

# NOTICE OF KEY DECISION

Local Government (Executive Arrangements) (Meetings and Access to Information)  
(England) Regulations 2012.

**Decision Maker:** Exec Director of Development and City Services in consultation with the cabinet member for sustainable and inclusive growth.

**Decision status: Is Key decision?:** Yes

**Is subject to call in?:** Yes

## **Decision details:**

The Executive director of development and city services has taken the following decision following consultation with the cabinet member for sustainable and inclusive growth:

To enter into an agreement with Norfolk County Council to provide construction and technical supervision services in respect of Hay Hill Towns Fund Public Realm Scheme. On signing by the County Council this will approve the award of Hay Hill construction contract to Tarmac Trading Limited.

## **Reason for decision:**

At its meeting on 14 December 2022 Cabinet resolved to:

1. Delegate to the Executive Director of Development and City Services, in consultation with the portfolio holder for sustainable and inclusive growth, the authority to award the public realm enhancements contract at Hay Hill, Norwich to Tarmac Trading Limited.

Further background to the project is set out in the Cabinet report. The detailed business case for the scheme having previously been approved by DLUHC for funding under the Towns Fund. The budget for delivery of the scheme is in place following the approval to vire money from St Giles to ensure delivery of the Hay Hill Scheme. Total available funds are £3.55m and the anticipated costs of the project remain as were detailed in paragraph 30 of the 14 December 2022 cabinet paper as below:

The revised Hay Hill Cost Plan is £3.2m as above £2.9m relates to the construction works (including contingency sums) with the remainder £0.4m attributed to consultancy, fees and approvals.

In addition to the construction contract sum, the contract agrees that Norwich City Council will pay Norfolk County Council for highway design services and contract administration services, estimated to be £71k.

Furthermore, Planning Applications Committee approved 09 March 2023 the demolition of Homage to Thomas Browne sculpture and removal into secure storage. This meant that all necessary regulatory consents to commence undertaking the proposed scheme are in place.

Procurement of main contractor has been via the County Council existing agreement with Tarmac Trading Limited, who were selected following a competitive exercise and are experienced at delivering schemes within the Norwich urban area. It represents best value for delivery, and via the County Council framework agreed schedule of rates, the contract sum is still £2.9m.

Whilst there is a risk of proceeding with the project in the period where there is still a risk of a third party seeking to challenge the legality of the necessary regulatory consent for the removal of the statue, this risk is considered slight, and there are options to manage the consequences of it should the risk happen. There is a significant risk of programming delays and further cost increase if the decision is delayed until this period has expired. There is also a high risk that a programme delay will render the council unable to meet the agreed approved DLUHC Town Deal Funding end date of 31<sup>st</sup> March 2025.

The current programme allows for Tarmac to commence site works on 17<sup>th</sup> April 2023, with a predicted practical completion in February 2024.

**Alternative Options:**

Not to sign the contract. This is rejected as it will not deliver the approved DLUHC Town Deal Funded project by the end date of the programme of 31<sup>st</sup> March 2025. This would risk reputational harm and the return of monies to DLUHC.

**Declarations of Interest:**

None

**Reports considered by the decision maker:**

NPLaw advice, Officer recommendations.

**Any background documents considered:**

Cabinet decision notice and minutes 14<sup>th</sup> December 2022

**Publication date:** 23<sup>rd</sup> March 2023

**Date of decision:** 21<sup>st</sup> March 2023

**Call-in deadline date:** 27<sup>th</sup> March 2023 at 5pm

**Date comes into force if not called in:** 28<sup>th</sup> March 2023