

OFFICER DECISION RECORD (ODR1)

This form records an officer decision and is published in accordance with the Openness of Local Government Bodies Regulations 2014

Date of Decision	19th July 2023						
Decision Taker (including Job Title)	<p>Peter Skates, Director of Growth & Enterprise and Acting Executive Director – Place</p> <p><i>Consultee: Director of Governance and Compliance</i></p>						
Specific Delegation	<p>Cheshire East Council Full Council 22nd June 2021 resolved that Council approves:</p> <ol style="list-style-type: none"> 1. delegation of authority to the Executive Director – Place to approve Supplementary Capital and Revenue Estimates up to the value of the Towns Fund grant award, and further delegates authority to incur expenditure in line with the conditions of the Fund. <p>Cheshire East Council Economy & Growth Committee 14th March 2023 (Item 64. Archives Project – Delivery Phase) resolved that the Committee:</p> <ol style="list-style-type: none"> 1. delegate to the Executive Director Place to take all necessary actions to enable the delivery stage of the 'Cheshire Archives – A Story Shared' project. 2. delegate authority to the Executive Director Place, in consultation with the Director of Governance and Compliance, to enter into or approve any contracts or agreements (including professional consultants and building contracts etc.) required for the delivery phase. 						
Type of Decision to be taken (tick as appropriate)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Granting a permission or licence</td> <td style="padding: 2px; text-align: center;"> </td> </tr> <tr> <td style="padding: 2px;">Affecting the rights of an individual</td> <td style="padding: 2px; text-align: center;"> </td> </tr> <tr> <td style="padding: 2px;">Awarding a contract or incurring expenditure which, materially affects the Council's financial position</td> <td style="padding: 2px; text-align: center;">✓</td> </tr> </table>	Granting a permission or licence		Affecting the rights of an individual		Awarding a contract or incurring expenditure which, materially affects the Council's financial position	✓
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Brief Description of Decision	<p>Authorise a virement from the Crewe Towns Fund budget block allocation (History Centre Public Realm: CAP-10158) to the Demolition of Crewe Library Site (CAP-10075).</p> <p>Authorise officers (subject to development agreements connected to the to HMCTS (HM Courts & Tribunals Service) being concluded), to enter into a contract to dismantle the existing structures at Crewe Civic Centre, providing a cleared</p>						

	<p>site for the new Cheshire Archive/History Centre. The contract includes the construction of new public realm (Phase 1), new surface car park and new entrance to Magistrates' Court but excludes the construction of the new Cheshire Archive/History Centre, which will be let under a separate contract.</p>
Reasons for the Decision and alternatives considered	<p>The new Cheshire Archive/History Centre requires a cleared site. Site clearance forms part of a single-phase including provision of new public realm and parking. This is funded through a combination of Council and grant funding (Future High Streets Fund and Towns Fund).</p> <p>To provide sufficient budget to fund the demolition and Phase 1 public realm works on the Civic Centre & former Library site a budget virement is required.</p> <p>As stated in the March 2023 committee report, there is no realistic alternative to the course of action recommended. The Cheshire Archive / History Centre project forms an integral part of plans for the regeneration of Crewe town centre and has been endorsed by the Council at various stages of a wider plans for the future of Cheshire's Archive service, including a Memorandum of Understanding between the Council and Cheshire West & Chester Council, given that parts of the archive will be relocated to new premises in Chester, as well as in Crewe.</p> <p>Through the development of the project, various alternative design/delivery options have been considered, and the final agreed design represents best value-for-money for the Council. It should be noted that a significant proportion of costs associated with the overall project will be funded by external grant, including the National Lottery Heritage Fund, and approximately 50% of the funding for this phase is sourced from the Government's Future High Streets Fund and Towns Fund.</p>
Member consultation and interests declared	<p>Members have been engaged with the development of the project since its inception through workshops and regular briefings. In addition, lead Members for both CEC and CWAC provide a 'Portfolio Board' for the project and receive regular updates. Updates are also provided to local ward members through Crewe Member Briefings and to the Shared Services Committee.</p> <p>Members have also been invited to attend various public consultation events that have been held in relation to this project.</p>
Significant Decision	YES/NO

