

Bolsover District Council

Meeting of the Executive on 23rd June 2025

Report of the Portfolio Holder for Growth

**SHIREBROOK MARKET PLACE: REIMAGINED –
UPDATE ON REGENERATION FUNDED WORKS**

Classification	This report is Public
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PURPOSE / SUMMARY OF REPORT

- To update Members on the Regeneration Funded works relating to the Shirebrook Market Place: REimagined project
- To set out the legal position of the project and the agreements required with Shirebrook Town Council.
- To obtain the approval to enter into the contract with the Principal Contractor for the works to be completed.

REPORT DETAILS

1. Background

- 1.1 Members will be aware that the Council has developed the Shirebrook Market Place: REimagined project in partnership with Shirebrook Town Council to deliver significant public realm improvements to Shirebrook Market Place, which is in turn intended to lead to greater footfall and vitality in the town centre that will support the economic performance of the town.
- 1.2 Phase 1 of the project focussed on the Memorial Gardens (the Memorial surround and the southern garden space) and was delivered by Jamieson Contracting Limited, appointed under a Pagabo Framework in November 2023. This phase of works was funded from the Valencia Communities Fund and the UK Shared Prosperity Fund. The value of the contract was £168,299.90 and was completed in September 2024.
- 1.3 The Regeneration Fund has secured £2million for the completion of the Pavilion building and associated landscaping. This budget includes for all client fees and costs, as well as the Principal Contractor's works and all sub-contracted packages.
- 1.4 Whilst waiting on the confirmation of the Regeneration Funding, the remaining funding from the UK Shared Prosperity Fund was committed to both Dragonfly

Development Limited (DDL) and Lathams (as the retained Architects) to produce the RIBA Stage 4 drawing pack for both phases 2 and 3 (the public realm works and the new Pavilion building respectively). This produced a full package of works and detailed cost schedule for finishing the whole scheme, which has been reviewed to ensure value engineering options are considered and the scheme delivers value for money. The **phasing plan and drawings** illustrating the Pavilion building and the public realm works are attached as **Appendix A** to this report.

- 1.5 The contract value for completing the works package for both phases 2 and 3 is **£1,857,537.29**. This budget includes completing phase 3 (£1,068,181 of the £2,000,000 allocated) with the remainder of the contract sum (£789,356.29) required to complete the public realm works as shown in phase 2.

2. Details of Proposal or Information

- 2.1. The approved delivery arrangements for the operational oversight of each of the projects is through an appointed Client Lead, who all report into the Project Sponsor and Project Control Board. Dragonfly Management (Bolsover) Limited (DMBL) are responsible for the operational delivery of the funding, and report on action to the Strategic Commissioning Board who bring recommendations for decision to the Executive.
- 2.2 Both the Dragonfly Project Control Board (PCB) and the Council's Strategic Commissioning Board have considered this project at its most recent meetings (25 April and 15 May respectively) and were in agreement that the remaining public realm works should be funded from the underspend of the £2,000,000 budget, to allow the works to Shirebrook Market Place to be completed in its entirety. The Council's Strategic Commissioning Board recommended that the Chief Executive, on behalf of the Strategic Commissioning Board, should seek approval from Executive for the underspend of £789,357 be allocated to fund the costs of the remaining public realm works.
- 2.3 Each of the project leads is supported by a client team, which will include the appointment of an Employer's Agent, Cost Manager, Principal Designer, Architect, Mechanical and Electrical Consultant, Clerk of Works, and if required, input from further disciplines, such as Highways, Landscape Architects and / or Urban designers. Each of the client teams appoint a Principal Contractor, who shall in turn appoint the necessary sub-contractors to undertake the works required under each project. A number of the Regeneration Fund projects have agreement for the direct award to Dragonfly Development Limited (DDL), these are: Shirebrook Market Place Pavilion, The Green Skills and Retrofit Centre in Shirebrook, and demolition of the Former Co-Op in Bolsover.
- 2.4 DMBL was established to deliver capital regeneration schemes, housing and commercial developments, as well as project management consultancy services on behalf of the Council under the 'Teckal Exemption' and as set out in the Public Contracts Regulations 2015 (regulation 12). It is an accepted position that the Council does not need to go out to the market where services can be delivered in house, which complies with both the PCR 2015 and new Procurement Act 2023 and in line with the confirmation email received from MHCLG on 12 November 2024 and subsequent advice note obtained by DMBL from Freeth's, dated 3 April 2025, which takes account of the new Procurement Act 2023 (PA23).

