Apologies for absence were submitted on behalf of Councillor Obaida Ahmed.
- 2 **Declarations of interest**
No declarations of interests were made.
- 3 **Minutes of the previous meeting**
Resolved:
That the minutes of the previous meeting held on 21 February 2024 be approved as a correct record and signed by the Chair.

4 **Treasury Management Activity Monitoring Quarter Three 2023-2024**

Councillor Louise Miles presented the monitoring and progress report on treasury management activity for the third quarter of 2023-2024 and on the revised Prudential Indicators which were approved by the Council on 28 February 2024. She reported that the Council continued to operate within the approved prudential and treasury management indicators and also within the requirements set out in the Council's approved Treasury Management Strategy 2023-2024. Cabinet was asked to note that revenue underspends of £1.6 million for the General Fund and £1.6 million for the Housing Revenue Account are forecast from treasury management activities in 2023-2024. This was due to a reduced borrowing need in year arising as a result of the re-phasing of the capital programme and better interest rates achieved on the investment of surplus cash balances than budgeted.

Councillor Stephen Simkins reported that with this good financial stewardship the Council had achieved so much in the last 12 months. He paid tribute to everybody involved in the delivery of major capital projects that can be seen across the city and to those delivering services and support to the city's residents. He also paid tribute to Councillor Steve Evans, Chair of the Cabinet (Resources) Panel and Councillor Louise Miles, Cabinet Member for Resources.

Resolved:

1. That it be noted that the Council is continuing to operate within the Prudential and Treasury Management Indicators approved by Council, and also within the requirements set out in the Council's approved Treasury Management Strategy for 2023-2024.
2. That it be noted that revenue underspends of £1.6 million for the General Fund and £1.6 million for the Housing Revenue Account (HRA) are forecast from treasury management activities in 2023-2024.

5 **Wolverhampton City Investment Prospectus - Update on the continued delivery of Transformational Priority Regeneration Projects**

Councillor Stephen Simkins presented the report on progress of the City Investment Prospectus priority regeneration projects and the revenue budget required for 2024-2025 for their continued delivery, together with the Bilston Long Term Plan for Towns and the Wolverhampton: Our Future City Plan. He reported that the Council had a growing and ambitious regeneration programme with the delivery of a large number of existing and pipelines projects. It had been successfully delivering the City Centre West, St Georges and Green Innovation Corridor (GIC) projects identified in the Wolverhampton Investment Prospectus first phase delivery plan. To deliver these schemes there was a need for short term capacity to support the Council's city development team. It was proposed to appoint Arcadis via a direct award to provide ongoing support to city development and maintain delivery of projects at pace.

Resolved:

1. That in order to continue to deliver Wolverhampton's ambitious and transformational regeneration agenda:
 - i. The continuation of progressing the City Centre West development scheme, £382,000 budget, funded from the Sustainable Medium Term Financial Strategy (MTFS) reserve for the project to March 2025 be approved.

- ii. The continuation of progressing the St Georges development scheme, subject to a satisfactory business case, £821,000 budget, funded from the Sustainable MTFS reserve for the project to March 2025 be approved.
 - iii. The continuation of progressing the Green Innovation Corridor programme, £250,000 budget, grant funding from the Government's Investment Zone Delivery Capacity Funding to support the progression of the project to March 2025 be approved.
 - iv. The continuation of progressing the Bilston Town Centre Long Term Plan project, £250,000 budget, grant funding from the Government's Bilston Capacity Funding to support the progression of the project to March 2025 be approved.
 - v. The delivery of the Wolverhampton: Our Future City Plan, £381,000 budget, funded from the Regeneration Reserve be approved.
 - vi. Authority be delegated to the Cabinet Member for Resources in consultation with the Director of City Development to approve the direct award of contract for £714,000 to Arcadis for support for the City Development Programme when the evaluation process is complete.
2. That it be noted that the Council would seek to secure additional grant funding during 2024-2025 to mitigate the use of reserves to support the ongoing delivery of these transformational projects for Wolverhampton. These would be progressed through an Individual Executive Decision Notice (IEDN) supplementary budget approvals in line with financial procedure rules, as appropriate.
 3. That it be noted that the Council would seek to utilise earmarked Enterprise Zone funding in 2025-2026 (circa £5 million for priority projects) to fully offset any use of the Sustainable Medium Term Financial Strategy (MTFS) reserve in 2024-2025. In doing so, replenishing reserves utilised in 2024-2025 as first call from the circa £5 million revenue income from the Enterprise Zone in 2025-2026.

6

Procurement - Award of Contracts for Works, Goods and Services

Councillor Louise Miles presented for approval the procurement report seeking delegated authority for Cabinet Members to approve the award of contracts once the evaluation process is complete.

Resolved:

1. That authority be delegated to the Cabinet Member for Digital and Community Inclusion, in consultation with the Executive Director of Economy, to approve the award of a contract for Supply and Delivery of Paper when the evaluation process is complete.

2. That authority be delegated to the Cabinet Member for Governance and Equalities, in consultation with the Director of Resident Services, to approve the award of a contract for Phased Demolition Works (Phase 1) at New Park Village when the evaluation process is complete.
3. That authority be delegated to the Cabinet Member for Governance and Equalities, in consultation with the Deputy Director of Assets, to approve the award of a contract for the Roof Replacement for the Council Chamber when the evaluation process is complete.
4. That authority be delegated to the Cabinet Member for Visitor City, in consultation with the Director of City Economy and Partnerships, to approve the award of a contract for Roundabout Sponsorship & Advertising when the evaluation process is complete.
5. That honouring the provision of advertising for verified paid customers of the previous contractor for Roundabout Sponsorship & Advertising but are as yet to have received their advertising through provision by the new contractor, to be funded through the Council's element of future profit share be approved.
6. That authority be delegated to the Cabinet Member for Adults and Wellbeing, in consultation with the Director of Adult Social Care to approve the award of the contract(s) for advocacy services when the evaluation process is complete.

7 **Restart Contract Update**

Councillor Jacqui Coogan presented the report on the Restart Contract Update. The Restart Scheme was the Department for Work and Pensions (DWP's) mandatory welfare to work programme which was devised to support those people made redundant during the pandemic. In Wolverhampton Serco is the prime provider and Wolves at Work a subcontractor. Changes to the scheme introduced in early 2022 by the DWP had subsequently led to Serco informing all sub-contractors that they would be reducing the number of sub-contractors in the region. Following discussions between Serco and Wolves at Work and consideration of the financial, contractual and operational implications of two options presented, it was now proposed that Wolves at Work withdraw from the Restart Scheme. This would ensure that the Council is not subsidising the Restart Scheme. Wolves at Work Restart customers would be moved to other sub-contractors in the city. There would be no break in service or support for any customers and the DWP would be involved throughout.

