



Executive Director/Director Non-Key Executive Decision Report

**Author/Lead Officer of Report: Lawrence
Gould, Legal and Governance**

Tel: 0114 2734018

Report to: *Simon Green , Executive Director of Place*

Date of Decision: *(Insert date decision to be taken)*

Subject: *External Legal Services Appointment: Sheffield
Retail Quarter*

Which Cabinet Member Portfolio does this relate to? *Cabinet Member for Business and
Economy*

Which Scrutiny and Policy Development Committee does this relate to? *Economic and
Environmental Wellbeing*

Has an Equality Impact Assessment (EIA) been undertaken? Yes No

If YES, what EIA reference number has it been given? *(Insert reference number)*

Does the report contain confidential or exempt information? Yes No

If YES, give details as to whether the exemption applies to the full report / part of the
report and/or appendices and complete below:-

*“The (report/appendix) is not for publication because it contains exempt information
under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local
Government Act 1972 (as amended).”*

Purpose of Report:

(Outline the decision being sought or proposal being recommended for approval.)
The Council is seeking to appoint an external legal services provider to provide a
range of legal services to support it in the delivery of the Sheffield Retail Quarter
(‘SRQ’). The SRQ is a major regeneration scheme, led by the Council, to deliver a
new retail quarter in the city centre, which will extend and improve the retail offer,
deliver new high quality public realm and provide offices , housing and leisure
facilities.



Recommendations:*(Insert the report's recommendations.)*

To appoint Gowling WLG as external legal services provider for the Sheffield Retail Quarter.

Background Papers:*(Insert details of any background papers used in the compilation of the report.)*

Lead Officer to complete:-				
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.			
	<table border="1"> <tr> <td>Finance: <i>(Insert name of officer consulted)</i> Eugene Walker</td> </tr> <tr> <td>Legal: <i>(Insert name of officer consulted)</i> Gillian Duckworth</td> </tr> <tr> <td>Equalities: <i>(Insert name of officer consulted)</i> [n/a]</td> </tr> </table>	Finance: <i>(Insert name of officer consulted)</i> Eugene Walker	Legal: <i>(Insert name of officer consulted)</i> Gillian Duckworth	Equalities: <i>(Insert name of officer consulted)</i> [n/a]
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<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>				
2	<table border="1"> <tr> <td>Lead Officer Name: <i>(Insert name)</i> Gillian Duckworth</td> <td>Job Title: <i>(Insert job title)</i> Director of Legal and Governance</td> </tr> </table>	Lead Officer Name: <i>(Insert name)</i> Gillian Duckworth	Job Title: <i>(Insert job title)</i> Director of Legal and Governance	
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Date: <i>(Insert date) [To insert]</i>				

1. PROPOSAL

(Explain the proposal, current position and need for change, including any evidence considered, and indicate whether this is something the Council is legally required to do, or whether it is something it is choosing to do)

1.1 The Council is seeking to appoint an external legal services provider to provide a range of legal services to support it in the delivery of the Sheffield Retail Quarter ('SRQ').

1.2 The SRQ is a major regeneration scheme, led by the Council, to deliver a new retail quarter in the city centre, which will extend and improve the retail offer, deliver new high quality public realm and provide offices, housing and leisure facilities.

1.3 The legal advisor will work on the following work streams:

- Work Stream (A): Property Legal Services
- Work Stream (B): Planning Legal Services
- Work Stream (C): Construction, Development and Highways Legal Services
- Work Stream (D): Legal Services relating to SRQ Interface Issues
- Work Stream (E): Taxation and Project Financing Legal Services
- Work stream (F): Governance/ Compliance
- Work Stream (G): Related Legal Services as necessary

1.4 The Deputy Leader of the Council made a decision in October 2013 to agree the way forward for the delivery of the SRQ. Authority was granted to the Executive Director, Place, in consultation with The Cabinet Member for Employment and Enterprise (now Business and Economy), the Executive Director of Resources and the Director of Legal & Governance, to agree the procurement strategy and award of contracts by either appointing, novating and/or extending contracts as required with providers of professional services to assist the Council to work on the New Retail Quarter scheme and its delivery. Following a competitive tender process, this report recommends the appointment of a legal adviser in accordance with this delegated authority.

1.5 The Director of Legal and Governance, as the officer responsible for the provision of legal services to the Council, was consulted throughout the procurement of the External Legal Advisor for the Sheffield Retail Quarter, and approved the evaluation of tenders and results.