- 2.5 On this basis, the Council follows its Financial and Contract Procedure Rules and may award the contract for the works to DDL via DMBL.
- 2.6 Shirebrook Town Council is the landowner of the Market Place. As such, the District Council will be required to prepare a Development Agreement with Shirebrook Town Council that puts in place the contractual arrangements for the District Council undertaking the works and handover to the Town Council at practical completion. It will also set out arrangements for the Town Council to take ownership and maintenance responsibility of the new Pavilion building and all public realm areas following practical completion.
- 2.7 This Development Agreement will be structured around a set of prepared **Heads of Terms** that outline this agreement and these are attached as **Appendix B** to this report.
- 2.8 These Heads of Terms have been shared with the Town Council on 27 May 2025 and will be formally considered by the Town Council at their meeting on 11 June 2025. Subject to agreement by both the Town Council at that meeting, and Executive's approval through this report, a development agreement will be drafted for agreement.

3. Reasons for Recommendation

- 3.1 The Council has developed the Shirebrook Market Place: REimagined project in partnership with Shirebrook Town Council to deliver significant public realm improvements to Shirebrook Market Place.
- 3.2 The Council is now in the position where the full package of works has been prepared and detailed cost schedule for the works received. This is within the available budget and allows for a reasonable contingency. Allocating the underspend of £789,357 will enable the full scheme to be completed.
- 3.3 There is a commitment from Shirebrook Town Council to this scheme, and a Development Agreement will document both parties' involvement and responsibilities for delivering the scheme.

4 Alternative Options and Reasons for Rejection

- 4.1 Alternative delivery options have been considered by both the Project Control Board and the Strategic Commissioning Board, including not undertaking the phase 2 works, but the proposed course of action is considered to more strongly align to the overall ambition of the Council to achieve sustainable regeneration utilising MHCLG's Regeneration Fund.

RECOMMENDATION(S)

- 1) Executive approves that the underspend of £789,357 to be allocated to fund the costs of the remaining public realm works.
- 2) Executive approves the appointment of Dragonfly Development Limited (DDL) to deliver the contract for the value of £1,857,537.29.

- 3) Executive delegates authority to the Monitoring Officer to enter into a Development Agreement with Shirebrook Town Council based on the Heads of Terms as set out in the report.

Approved by Councillor Tom Munro, Portfolio Holder for Growth

IMPLICATIONS:

Finance and Risk: Yes ☒ No ☐

Details: All expenditure incurred will be met from the grant funding allocated, provided it is incurred in line with the Memorandum of Understanding the District Council has signed with MHCLG. There is a contingency allocated from within the £2,000,000 budget which will sit with the Client Team and be used to cover any unforeseen costs.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details: Legal Services will be required to prepare the Development Agreement and will be sought from outside of the organisation due to limited capacity within Legal Services at this time. There are no data protection implications.

On behalf of the Solicitor to the Council

Environment: Yes ☒ No ☐

Details: The Shirebrook Market Place: REimagined project is intended to significantly improve the physical and environmental appearance of Shirebrook Market Place.

Staffing: Yes ☐ No ☒

Details: There are no human resources implications arising from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION:

☒ ***Please indicate which threshold applies:***

Is the decision a Key Decision?

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

Yes ☒ No ☐

(a) ☐ (b) ☐

(a) ☒ (b) ☐

District Wards Significantly Affected: <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick All if all wards are affected: <ul style="list-style-type: none"> • Shirebrook 	All <input type="checkbox"/>
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Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i> If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i> Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i> Leader <input checked="" type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> The proposal has been presented to the Strategic Commissioning Board; Leader; CEO; and Portfolio Member for Growth
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Links to Council Ambition: Customers, Economy, Environment, Housing
<u>Economy</u> <ul style="list-style-type: none"> • Actively working with partners to support enterprise, innovation, jobs and skills. • Promoting the district and working with partners to increase and support the creative, cultural and tourism sector. <u>Environment</u> <ul style="list-style-type: none"> • Ensuring all area, neighbourhoods and streets in the district, irrespective of housing tenure or type, are places where people want to live, feel safe, and are proud to live. • Working with stakeholders, strategic and local partnerships to deliver shared strategies and priorities that support the local environment.

DOCUMENT INFORMATION:

Appendix No	Title
A	The scheme phasing plan and drawings illustrating the Pavilion building and the public realm works

B	Prepared Heads of Terms for the Development Agreement with Shirebrook Town Council
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Background Papers

(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).