Resolved:

1. That it be agreed for the Council to negotiate with Serco to withdraw as a supply chain partner on the Restart Scheme.
2. That the continued priority to support more local people into good jobs and training as a city be noted.
3. That the significant changes to the Restart Scheme contract, which would result in greater financial risk to the Council should it not withdraw be noted.

4. That it be noted that Wolverhampton residents would not be negatively impacted as the Restart Scheme would continue to be delivered to Wolverhampton residents by another sub-contractor.

8 **Exclusion of press and public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the remaining items of business as they involve the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

Part 2 - exempt items, closed to press and public

9 **Restart Contract Update**

Councillor Jacqui Coogan presented an exempt version of the Restart Contract Update report discussed item 7 above. The report contained additional information on the financial, contractual and operational implications of the Restart Contract.

Resolved:

1. That it be agreed for the Council to negotiate with Serco to withdraw as a supply chain partner on the Restart Scheme.
2. That the continued priority to support more local people into good jobs and training as a city be noted.
3. That the significant changes to the Restart Scheme contract, which would result in greater financial risk to the Council should it not withdraw be noted.
4. That it be noted that Wolverhampton residents would not be negatively impacted as the Restart Scheme would continue to be delivered to Wolverhampton residents by another sub-contractor.

10 **Procurement - Award of Contracts for Works, Goods and Services**

Councillor Louise Miles presented for approval the exempt report on the award of contracts for works, goods and services. The report also included for information a list of exemptions to Contract Procedure Rules approved by the Head of Procurement and the Director of Finance during January 2024.

Resolved:

1. That the contract for Window Cleaning Services be awarded to SJ Cleaning (Midlands) Limited of Sutton Coldfield, Staffordshire B74 4HJ for a duration of four years from 16 April 2024 to 15 April 2028 for a total contract value of £372,000.
2. That the contract for Emergency and Homelessness Prevention Service for Young People with YMCA (Black Country) Wolverhampton of 29-31 Temple Street, Wolverhampton, West Midlands, WV2 4AN be varied for the duration of six months from 1 April 2024 to 30 September 2024 with a variation value of £43,940.

3. That the contract for Major Events Fund Urban Sports be awarded to Hurricane SAS of 3 Rue Christian André-Benoit, 34670, Baillargues, France, French Company Registration number 41449560600058 for a duration of seven months from 3 April 2024 to 2 November 2024 for a total contract value of £333,578.
4. That the contract for Direct Payment Support service with Barrie Bookkeeping Suite 1, Airlie House, Pentland Park, Glenrothes, KY6 2AG, Fife be varied for the duration of six months from 17 April 2024 to 16 October 2024 with a variation value of £32,000.
5. That the establishment of supplementary revenue budgets totalling £2,297,985 fully funded by the S31 Public Health ring fenced grant be approved and the contract for Drug and Alcohol Treatment and Recovery Services with Nacro of Walkden House, 16-17 Devonshire Square, London, England, EC2M 4SQ be varied for the duration of one year from 1 April 2024 to 31 March 2025, with a variation value of £1,704,958.
6. That the contract for an Eligibility & Financial Self-Assessment Solution be awarded to Looking Local Limited of 1 London Road, Southampton, Hampshire, SO15 2AE for the duration of three years from 1 April 2025 to 31 March 2028 for a total contract value of £300,650.
7. That the contract for the Statutory Advocacy provision with PohWER of Hertlands House, Primett Road, Stevenage, Hertfordshire, SG13EE be varied for the duration of one month from 16 July 2024 to 15 August 2024 with a variation value of £13,983.
8. That the contract for the Telecare Mobile Response Service with St Johns Ambulance Services of St Johns Gate, London, EC1M 4DA, be varied for the duration of one month from 3 April 2024 to 3 May 2024 with a variation value of £27,500.

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 24 April 2024
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Report title	Procurement – Award of Contracts for Works, Goods and Services	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Louise Miles Resources	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	James Howse, Interim Director of Finance	
Originating service	Procurement	
Accountable employee	John Thompson	Head of Procurement
	Tel	01902 554503
	Email	John.thomspon@wolverhampton.gov.uk
Report to be/has been considered by	Directorate Leadership Team	

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Delegate authority to the Cabinet Member for Governance and Equalities, in consultation with the Deputy Director of Assets, to approve the award of a contract for Oxley Health & Wellbeing Facility and Self & Custom Build Accommodation Main Contractor when the evaluation process is complete.
2. Delegate authority to the Cabinet Member for Children and Young People, in consultation with the Director of Children's Services, to approve the award of a contract for Families First for Children's Pathfinder Targeted Youth Support when the evaluation process is complete.
3. Delegate authority to the Cabinet Member for Environment and Climate Change, in consultation with the Director of Resident Services, to approve the award of a contract for Personal Projective Equipment (PPE) and Corporate Wear when the evaluation process is complete.

4. Delegate authority to the Cabinet Member for Adults and Wellbeing, in consultation with the Director of Adult Social Care to approve the award of a contract for Direct Payment Support Service when the evaluation process is complete.

1.0 Councillor Paula Brookfield, Cabinet Member for Governance and Equalities

1.1 Delegated Authority to Award a Contract - Oxley Health & Wellbeing Facility and Self & Custom Build Accommodation Main Contractor

Ref no:	CWC23206
Council Plan aim	Healthy, inclusive communities Good homes in well-connected neighbourhoods
Originating service	City Assets
Accountable officer	Ballal Raza, Programme Director (01902) 552932
Leadership Team approval	9 August 2022
Accountable Lead Cabinet Member	Cllr Paul Brookfield, Cabinet Member for Governance and Equalities
Date Lead Cabinet Member briefed	12 January 2023
Procurement advisor	Anna Du-Mont, Procurement Manager (01902) 551099

1.2 Background

1.3 City of Wolverhampton Council (CWC) are proposing to undertake the re-development of the former Oxley Day Training Centre site. The site is located north of the city centre, on Probert Road. Demolition of the existing buildings has been completed and the site has been cleared.

1.4 The proposed new development is to provide the following:

- A new modern and integrated health & wellbeing facility providing primary, community health, social care and mental health services.
- An apartment block providing twenty-three dwellings under the self & custom build initiative.
- Car parking for eighty-five vehicles including electric charging and accessible parking spaces.
- Publicly accessible and private hard and soft landscaping including community garden, sensory garden and play area, cycle storage and stands.