1.6 The tender evaluation was structured to achieve the optimum outcome.

Evaluation Criteria:	Weighting	Details for weighting
<ul style="list-style-type: none">• Price	40%	
<ul style="list-style-type: none">• Quality	60%	Quality weighting broken down into the following sub-criteria: <ul style="list-style-type: none">• Experience: 20%

- Technical expertise: 15%
- Method: 15%
- Understanding of the project: 10%

1.7 Fourteen firms submitted tender proposals and fee estimates were consistent with the relevant tenderer's method statement for carrying out the legal services.

The results of the tender evaluation are as follows.

	Tenderer	Price <i>*(see note below)</i>	Price Score <i>(if applicable)</i>	Quality Score <i>(if applicable)</i>	Total Score <i>(price + quality)</i>	Rank <i>(1 = preferred contractor)</i>
1	Gowling WLG	£15,000	30	53	83	1
2	Sharpe Pritchard	£12,000	40	39	79	2
3	Shoosmiths	£12,500	33	41	74	3
4	Nabarro	£25,000	17	49	66	4
5	Geldards	£17500	22	41	63	5
6	Bond Dickinson	£22,500	18	43	61	6
7	Trowers & Hamlin	£25,000	17	43	60	7
8	Beachcroft	£45,000	10	48	58	8
9	Bevan Brittan	£32,000	11	45	56	9
10	Eversheds	£80,000	8	47	55	10
11	Burges Salmon	£31,250	15	39	54	11
12	Walker Morris	£35,000	12	41	53	12
13	Freeth Cartwright	£40,000	10	39	49	13
14	HSF	No price provided	0	46	46	14

2. HOW DOES THIS DECISION CONTRIBUTE ?

(Explain how this proposal will contribute to the ambitions within the Corporate Plan and what it will mean for people who live, work, learn in or visit the City. For example, does it increase or reduce inequalities and is the decision inclusive?; does it have an impact on climate change?; does it improve the customer experience?; is there an economic impact?)

2.1 The SRQ will contribute to the Council's vision to be a modern, vibrant and green city where people choose to live , invest and work by fundamentally improving the retail offer in the city centre by

creating a high class regional shopping and leisure facility which minimises environmental impact thus providing a step change and lifting Sheffield up the national retail ranking index.

- 2.2 In addition , the SRQ will contribute to the Council's priorities in contributing to thriving neighbourhoods and communities and a strong economy by making the city centre a more cohesive and sustainable location to attract further investment and by creating job opportunities.

3. HAS THERE BEEN ANY CONSULTATION?

(Refer to the Consultation Principles and Involvement Guide. Indicate whether the Council is required to consult on the proposal, and provide details of any consultation activities undertaken and their outcomes.)

- 3.1 No ; the provision of legal services for the SRQ was not considered to impact significantly directly or indirectly on stakeholders.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 An Equality Impact Assessment (EIA) has previously been produced for the SRQ, and the underlying principles and assessment are considered to still hold.

4.2 Financial and Commercial Implications

- 4.2.1 The cost of the appointment will be rolled up and included in the budget costs for the SRQ.

4.3 Legal Implications

- 4.3.1 Officers are mindful of the importance of putting into place appropriate arrangements to secure the desired outcomes, ensure compliance with legal requirements and protect the Council's position.

- 4.3.2 The Council's Contracts Standing Orders, including the European Union Procurement Rules have been adhered to throughout the procurement. An advertised competitive tender was undertaken in accordance with PCR Regulations 75 and 76 as the likely value of the services exceeds the threshold for a competitive tender, and the Director of Legal and Governance was consulted. The tender process followed the principles of transparency and non-discrimination, and facilitated the achievement of value for money.

- 4.3.3 The preferred provider will be required to enter into a formal written contract with the Council which will provide for effective service delivery at levels which accord with the Council's requirements.

5. ALTERNATIVE OPTIONS CONSIDERED

(Outline any alternative options which were considered but rejected in the course of developing the proposal.)

5.1 In consultation with Commercial Services, the Crown Commercial Services Legal Services Framework and an open tender were considered. Both Commercial Services and Legal and Governance were of the opinion that the Council was more likely to obtain better value for money by going out to open tender. The Director of Legal and Governance was consulted and approved the determination to go out to open tender.

6. REASONS FOR RECOMMENDATIONS

(Explain why this is the preferred option and outline the intended outcomes.)

6.1 Gowling WLG was the successful tenderer which ranked first in the evaluation.