


APPLICATION FOR EXEMPTION FROM CONTRACT PROCEDURE RULES

Contact Officer:	Date of request:
Phillip Spurr	23 October 2023
Directorate:	Service:
Place	
Name of Contractor:	
Roger Hannah Associates	
Amount of the contract <i>(estimated or actual)</i>	Expenditure Code and Budget Provision <i>(please provide the expenditure code and confirm whether or not the scheme is grant funded)</i>
1.5% of the agreed negotiated purchase price of Pendle Rise Shopping Centre	
The fee concerned is 1.5% of the agreed value of the property which if it was to be between £4million and £5million would provide for a payment value to Roger Hannah Associates of £60 - £75,000.	
The fee has been agreed on a 'no win-no fee' basis, so if an agreement is not reached for PBC to purchase the shopping centre no fee will be paid.	Town Deal Fund – Revitalise Nelson
Nature of Contract: <i>(include contractor details, items/services to be provided commencement date and expected duration)</i>	
 Simon Cook Bsc (Hons) MRICS Managing Director	

Roger Hannah Associates Limited
Century Buildings
14 St Mary's Parsonage
Manchester
M3 2DF

Company Number -02141713

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simoncook@roger-hannah.co.uk

Simon Cook of Roger Hannah Associates will be retained to negotiate a price for the sale of Pendle Rise Shopping Centre to PBC. It is hoped that a deal to purchase the shopping centre can be concluded by the end of 2023.

Is the Request retrospective? No

Are there any Conflicts of Interest with this request? No

Please outline the CPR's you wish to exempt *(please quote para no.)*

20.1

Please explain why you want an exemption to the above CPR and how you have satisfied yourself that the procurement requirements do not apply?

Roger Hannah Associates were appointed to represent the property owner of Pendle Rise Shopping Centre (PRSC) in formulating a potential compensatory value for the freehold interest in PRSC to enable PBC to gain ownership of this key development site for the Nelson Town Deal Programme without needing to go through CPO.

Originally the instruction covered the eventuality of paying Roger Hannah Associates on an hourly basis for taking forward negotiations following a fixed price fee for preparation of a compensatory valuation report.

However Roger Hannah are now requesting a fixed price 'no win, no fee' basis of taking these negotiations forward due to the complexities and challenges involved.

This can benefit the Council in that if there is no deal then no fees are incurred and if there is a deal then this can save the Council costs (which would significantly exceed the costs covered by this instruction) which would be incurred if the Council had instead to go to CPO.

Procurement requirements do not apply as the Agent negotiating needs to be the same agent as conducted the compensatory valuation.

How was this particular contractor selected and what evidence do you have to demonstrate value for money? How was this particular contractor selected and what evidence do you have to demonstrate value for money? Have any alternative arrangements been considered?

Roger Hannah Associates were selected as the leading RICS organisation based in the North West and due to their previous knowledge and experience of the site.

The alternative arrangement – ie CPO, continues to be progressed and if no agreement is achieved by Roger Hannah, so fees will be payable to them and the CPO progress will be expedited instead.

What is the proposed action to be taken at the end of the exception? (i.e. contract terminates or to be re-commissioned/procured- if the latter please provide further details of how this will be achieved.)

At the end of the exception either Roger Hannah will have been paid for reaching a deal or PBC will be exploring the CPO route.

APPROVAL REQUEST

The information provided on this form is correct. The proposed expenditure is within Budget and Policy Framework and is in accordance with the requirements of the Contract Procedure Rules with the exception of those for which an exemption is being applied for.

Signature of Director / Head of Service 	Date: 23/10/23
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Please email completed forms to Phil Hartup, System Accountant, Finance.

FINAL SIGN OFF BY DIRECTOR OF RESOURCES

TO BE DELETED AS APPROPRIATED

Accepted

I have no objections to the exemption sought and I am satisfied that value for money can be demonstrated.

Signature of Director of Resources 	Date: 15 th November 2023
Date reported to Accounts & Audit Committee: Tbc - January 2024	

Version – September 2023 v2