Proposed Contract Award	
Contract duration	One year six months
Contract Commencement date	1 September 2024
Total value	£13,500,000

1.5 Procurement Process

- 1.6 The intended procurement procedure will be an open above threshold procedure in accordance with Public Contract Regulations 2015. This route to market has been decided for the purposes of opening up this competition to the wider market, which would also serve to encourage a robust competitive tender process among local suppliers, small and medium-sized enterprises (SMEs) and medium to larger contractors, supporting the Wolverhampton Pound initiative. In addition, the traditional contractual route will give the Council greater control over such a large scheme, promote design integrity with a fully scoped design, and better degree of cost certainty with a bill of quantities to be issued with the specification during the tender process.
- 1.7 The evaluation scoring balance will be 60% Price and 40% Quality, including 5% Equalities and 10% Social Value.
- 1.8 Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 1.9 The evaluation team will comprise:

Name	Job Title	Organisation (if not CWC)
Ballal Raza	Programme Director	
Maz Zaman	Senior Development Manager	
Tim Laycock	Project Manager and Contract Administrator	Mascot Management
Oliver Cotton	Architect, Lead Designer and Principal Designer	Halliday Meecham Architects

1.10 Evaluation of alternative options

1. Do nothing – This option is not preferred as this would constitute reputational damage to the Council, who has already committed to this scheme, and undertaken extensive consultations with the local community and patients.
2. The option for the Council to undertake the works was not considered due to the lack of inhouse resources, knowledge and expertise required for the management and implementation of this scheme.

1.11 Reason for decisions

- 1.12 The site is Council owned and was being held subject to re-development. Public sector stakeholders shared an interest to work with the Council to redevelop the site for a health and wellbeing facility, and housing. Given the priority status of a new health and wellbeing facility in the Oxley area / North Wolverhampton, a feasibility exercise was undertaken. It was initially agreed by the Council and the Integrated Care Board (ICB) to jointly provide initial project resource to complete a feasibility study and work with interested parties to undertake early design work and a development appraisal for a modern health & wellbeing facility. This work brought forward the opportunity to add residential accommodation to the site which would provide additional outputs, offering much needed new affordable homes and attract grant funding for abnormal costs.
- 1.13 The project proposals have been developed considering these two key requirements (health & housing) for the city and both rely upon each other for their successful delivery and achievement of the necessary outputs and outcomes.
- 1.14 The reasons for the development of a Health & Wellbeing Facility are:
- High levels of poverty and deprivation, with 55% of the population living within the poorest 20 percentile range as nationally defined.
 - Significant health inequalities with a considerable gap in life expectancy across different ward areas.
 - Health and social care economy faces significant challenges to service a population of 280,000 with relatively high levels of deprivation.
 - Growing numbers of people living with multiple Long-Term Conditions putting additional strain on primary care.
 - Local NHS services and the Council are addressing these challenges through a partnership approach with health and social care partners across the Black Country.
 - Requirement for a new health, wellbeing facility is consistent with the key themes of the Sustainability and Transformation Partnership (STP) Estates Strategy, the 'One Public Estate' initiative and the latest published 'Commissioning Intentions' report.
 - The need for a premises solution for the Oxley area is identified in the Estates Strategy, specifically committing to assessing the feasibility of a new facility in the Oxley area / North Wolverhampton.

- Local Oxley Surgeries are rated 'Red' in the ICB assessment of building condition, quality and capacity. The Red rating is indicative of facilities which are operating with significant shortfalls in two or more of (i) lack of capacity and/ or (ii) poor quality and/or (iii) poor security of tenure.

1.15 The reasons for the development of Self & Custom Build New Homes are:

- 12,600 people live in the Oxley ward, and there is a cross-city need to increase housing supply and affordable living.
- Underdeveloped brownfield site represent an opportunity to deliver housing.
- There is commitment to delivering new homes by 2031 and taking a brownfield first approach, through the: Strategic Economic Plan (2016), Housing Deal (2018), the emerging West Midlands Industrial Strategy (2019), the Housing and Land Portfolio Business Plan (2020-2021) and the Recharge for the West Midlands (2020).
- The Wolverhampton Housing Strategy 2019-2024 seeks to deliver more and better homes, safe and healthy and access to secure homes.
- The Economic Growth Strategy (EGS) seeks to retain and attract economically active people to live and work in the City.
- The EGS has identified groups to ensure good quality homes in the City at a price they can afford for; first time buyers and second stage movers, households who want to rent, people who need affordable homes, homes for new communities and housing for graduates.

1.16 Financial implications

1.17 Cabinet on 23 March 2022 and Full Council on 6 April 2022 approved a capital budget for the redevelopment of the former Oxley day training centre site to allow the development of a new health & wellbeing facility and self & custom build new homes. This is funded through various sources including the Local Government Association, ICB and Council resources.

1.18 The proposed contract for the development works of £13.5 million can be accommodated within the approved budget.

1.19 Legal implications

1.20 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

1.21 The Council will ensure that it complies with the applicable statutory and other processes when awarding the contract.

1.22 Equalities implications

1.23 An equalities analysis has established that this project is relevant to the Council's duty to advancing equality of opportunity. The Senior Equality Diversity and Inclusion Officer has been satisfactorily consulted on this matter and no implications have been highlighted whilst jointly reviewing the Equality Analysis Form.

1.24 Consultation with stakeholders including service providers and users, the local community and patient groups has been undertaken and will be an ongoing process throughout the scheme with continued consultation being carried out in conjunction with stakeholder communications teams.

1.25 All other implications

1.26 The proposed solution is supported by Corporate Landlord as it provides new facilities for the Council's North Social Care Team that are much needed in the area and helps reduce operation costs. The scheme will also address the ICB's requirements which seeks the Council's assistance in relocating and housing GP practices that are rated red in the ICB assessment of building condition, quality and capacity. A consultation with the Health and Wellbeing team members was also carried out.

1.27 The ambition is to achieve a net zero carbon facility designed to achieve a BREEAM Excellent rating which will contribute to sustainability locally and mean the facility is minimising impact on the local environment. This is in line with the Council's Climate Commitments and the Climate Emergency Declaration pledge to make all Council activities net zero carbon by 2028. Additionally, during 2020-2021 the NHS made a commitment to become carbon net zero by 2040 for emissions under NHS direct control and 2045 for the "Carbon Footprint Plus" measure which includes the wider supply chain. This supports the Council's intentions and development of its assets to also become net carbon zero.

1.28 The Health & Safety team have been consulted on the concept and at this stage there are no concerns. As the project develops the team shall be involved throughout the process. The demolition of the buildings has been completed. Additionally, the completed scheme is targeting Secure by Design Gold.

1.29 Schedule of background papers

1.30 Full Council 6 April 2022 - Oxley Health and Wellbeing facility and Residential Accommodation

1.31 Cabinet 23 March 2022 - Oxley Health and Wellbeing facility and Residential Accommodation

1.32 Recommendation

1.32 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Governance and Equalities, in consultation with the Deputy Director of Assets, to approve the award of a contract for Oxley Health & Wellbeing Facility and Self & Custom Build Accommodation Main Contractor when the evaluation process is complete.

