

WIRRAL COUNCIL

CABINET – JULY 11TH 2013

SUBJECT:	HOYLAKE – ACCEPTANCE OF TENDERS UNDER DELEGATED AUTHORITY BY STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT
WARD/S AFFECTED:	HOYLAKE & MEOLS AND WEST KIRBY & THURSTASTON
REPORT OF:	STRATEGIC DIRECTOR REGENERATION AND ENVIRONMENT
RESPONSIBLE PORTFOLIO HOLDER:	REGENERATION AND PLANNING STRATEGY
KEY DECISION	YES

1.0 EXECUTIVE SUMMARY

- 1.1 To note the delegated decision taken by the Strategic Director of Regeneration and Environment to accept specialist external legal and technical advice tenders in the sum of £178,823 to support the Council in procuring a development partner for the Hoylake Golf Resort using the OJEU Competitive Dialogue process. This Report is exempt on the grounds of commercial sensitivity.

2.0 BACKGROUND

- 2.1 Members will recall that the concept of a high quality golf resort in Hoylake has been the aspiration of the Council since 2004 and a number of previous reports have been considered by Members on this subject.
- 2.2 The golf resort proposals will lead to a number of significant benefits for Wirral and include
- Multi-million pound investment by the private sector in the golf resort proposals in Hoylake and West Wirral contributing to the area's regeneration
 - The golf resort will offer an international standard facility and the opportunity to regularly attract a variety of major golf competitions to Wirral
 - The creation of direct and indirect jobs through the supply chain which will be needed to support the golf resort
 - The securing of the golf resort has the potential to significantly enhance the image of Wirral as a destination for leisure and business
 - The resort will increase the attraction of Wirral to the golfing sector and allow Wirral to develop specific golf related activities as well as using the golf to generate complementary activities in the Borough which will have the potential to increase the number of tourists and increase visitor spend
 - The development will improve the environmental and landscape quality of the land on which it is to be built

3.0 CURRENT POSITION

- 3.1 Members will be aware that given the potential benefits of the golf resort and an increasing interest being paid to the proposal from the private sector the concept was re-launched on Friday 14th September 2012 at the Ricoh Women's British Open which was held at the Royal Liverpool Golf Course.
- 3.2 Cabinet had previously agreed in 2008 that due to the complexity of the proposal and after exploring other procurement routes that the securing of an appropriate development partner should be procured using the OJEU Competitive Dialogue process.
- 3.3 As the Council has never used the Competitive Dialogue process before and therefore does not have the in-house experience or expertise to manage a project of this nature it was felt that the only way to successfully manage the risk was to secure external legal and project management expertise from consultants that had experience of using the EU Competitive Dialogue process. This external resource can be funded from a planned reserve that the Council had set aside for this project within the Regeneration and Environment budget.

4.0 TENDER EVALUATIONS

- 4.1 The commissioning of external legal and technical advice was completed in June 2013. The legal brief was tendered using the North West Legal Consortium (NWLC) framework which resulted in 4 bids being received. Following a detailed evaluation of the submissions it was resolved to award the tender to Pinsent Masons LLP in the sum of £55,000.
- 4.2 The technical support work was tendered via the Chest using the Consortium framework for North West Construction. The exercise only produced 1 tender return by Davis Langdon (An AECOM company) in the sum of £123,823. Procurement has advised that as the company has already been vetted and approved through the North West Consortium Framework the Council is able to accept a single tender return. Nevertheless a full evaluation of the bid was undertaken to ensure that it represented value for money. David Langdon scored highly on all aspects of their submission and a separate check showed that they were one of the highest performing companies on the North West framework. Following these checks it was resolved to award Davis Langdon the contract for the technical support work in the sum of £123,823.
- 4.3 It is important to commission this work as soon as possible as it has been advised that the OJEU Competitive Dialogue process will take up to 12 months to complete. Compliance with this timetable should allow a development partner for the golf resort to be identified prior to the Open which is returning to Hoylake in July 2014.

5.0 OTHER OPTIONS CONSIDERED

- 5.1 The most appropriate procurement method is through Competitive Dialogue and this option was approved by Cabinet on July 9th 2008.

6.0 CONSULTATION

- 6.1 This proposal has been developed through initial public consultation, in 2004, as part of the Hoylake and West Kirby Master-plan work prior to the return of the Open Championship in 2006.
- 6.2 It has been the subject of a detailed Needs Assessment undertaken in 2006, followed by a Technical Assessment in 2007.

6.3 Any future public consultation will be carried out in accordance with Council's adopted Statement of Community Involvement.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 There are none specifically arising from this report.

8.0 RESOURCE IMPLICATIONS: FINANCIAL, IT, STAFFING AND ASSETS.

8.1 The tender sums which total £178,823 can be funded from a planned reserve of £230,000 that has been set aside to deliver the procurement process. Indications from other examples of Competitive Dialogue have shown, however, that the process can become protracted and in such circumstances additional costs may be incurred. Whilst every effort will be taken to keep costs within budget it is considered prudent that to manage this risk that the balance of the budget £51,177 should be used as a contingency sum if required, to cover any future additional work as the OJEU process progresses.

9.0 LEGAL IMPLICATIONS

9.1 This report seeks the endorsement of the decision by the Strategic Director of Regeneration and Environment under paragraph 14 of the Contract Procedure Rules which requires that a report on such use of these powers is reported to the next available meeting of the Executive.

10.0 EQUALITIES IMPLICATIONS.

10.1 There are no direct equality implications arising from this particular report. Should the project develop and implementation details emerge future reports will include a full EIA.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 The facilities associated with the proposed golf resort would be located within the Green Belt and within an Area Requiring Landscape Renewal

11.2 Any future planning application for a golf resort will be assessed against the Council's Unitary Development Plan the emerging Core Strategy Local Development Framework and the National Planning Policy Framework.

12.0 RECOMMENDATION

12.1 Cabinet is recommended to note the decision of the Strategic Director for Regeneration and Environment to procure Pinsent Masons LLP in the sum of £55,000 to provide the legal advice and Davis Langdon in the sum of £123,823 to provide the technical advice in connection with the OJEU Competition Dialogue Procurement process for the Hoylake Golf resort using the delegated authority given to him under paragraph 14 of the Contract Procedure Rules.

13.0 REASON FOR RECOMMENDATION.

13.1 To allow the Council to proceed with the procurement of a development partner to deliver the Hoylake Golf Resort proposal.