Legal Implications	<p>In presenting these comments it is acknowledged that reliance is being placed on the same by Executive Director Place and the Director of Governance and Compliance in terms of any aspect of legal compliance and identifying any areas of risk attaching to the decision. The decisions set out here are approved on the basis that they are:</p> <ul style="list-style-type: none"> • in compliance with the Council's constitution; and • are made on the basis of and further to the appropriate resolutions, authorities and delegations from Council and Committee. <p>It should be noted that the decision in respect of the virement of funds means that there is sufficient budget to cover the cost of entering into the proposed contract.</p> <p>However, whereas the second decision authorises entry into that contract; that contract award is to proceed on the basis of a call-off from the Council's Construction Services Framework which has not yet been instructed. Place Board have indicated that such a call-off should not take place until such time as the terms of a development agreement have been agreed between the Council and the Court services for the construction of a new entrance to the Magistrates' Court building; and planning conditions are fulfilled. Therefore, if entry into the contract once called-off is approved; it is understood that it will only be proceeded with once these matters have been attended to.</p> <p>It should be noted that there is an element of risk in that completion of the development agreement and fulfilment of the planning conditions will take time and the contract to be form of contract whilst it is being called off a Council framework is yet to be settled. Factors may arise as a consequence of negotiating the development agreement or fulfilling the planning conditions such that the decision taken in this ODR may need to be revisited if for instance there is a material change in the costs position. Therefore, if pressing ahead the position should be monitored and a fresh decision may be needed to reflect any altered position.</p> <p>Alternatively, the decision taker may wish to defer the second decision (entry into contract) until the development agreement has been finalised; planning conditions are met, and the contract has been formulated and can be fully commented on; such that a fully informed decision can be taken.</p> <p>Adrian Leslie - Lawyer Contracts & Procurement Team adrian.Leslie@cheshireeast.gov.uk 28/07/23</p>
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Financial Implications	<p>The funding for this project sits across two existing Council budgets and requires a virement between budgets to enable a contract to be entered into.</p> <p>The Executive Director of Place has delegated authority to approve the virement of the Crewe Towns Funding to the named project that is the Demolition of Crewe Library. This will provide sufficient budget to cover the cost of the contract.</p> <p>I am satisfied that the recommended decision is supportable.</p> <p>Sam Oakden – Strategic Finance & Accounting. 12/07/2023</p>
Confidential/Exempt Information	
Background Papers	<p>Please refer to Appendix 1.</p> <p>Link to the original decision: https://moderngov.cheshireeast.gov.uk/ecminutes/ieDecisionDetails.aspx?AId=64763</p>

Decision-taker: Director of Growth & Enterprise & Acting Executive Director – Place

Name Peter Skates



Signed

Dated 25th August 2023

Consultee: Director of Governance and Compliance

Name David Brown



Signed

Dated 25 August 2023

Appendix 1

EXTRACTS FROM OFFICIAL MINUTES OF COMMITTEE DECISIONS RELATING TO
ARCHIVES PROJECT - DELIVERY PHASE
ECONOMY & GROWTH COMMITTEE 14 MARCH 2023

KEY DELEGATIONS RELATING TO THIS DECISION ARE IN PARAS 1 & 2.

Decisions:

The Committee considered the report which provided an update on the 'Cheshire Archives - A Story Shared' project and provided the context for the delivery phase of the project, which included the building of a new History Centre in Crewe.

It was noted that the late Councillor Dorothy Flude had been very involved with the Archives Project and it was proposed that, subject to consultation, the new centre be named in her honour.

RESOLVED (unanimously): That the Committee

- 1 delegate to the Executive Director Place to take all necessary actions to enable the delivery stage of the 'Cheshire Archives - A Story Shared' project.
- 2 delegate authority to the Executive Director Place, in consultation with the Director of Governance and Compliance, to enter into or approve any contracts or agreements (including professional consultants and building contracts etc.) required for the delivery phase.
- 3 approve the entering into a Memorandum of Understanding (MOU) to address all relevant terms for collaborative delivery of the project with CWAC.
- 4 approve the participation as required in the acceptance of the offer of grant aid from the Heritage Fund by CWAC by the exercise of the delegated authority to proceed with this project.
- 5 consideration be given to naming the History Centre in honour of the late Councillor Dorothy Flude, subject to public consultation.