2.0 Councillor Chris Burden, Cabinet Member for Children and Young People

2.1 Delegated Authority to Award a Contract – Families First for Children’s Pathfinder Targeted Youth Support

Ref no:	CWC24033
Council Plan aim	Strong families where children grow up well and achieve their full potential
Originating service	Children’s Services
Accountable officer	Rachel King, Deputy Director Children’s Services (01902) 555955
Leadership Team approval	4 April 2024
Accountable Lead Cabinet Member	Cllr Chris Burden, Cabinet Member for Children and Young People
Date Lead Cabinet Member briefed	5 April 2024
Procurement advisor	Babita Mal, Procurement Manager

2.2 Background

2.3 CWC has been selected as one of three local authorities who are Wave 1 Pathfinders. The expectation is that CWC, alongside the two other local authorities, will move into a ‘test and learn phase’ from January 2024 delivering services to children and their families in line with the Families First for Children’s Pathfinder (FFCP) design specification.

2.4 There are four key reform strands to the pathfinder that will be delivered as a whole system transformation:

- Overarching system-level reform, including multi-agency safeguarding arrangements.
- Family help.
- Child protection.
- Family networks.

2.5 Within the Family Help strand a key feature for consideration in the co-design is the composition of the Family Help Teams and who will be the lead practitioner for the family. The lead practitioner (LP) will be an expert in their own field and where appropriate will be chosen by the family as the conduit between all agencies within the Family Help Team.

2.6 The proposed service will deliver:

- Contribution to a multi-agency approach to working with young people to meet the needs of young people and their families.
- Develop ways of identifying needs and barriers to improved future outcomes for young people and families and then to target effective interventions.
- Participate in strategies to prevent offending and poor outcomes for young people.
- A range of informal and social learning opportunities and activities for young people and to encourage their positive contribution enabling them to enhance their life opportunities.
- Support for young people exiting the criminal justice system.
- Build resilience and raise aspirations for young people and families.

Proposed Contract Award	
Contract duration	Two years (1 year + 1 year)
Contract Commencement date	1 June 2024
Annual value	£170,000
Total value	£340,000

2.7 Procurement Process

2.8 The intended procurement procedure will be an open above threshold tender in accordance with Public Contract Regulations 2015. This route to market has been decided to ensure this tender is open, fair, and transparent. This route also provides opportunities for local suppliers to bid, supporting the Wolverhampton Pound.

2.9 The evaluation scoring balance will be 75% Quality, including 5% EDI and 10% Social Value, and 25% Pricing. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.

2.10 The evaluation team will comprise:

Name	Job Title
Jennifer Rogers	Principal Social Worker
Lisa Raghunanan	Services Manager – Families First
Lynsey Kelly	Head of Communities (Public Health)

2.11 Evaluation of alternative options

2.12 The option to use internal resources has been discounted and in-house provision would be unlikely to offer better value for money. Engagement with the voluntary sector will expand the skill set and experience within family help and provide young people with a broader range of support.

2.13 An alternative option would be to not redesign the service; however, this would leave a gap in the Family Help offer for young people impacted by contextual safeguarding and community safety issues.

2.14 Reason for decisions

2.15 The service will be procured as a single contract as part of a 'test and learn' Pathfinder. Lessons learnt will inform future provision and this option utilises the voluntary sector knowledge and understanding of the city.

2.16 The principles that will underpin targeted youth work with young people include the following:

- Providing additional support to those young people aged 11-18 that need it most,
- Identifying vulnerable young people and behaviours early,
- Supporting young people to engage in diversionary activities ensuring the constructive use of leisure time activity and
- Setting young people at the heart of decision making.

2.17 Financial implications

2.18 The budget for this service will be available from the Families First for Children's Pathfinder grant, with an overall budget value of £4.4 million between 2023 – 2025.

2.19 The Council have a confirmed budget available for £170,000 for year one, with an option to get further funding beyond March 2025, if extended into year two. Year two of this contract is dependent on funding and the Council may choose to terminate this contract for year two if funding is not available.

2.20 Legal implications

2.21 The procurement will be in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

2.22 Equalities implications

2.23 As part of the Pathfinder an Equalities Impact Analysis has been completed.

2.24 All other implications

2.25 There are no other implications arising from the recommendations of this report.

2.26 Recommendation

- 2.27 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Children and Young People, in consultation with the Director of Children's Services, to approve the award of a contract for Families First for Children's Pathfinder Targeted Youth Support when the evaluation process is complete.

3.0 Councillor Craig Collingswood, Cabinet Member for Environment and Climate Change

3.1 Delegated Authority to Award a Contract – Personal Protective Equipment (PPE) and Corporate Wear

Ref no:	CWC23121
Council Plan aim	A vibrant, green city we can all be proud of
Originating service	Waste Services
Accountable officer	Kate Darlington, Contracts and Disposals Manager
Leadership Team approval	20 February 2024
Accountable Lead Cabinet Member	Councillor Craig Collingswood, Cabinet Member for Environment and Climate Change (01902) 861498
Date Lead Cabinet Member briefed	22 February 2024
Procurement advisor	Tracey-Ann Warrington, Procurement Buyer (01902) 553403

3.2 Background

3.3 CWC has a requirement for the supply of Personal Protective Equipment (PPE) and Workwear. This contract applies to the Waste Services department which comprises of the Waste Collections team, the Waste Transfer Station and the Household Waste and Recycling Centres.

Proposed Contract Award	
Contract duration	Four years (2+1+1)
Contract Commencement date	5 August 2024
Annual value	£57,500
Total value	£230,000

3.4 Procurement Process

- 3.5 The intended procurement procedure will be an open above threshold procedure in accordance with Public Contract Regulations 2015. This route to market has been decided to ensure we are getting the best possible value for money.
- 3.6 The evaluation scoring balance will be 30% price and 70% quality, including 10% Social Value and 5% EDI. Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 3.7 The evaluation team will comprise:

Name	Job Title
James Dosiak	Operations Supervisor
Kate Darlington	Quality & Logistics Officer
Lee Platt	Operations Manager

3.8 Evaluation of alternative options

1. Continue to source PPE on an ad-hoc basis – This option leaves waste services in a vulnerable position in relation to cost increases and changes in service provision. This also means that there are no key performance indicators to ensure that PPE meets the required safety standards. This option poses both financial and health and safety risks.
2. There is an option for staff not to wear PPE. However, it is the responsibility of Employers to protect workers from health and safety risks. This means they must provide PPE free of charge if a risk assessment shows it is needed. Without PPE, employees are at risk of:
 - Being struck by falling objects or debris.
 - Impacts and collisions.
 - Cuts and punctures.
 - Impacts & collision with vehicles.

3.9 Financial implications

- 3.10 Within Waste Services there is existing approved budget in 2024-2025 for protective clothing to meet a contract with an annual cost of up to £57,500. Subject to future budget reports and consideration alongside the medium term financial strategy (MTFS) this budget should remain sufficient to provide replacement of like for like PPE over the contract period.

3.11 Legal implications

3.12 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

3.13 Equalities implications

3.14 An equalities impact assessment was undertaken in August 2023. Procurement should take steps to ensure that the prospective suppliers operate with the same values as CWC in terms of equalities, diversity and inclusion. In terms of PPE, the procurement ensures that the PPE is inclusive in terms of size, gender and religious requirements whilst also meeting the relevant safety standards that are required.

3.15 All other implications

3.16 There are no other implications arising from the recommendations of this report.

3.17 Recommendation

3.18 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Environment and Climate Change, in consultation with the Director of Resident Services, to approve the award of a contract for PPE and Corporate Wear when the evaluation process is complete.

4.0 Councillor Jasbir Jaspal, Cabinet Member for Adults and Wellbeing

4.1 Delegated Authority to Award a Contract – Direct Payment Support Service

Ref no: CWC23124	
Council Plan aim	Fulfilled lives for all with quality care for those that need it
Originating service	Adults Commissioning
Accountable officer	Vicki Mosley, Senior Commissioner Officer (01902) 554964
Leadership Team approval	14 March 2024
Accountable Lead Cabinet Member	Cllr Jasbir Jaspal - Cabinet Member for Adults and Wellbeing
Date Lead Cabinet Member briefed	25 March 2024
Procurement advisor	Babita Mal, Procurement Manager

4.2 Background

4.3 The Care Act (2014) places a duty on all local authorities to ensure that every adult assessed as being eligible for funded care and support can access a Personal Budget (PB), which is sufficient to meet their assessed needs. Direct Payments (DP) are the established route by which an individual can receive their allocated budget if they prefer to arrange their own support rather than receive a commissioned service.

4.4 The DP Support Service enables access to information, advice, and signposting. The Bookkeeping and Payroll Service is only for those individuals who have either been assessed under Section 2 of the Carers and Disabled Children Act 2000, Care Act 2014 or Children and Families Act 2014 and who are ordinarily a resident within the City of Wolverhampton. This will include older and disabled people over the age of 16, people with parental responsibility for a disabled child and carers aged 16 and over or an appointed suitable person.

Proposed Contract Award	
Contract duration	Seven years (5+1+1)
Contract Commencement date	1 October 2024
Annual value	£130,000
Total value	£910,000

4.5 Procurement Process

- 4.6 The intended procurement procedure will be an open above threshold tender in accordance with Public Contract Regulations 2015. This route to market has been decided to ensure this tender is open, fair, and transparent. This route also provides opportunities for local suppliers to bid, supporting the Wolverhampton Pound.
- 4.7 The evaluation scoring balance will be 20% price and 80% quality, including 10% social value and 5% equalities.
- 4.8 Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 4.9 The evaluation team will comprise:

Name	Job Title
Vicki Mosley	Senior Commissioning Officer
Manju Raillay	Commissioning Officer
Nicky Hack	Senior Social Work Manager
David Drayton-Green	Direct Payments Service Manager

4.10 Evaluation of alternative options

- 4.11 The option of inhouse delivery would involve undertaking a whole service redesign which would not be completed within the current time restraints. Furthermore, the infrastructure does not exist to undertake this option currently.
- 4.12 The option of tendering under two lots, as the current model currently operates, may result in the award to two separate providers which will cause extra internal work-pressures for staffing resource in contract management and would cause an unnecessary and disjointed customer journey.

4.13 Reason for decisions

- 4.14 The number of people accessing Direct Payments is increasing every year. The proportion of adults receiving a direct payment has increased from 19.6% in 2016-2017 to 25.8% in 2021-2022. The proportion of carers receiving a direct payment for carer support has increased from 23.4% in 2016-2017 to 24.9% in 2021-2022.
- 4.15 Not tendering for this service would mean support would not be given for those individuals who want to access a direct payment. Direct Payments are required in the Care Act to be offered to individuals to increase choice and flexibility in their care. By not

providing support in this may discourage individuals to take up this option and increase the risk of direct payments being used ineffectively.

4.16 Financial implications

4.17 The annual cost of the contract will be in the region of £130,000 based on the current number of service users, and can be met from existing approved budgets within the commissioning service.

4.18 Legal implications

4.19 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

4.20 This service is an important part of the Council's performance of its obligations under the Children's and Families Act 2014 and the Care Act 2014. The Council has considered the wellbeing of individuals receiving the service and will have engaged with providers in procuring the service.

4.21 Equalities implications

4.22 Positive impacts, and solutions to negative impacts have been recorded within the project's equality analysis, ensuring all relevant equality themes, and their protected characteristics have been considered and mitigated.

4.23 All other implications

4.24 Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246) (TUPE) will apply.

4.25 Recommendation

4.26 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Adults and Wellbeing, in consultation with the Director of Adult Social Care to approve the award of a contract for Direct Payment Support Service when the evaluation process is complete.

5.0 Financial implications

5.1 All financial implications are included within the relevant section of the report.
[MH/15042024/P]

6.0 Legal implications

6.1 All legal implications are included within the relevant section of the report.
[SZ/15042024/P]

7.0 Equalities implications

7.1 The relevance to equalities and progress in terms of equality analysis will vary for each proposal included in this report. Accountable officers have and will ensure that evidence is collected and used to demonstrate compliance with CWC's legal obligations under the Equality Act 2010.

8.0 All other implications

8.1 All other implications are included within the relevant section of the report.

9.0 Schedule of background papers

9.1 All background papers are included within the relevant section of the report.

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 24 April 2024
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Report title	Acquisition of Privately Owned Empty Property by Agreement or Compulsory Purchase: 11 Brown Street, Wolverhampton, WV2 1HR	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Steve Evans Deputy Leader: City Housing	
Key decision	No	
In forward plan	Yes	
Wards affected	Ettingshall North	
Accountable Director	John Roseblade, Director of Resident Services	
Originating service	Private Sector Housing	
Accountable employee	Richard Long Tel Email	Housing Improvement Officer 01902 555705 Richard.long@wolverhampton.co.uk
Report to be/has been considered by	Resident Services Leadership Team	26 March 2024

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Authorise the Director of Resident Services to negotiate terms for the acquisition of the property 11 Brown Street, Wolverhampton, WV2 1HR, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II Section 17 Housing Act 1985 in respect of the property.
2. Approve expenditure for the potential acquisition of the property, with subsequent capital receipts being recycled within the Empty Property Strategy programme.
3. In the event that the property is improved and re-occupied to the satisfaction of the Director of Resident Services, authorise withdrawal of the property from the CPO.
4. Following any acquisition, authorise the Director of Resident Services to dispose of the property on the open market on condition that the property is refurbished and reoccupied within six or 12 months (as appropriate to the scale of the works).

5. Authorise the Chief Operating Officer to:
- a. Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b. Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c. Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d. Approve the disposal of the whole and/ or parts of the property by auction, tender or private treaty.

1.0 Purpose

- 1.1 The purpose of this report is to request the Panel to authorise the acquisition of 11 Brown Street, Wolverhampton, WV2 1HR. by negotiation or by the making of a Compulsory Purchase Order (CPO) under Section 17 of Part II of the Housing Act 1985. Should it be possible to reach agreement on a mutually acceptable undertaking, agree to the withdrawal of the property from the CPO.
- 1.2 This decision is in support of the Council's Empty Properties Strategy which aims to bring long term empty properties back into use.
- 1.3 The reoccupation of empty properties brings in additional income to the Council via the New Homes Bonus paid to Local Authorities as a result of increased housing supply.

2.0 Background

- 2.1 The property highlighted on the attached plan and photograph (Appendix 1 and 2) is a mid-terraced property that has been empty and awaiting probate since June 2014.
- 2.2 While some contact has been established with a family member/ possible beneficiary, the matter has not progressed to a stage where legal representation has been instructed to resolve the estate and property of the deceased. The property is not registered with Land Registry and the family member/ beneficiary have been unable to provide evidence of a will being available.
- 2.3 A Notice under Section 215 of the Town and Country Planning Act 1990 requiring the owner to remedy the detrimental effect of the property was served on 8 June 2023. The Notice became effective on 8 July 2023 and no contact or appeal has been made by the owner/ the owners beneficiaries. Due to the extent and nature of the work required, a compliance date of 8 September 2024 was set. However, as there has been no progress it is now considered prudent to begin the process of acquisition. It will be possible to pause or withdraw from the Compulsory Purchase Order should reasonable progress be made to resolve the estate of the deceased.
- 2.4 The principle of establishing a revolving fund to drive forward the Private Sector Empty Property Strategy was approved by Cabinet on 11 January 2006. The revolving fund provides for properties that are consistent with the strategy to be acquired, marketed for sale and brought back into residential occupation. The arrangements proposed for the property identified are consistent with that strategy. Should the Compulsory Purchase Order be confirmed in favour of the Council, the Council would seek to dispose of the property by tender, auction, or private treaty. The property would be sold with the condition that the property is brought back to a required standard of repair within a specified time limit. This will also apply to any negotiated acquisitions.

3.0 Evaluation of alternative options

- 3.1 There are three options that the Council could consider:

- a. Do nothing – the property is likely to remain empty, continue to be a wasted housing resource, continue to have a detrimental effect on the amenity of the area and continue to be a drain on the public purse.
- b. Empty Dwelling Management Order (EDMO) – An EDMO is considered to be a less draconian option than a compulsory purchase. However, the cost of refurbishment could place a strain on the Council's finances. It may not be possible to recover the cost of initial refurbishment and subsequent management/maintenance through the rental income generated over the seven years that a Final EDMO could be in place.
- c. Compulsory Purchase Order (CPO) – The prospect of a CPO often prompts the owner to act leading to the property being refurbished and re-occupied. However, if it is necessary to acquire the property, the proposals for the onward disposal and refurbishment ensure that the property is brought back into use at a minimum cost to the public purse.

3.2 Based on the above it is recommended that the option of a Compulsory Purchase Order is progressed.

4.0 Reasons for the decision(s)

4.1 The reasons for the decision are:

- a. To ensure that the property provides much needed housing by prompting the owner either to act voluntarily or via enforcement through a CPO.
- b. To ensure that the property does not continue to be a drain on public resources.
- c. To ensure that the detrimental effect that the property is having on the area is removed.
- d. To ensure that the property has a positive financial impact on the public purse through additional New Homes Bonus funding.
- e. The proposal to pursue a CPO is the most cost effective in terms of financial and physical resources for the Council.

5.0 Financial implications

5.1 In the event of an acquisition, the costs can be met from the approved capital budget for of £241,000 for the Empty Property Strategy. The subsequent sale of the property would result in a capital receipt ring-fenced to finance future purchases through the Empty Property Strategy. Any non-capital costs incurred between purchase and sale, for example security measures, must be met from current private sector housing budgets.

5.2 As the Notice under Section 215 of the Town and Country Planning act 1990 has been served the additional statutory 7.5% compensation payment will not be applicable if the Notice is not complied with.

- 5.3 Bringing empty properties back into use attracts New Homes Bonus to the City Council and will result in additional council tax revenue.
[JM/14032024/G]

6.0 Legal Implications

- 6.1 Section 17 of the Housing Act 1985 empowers local housing authorities to compulsorily acquire land, houses or other properties for the provision of housing accommodation. However, the acquisition must achieve a qualitative or quantitative housing gain. In order to make a Compulsory Purchase Order under this power and achieve successful confirmation, the Council will need to show compliance with the requirements of the relevant statutory provision and circular 06/2004 Compulsory Purchase and the Crichel Down Rules. Where there are objections to a Compulsory Purchase Order the matter may go forward to a public inquiry and specialist Counsel may need to be engaged to present the Council's case.
- 6.2 Article 1 of Protocol 1 of the Human Rights Act 1988 guarantees peaceful enjoyment of possessions and would be engaged by the making of a CPO. However, the contents of this report and the actions recommended are considered to be proportionate and compatible with the Human Rights Act 1988, particularly bearing in mind the above checks and balances on the Local Authority's power.
[TC/11032024/A]

7.0 Equalities implications

- 7.1 Equalities implications have been considered throughout the process and in assessing the outcome. An Equality Analysis has been completed for similar acquisitions of privately owned empty properties and the analysis does not indicate any adverse implications or impacts. Bringing an empty property back into use will improve the visual amenity of the area and can make the area more welcoming to some groups covered by the Equality Act 2010, in doing so this will promote participation in public life.

8.0 All other implications

- 8.1 Where applicable, Corporate Landlord Estates Team will be required to produce valuations and arrange for the appropriate disposal of the property by auction or private treaty.
- 8.2 Bringing an empty property back into use will improve the health and wellbeing of the new occupants by providing safe and secure housing.
- 8.3 Enabling occupation and removing the detrimental effect of the property will reduce the anxiety associated with crime and the fear of crime that living adjacent to an empty property can cause.

9.0 Schedule of background papers

- 9.1 Empty Homes Policy and Strategy 2019 – 2024.

9.2 The Wolverhampton Strategic Housing Land Availability Assessment (SHLAA).

10.0 Appendices

10.1 Appendix 1: Site Plan

10.2 Appendix 2: Photographs

Works



Shelter

203

207

219

1

1

13

25

BROWN STREET

TANSLEY VIEW

16

2

221

Shelter

233

1

96

245

1 AREA COLOURED PINK = 174.7m² OR THEREABOUTS

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UPRN 100071141303

date	March 2024
scales	1:500
drawn by	AJP
dwg. no.	...ICPO'slBrown Street 11.dwg

THE MAP REFERRED TO IN
 THE WOLVERHAMPTON CITY COUNCIL
 (11 Brown Street, WOLVERHAMPTON)
Page 35
 COMPULSORY PURCHASE ORDER 2024

City of Wolverhampton Council

Director - City Housing and Environment
Civic Centre, St. Peter's Square, Wolverhampton

Tel. (01902) 556556

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Appendix 2 – 11 Brown Street Photograph



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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 24 April 2024
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Report title	City Learning Quarter Phase 2 – Central Library and Adult Education Project	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Stephen Simkins Leader of the Council	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Richard Lawrence, Director of City Development	
Originating service	City Development	
Accountable employee	Mark Bassett	City Learning Quarter Programme Director
	Zareena Ahmed-Shere	Regeneration Manager
	Tel	07939 038105 07890 397677
	Email	Mark.Bassett@wolverhampton.gov.uk Zareena.ahmed-shere@wolverhampton.gov.uk
Report to be/has been considered by	Regeneration Leadership Team	25 March 2024
	Strategic Executive Board	9 April 2024
	Leaders Briefing	15 April 2024

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve that the Council enter into a pre-construction contract, Pre-Construction Services Agreement (“PCSA”) with Speller Metcalfe (Malvern) Limited (“Speller”) to progress design, enabling works and to provide construction cost certainty for the Central Library and Adult Education Project (inclusive of library façade restoration) that forms part of the City Learning Quarter Phase 2.

2. Delegate authority to the Leader of the Council and Cabinet Member for Resources in consultation with the Directors of City Development and Finance to enter into the main construction contract with Speller provided that:
 - a. The contract sum is within the approved budget; and
 - b. The design, cost and programme have been approved by the City Learning Quarter Programme Board.

1.0 Purpose

- 1.1 On 6 September 2023 Cabinet was informed of the status of the City Learning Quarter (“CLQ”) component projects and noted that it will receive a future report setting out the proposals and procurement strategy for works related to the Central Library façade restoration and internal improvements to include provision of Adult Education facilities.
- 1.2 This report provides an update and seeks authorisation to appoint Speller under a Pre-Construction Services Agreement (PCSA) for the contract sum of £698,745 to progress the Central Library and Adult Education works with a duration of 22 weeks from commencement, and further delegated authority to enter the subsequent construction contract to complete delivery of the scheme on its satisfactory agreement.

2.0 Background

- 2.1 The CLQ programme, representing £69 million of investment, has been developed in partnership between the Council and the City of Wolverhampton College.
- 2.2 CLQ Phase 2 originally comprised of three component projects situated within Wolverhampton City Centre around Old Hall Street and St George’s Parade at the Metro One building site to facilitate the provision of co-located education services that meet Post 16 learner and employer demands. These projects are namely; new Main City of Wolverhampton College campus (new build extension and refurbishment works that is currently under construction), Central Library Façade restoration and Central Library and Adult Education internal improvements to provide a modernised, reconfigured, accessible and digitally enabled Central Library and an expanded centralised Adult Education provision.
- 2.3 The combined Central Library and Adult Education project includes the refurbishment and restoration of the Grade II listed Central Library building, including new roof and façade restoration, as well as internal remodelling to facilitate the relocation of Adult Education services into the library building, as well as a new entrance, public conveniences and landscaping works.
- 2.4 The procurement of a construction contractor for the Central Library and Adult Education project has been difficult. A single stage tender for the procurement of the Central Library heritage façade restoration works was abandoned due to only one bidder who was found to be non-compliant as they sought significant changes to the tendered contract (that included removal of a Performance Bond) which would have breached the Public Contracts Regulations 2015 (“PCR”). Further financial checks on the company raised concerns regarding their ability to undertake a project of this size. The procurement was paused to enable sequencing of various contractor activities within the development site to be reviewed and to confirm operational requirements.
- 2.5 It was agreed by the CLQ Programme Board to combine the Central Library façade and the internal works into a single contract in order to maximise efficiencies in terms of site

management, logistics and health and safety noting the requirement to keep these facilities operational throughout the works period.

3.0 Procurement Progress

- 3.1 The Construction West Midlands Framework (“CWMF”) has been used to select a contractor given the tight programme timescale. The CWMF is a PCR compliant framework that has been competitively tendered and awarded to four West Midlands regional contractors selected following a quality and price evaluation. The suppliers are capable and financially able to deliver projects of this nature and scale.
- 3.2 All four contractors on the framework were approached by the Council. All were initially interested, however during the engagement process, two contractors declared they would not proceed with the tender, as they were unable to commit resource due to their other work commitments. One contractor later declared they would not proceed as they did not favour the form of contract that was being proposed. The remaining contractor continued to express an interest and appointment is available via a direct award. Following checks of the framework and the direct award route, the CLQ Programme Board agreed to explore this procurement route with Speller.
- 3.3 The project team engaged with Speller to prepare a detailed pre-construction programme and indicative construction programme and establish their pre-construction services fee for the combined Central Library and Adult Education project.
- 3.4 A PCSA contract and JCT Design and Build contract is in the process of being prepared allowing the delivery of the Central Library and Adult Education project.
- 3.5 The PCSA scope of work includes the review, adoption and development of the design. It also includes a package of enabling works ahead of the main construction contract achieving savings through a reduced work programme duration. On completion of the design, during the PCSA period the construction costs will be developed and evaluated against the approved budget. The contractor overhead and profit were fixed during the competitive process to establish the framework. The construction costs use framework rates and competitive packages of work to establish the actual cost of delivering the works. Should these costs exceed the approved budget, the contractor will be required to take action. This may include value engineering such as finding alternative methods of construction or lower cost materials that meet the same performance specifications, and scope review to reduce the contract sum to the approved budget. On satisfactory conclusion of the PCSA the Council could then enter into the construction contract to complete the project subject to CLQ Programme Board approval.

4.0 Pre-Construction Contract (PCSA) Cost, Scope and Programme

- 4.1 The PCSA scope and fee (primarily derived from the rates as set out in the CWMF) has been prepared by Speller and reviewed by the Project Team who have confirmed these to be competitive rates and compliant with the framework.

- 4.2 During the PCSA period Speller will work with the Council's Project Team to complete the design to Royal Institute of British Architects (RIBA) Stage 4. They will also engage with their supply chain during the PCSA period allowing cost certainty based on advanced design work, construction, logistics and supply chain information, reducing risk, protecting the programme and budget. By the end of the PCSA period Speller will deliver the following:
- i. Design Works including Architectural, Mechanical & Electrical and Specialist Work to RIBA Stage 4;
 - ii. Confirmation of contractor's programme;
 - iii. Scaffolding erection – to enable the measurement / design / procurement of terracotta and survey works to the roof, as well as enabling works to the roof and brick work to commence sooner within the main contract;
 - iv. Surveys / Investigation works;
 - v. Permits and licences for traffic management and pavement closures for welfare and scaffolding;
 - vi. Preliminaries associated with on-site works for the contractor and their façade sub-contractor;
 - vii. Cost advice and a firm price for construction works to complete the project.
- 4.3 The PCSA contract period will start on the 23 May 2024 for a 22-week period. On satisfactory conclusion of the PSCA and agreement of the main construction contract, the 49-week construction period is programmed to commence in October 2024 and complete in September 2025. The project team have reviewed the programme and consider this to be achievable noting that it will be further developed and confirmed by the contractor as part of the scope of the PCSA.
- 4.4 This report is seeking approval to enter into a PCSA with Speller to provide pre-construction services to the Council for the development of the design, delivery of early enabling works and agreement of construction contract. The total cost to the Council of the PCSA is £698,745.00 excluding VAT breakdown as follows:

PCSA Item	Cost
PCSA Fee and Design cost	£297,161
Scaffolding	£217,631
Site works and surveying	£32,672
Pedestrian management	£25,000
Preliminaries	£106,859
Overheads and Profits	£19,422
Total	£698,745

4.5 The above costs have been reviewed by Turner and Townsend Cost Management against their pre tender estimates (with the understanding that the preliminaries and Overhead and Profit rates are prescribed by the CWMF). Turner and Townsend are satisfied that these are compliant with the framework's set rates (that are competitive) and aligns with their pre tender cost estimates.

5.0 Evaluation of alternative options

5.1 The option to do nothing would lead to further dilapidation of the public library facility which could result in additional works should the project be brought forward in the future. Established funding would be lost.

5.2 The second option for single stage tender for the project was considered. A Prior Information Notice was issued to understand the market for the work. Feedback from contractors indicated they were unwilling to accept design responsibility outside of a two-stage contract and therefore there was a high risk of no tenders being received.

5.3 The third option of a two-stage contract has therefore been proposed in this report. This allows for early contractor engagement so they can gain a better understanding of the project and risks which will lead to greater price certainty. Given the complexity and risk involved with restoration of the Library heritage building, the Council's need for cost certainty and a fixed timeframe for delivery to meet funders requirements, a two-stage contract is recommended.

5.4 The use of the CWMF as an alternative to an open tender reduces the procurement timescale in line with the funding constraints. The programme team are satisfied that Speller, who are currently delivering Phase 1 CLQ Advanced Technology Automobile Centre ("ATAC"), have capacity and capability to undertake all aspects of this project.

6.0 Reasons for decision(s)

6.1 The CWMF direct award to Speller for the development and delivery of the CLQ Central Library and Adult Education project is PCR compliant and will enable the project to achieve practical completion by Spring 2025 in line with funders requirements.

6.2 The CLQ Project Team are satisfied that Spellers proposed team for this project have the capability to deliver the scheme having proven experience of completing schemes of a similar scale and complexity.

6.3 Entering the PSCA does not commit the Council to enter the Construction agreement. Appointment of Speller for the construction phase will be dependent on satisfactory completion of the PSCA and the agreed construction works price which will be subject to an Individual Executive Decision Notice (IEDN).

7.0 Financial implications

7.1 The delivery of the Central Library and Adult Education project will be divided into two contracts to allow the Council to retain more control. The PSCA is the first stage of a two

stage design and build construction works contract. The cost of entering into the PCSA with Speller is £698,745 which will be met from the overall approved capital budget for the City Learning Quarter Programme (Phase 1 and 2) of £69.1 million which includes an allocation of £5.2 million to the Central Library Façade, Library and Adult Education internal improvement works projects.

- 7.2 It should be noted that this approval is only for the commencement of the PCSA to cover the period from 23 May 2024 to 22 October 2024 with no further commitment from the Council to continue with the construction contractor after the PCSA period. This will further incentivise the contractor to ensure that construction costs remain within the budget and that the proposal is attractive for the Council to take forward and enter into the main construction contract (JCT D&B).
- 7.3 The total construction cost (i.e. sum of the PCSA and main construction contract) will need to be containable within this approved budget for the Council to take the proposal forward for delegated approval in October 2024 through an IEDN for Stage 2 construction award. The remaining contract budget following the PCSA will be £3.2 million.
- 7.4 Further to the above it should be noted that current market conditions, particularly inflationary pressure is very challenging for the delivery of capital projects at this time. Turner and Townsend are continuing to monitor and mitigate the risk where possible. This is reflected in the costed risk register for the project at Appendix 1.
[DW/03042024/H]

8.0 Legal implications

- 8.1 The Procurement is subject to the requirements of the PCR and the Council's own Contract Procedure Rules.
- 8.2 Framework Agreements can be used under Regulation 33 of the PCR.
- 8.3 The framework has been reviewed and direct awards can be made.
- 8.4 The parties will enter into the PCSA.
- 8.5 There is no obligation upon the Council to enter into the main construction contract.
- 8.6 An Individual Executive Decision Notice ("IEDN") will be used to obtain approval to enter into the main construction contract.
[AS/03042024/A]

9.0 Equalities implications

- 9.1 The Equalities Act 2010 requires public authorities to have due regard to the need to eliminate discrimination and advance equality of opportunity. The Council must take this into account when making decisions.

- 9.2 The City Learning Quarter project is designed to increase all age participation in learning and at the core enhanced Library and Adult Education provision promotes access and equality of opportunity for all groups and the widest number of residents.
- 9.3 It is not anticipated that there will be any negative impact on any groups within the protected characteristics under the terms of the Equality Act 2010 from the proposal to enter into the PCSA as set out in the recommendations.
- 9.4 As part of its statutory duty, the Council in conjunction Speller will continue to consider the equalities implications on protected and non-protected characteristics as the PCSA moves forward into construction contract award / delivery stages so that measures can be affected to mitigate any negative impacts identified.
- 10.0 All other implications**
- 10.1 None
- 11.0 Schedule of background papers**
- 11.1 [Cabinet, 6 September 2023 – City Learning Quarter](#)
- 12.0 Appendices**
- 12.1 Appendix 1– Central Library and Adult Education project costed risk register (**PRIVATE – exempt from publication under Schedule 12A of the Local Government Act 1972 (as amended), Part 1, Paragraph 3)**)

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