

HYNDBURN BOROUGH COUNCIL

APPROVAL FOR URGENT EXECUTIVE (CABINET) DECISION

(Executive Procedure Rule B16)

Summary and Approvals

- .1 Title of Report**
Town Centre Levelling Up funded projects

- 2. Report Author**
Steve Riley – Executive Director (Environment)

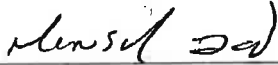
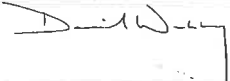
- .3 Purpose of Report**
To seek Cabinet approval to amend the fit-out programme within the LUF funded Accrington Market Hall redevelopment.


- 4. Decision requested**
That Cabinet agrees to waive the Council’s Contract Procedure Rules to appoint Conception Design Associates Limited (CDA) of 38 Dollywaggon Way, Preston, PR5 6EW for the manufacture and installation works for the kitchens, pot wash and bar area within Accrington Market Hall.

That Cabinet agrees to delegate authority to the Executive Director (Environment) to enter into the legal agreement with CDA, in consultation with the Executive Director (Legal & Democratic Services) and Portfolio Holder.

- 5. Reason for Urgency**
The approval to waive the Council’s procurement rules cannot wait until the next scheduled Cabinet meeting as the works order needs to be placed before this date if the Council is to keep the price within the project budget and to enable to works to be complete in time for the November reopening.

- 6. Approvals of Members and Officers**

Designation	Signature to give Approval
<u>Elected Members</u>	
Leader of the Council	
Deputy Leader of the Council	Councillor Melissa Fisher (by e-mail on 4th June 2026)
Portfolio Holder	Councillor Clare Pritchard (by e-mail on 4th June 2026)
Mayor (to agree to exempt from call-in)	Councillor Noordad Aziz (by e-mail on 4th June 2026)
<u>Officers</u>	
Chief Executive	
Deputy Chief Executive (only in the	

absence of the Chief Executive or if the Chief Executive is the decision taker)	Not required
Monitoring Officer (only in the absence of the Chief Executive and Deputy Chief Executive or if one is absent and the other is the decision taker)	Not required
Chief Officer/Head of Service	

7. **Date of Decision (when finally approved):** 4th June 2026

REPORT TO:		Cabinet	
DATE:		24 June 2026	
PORTFOLIO:		Councillor Clare Pritchard – Transformation and Town Centres	
REPORT AUTHOR:		Steve Riley, Executive Director (Environment)	
TITLE OF REPORT:		Town Centre Levelling Up funded projects	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	Yes	If yes, date of publication:	3 June 2026

1. Purpose of Report

- 1.1 To seek Cabinet approval to amend the fit-out programme within the LUF funded Accrington Market Hall redevelopment.

2. Recommendations

- 2.1 That Cabinet agrees to waive the Council's Contract Procedure Rules to appoint Conception Design Associates Limited (CDA) of 38 Dollywaggon Way, Preston, PR5 6EW for the manufacture and installation works for the kitchens, pot wash and bar area within Accrington Market Hall.
- 2.2 That Cabinet agrees to delegate authority to the Executive Director (Environment) to enter into the legal agreement with CDA, in consultation with the Executive Director (Legal & Democratic Services) and Portfolio Holder.

3. Background

- 3.1 CDA are commercial catering specialists based in Preston who have been working with both phase 1 and phase 2 design and build contractors, (Morgan Sindall and Krol Corlett) for over 2 years on the design, specification and associated building works in the Market Hall relating to the bar and food areas.
- 3.2 Whilst initially the broad layout designs were agreed by the client/contractor project team back in 2024, this design and specification were progressed by the proposed Market Hall operator. However, following the decision by the Council to manage the operation in-house, the designs and specifications have needed to be revised substantially to remain within the agreed budget and to reflect advice from the Council's external property/lease management consultants Barker Proudlove. Whilst the Council will be providing a base fit-out kitchen, pot wash and bar for the individual food and beverage operators to operate from, the Council is not able to identify some specific cookline equipment until the actual traders have been secured and there are some loose table top items which the individual operators will supply themselves dependant on individual food types/cooking needs.

- 3.3 Agreeing a revised specification that sits within the Council's agreed budget has been challenging and prolonged to the point where it is no longer possible for the phase 2 contractor to undertake the fit out works in the bar and food areas within their original contract programme.
- 3.4 The fit-out works were included in the phase 2 tender as a fixed provisional sum (along with circa 20 other work packages) and it is Hyndburn Council's decision to include or exclude provisional sums in the phase 2 contract. This report proposes the Council appoint CDA to undertake the bar and kitchen fit-out works, with staff within the Council's Facilities team overseeing this work. This provides added benefit in the team understanding the fit-out as the Council is now managing the Market Hall operation and on-going maintenance in-house.
- 3.5 This report recommends that the Council waives its Contract Procedure Rules and appoints CDA to deliver the works to fit out the kitchens, pot-wash and bar areas within the Market Hall after the phase 2 contract is concluded on the basis that this represents best value for the following reasons:
- If the works remain within the phase 2 contract, additional costs will be incurred as the works could not be concluded within the current contractor's programme.
 - The Council would make a substantial saving by the direct appointment of CDA because there would be no additional preliminary fees as the contractor would not have to extend their contract programme.
 - The prices provided by CDA to the phase 2 contractor are the same prices which are being offered to the Council.
 - There is no time for the Council to undertake a second tender exercise, but Council can be reasonably assured on achieving best value as CDA were procured through the Phase 1 contractor's own tender for these works.
 - In order for the works to be completed before the scheduled reopening of the Market Hall in November 26, CDA must receive the order from the Council by 16 June 2026.

4. **Alternative Options considered and Reasons for Rejection**

- 4.1 Cabinet could decide not to waive the Contract Procedure Rules to appoint CDA to deliver the works. This is not recommended for the reasons highlighted in paragraph 3.3 and 3.4 in the report.

5. **Consultations**

- 5.1 The Portfolio Holder and Executive Director (Resources) have been consulted.

6. **Implications**

Financial implications (including any future financial commitments for the Council)	There are no financial implications as the works are funded through the LUF budget which has already been approved by the Council.
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	<p>Directly appointing CDA, will allow the Council to fit-out the areas within budget as the contractor's preliminary fees (circa £70k) would not be applicable.</p>
<p>Legal and human rights implications</p>	<p>Whilst the contract specification is still being finalised, the initial cost is estimated to be circa £430,000, with some additional costs added once the food traders secured and cooklines have been identified.</p> <p>As this falls below the applicable threshold for 'works contracts' under the Procurement Act 2023, (£5.193m) the full above threshold procurement procedures do not apply. Cabinet is able to waive the Council's Contracts Procedure Rules if satisfied that this is justified and reasonable in all the circumstances. The justification for waiver in this instance is set out in section 3 of this report.</p> <p>Notwithstanding the above, the Council remains subject to the procurement objectives and transparency requirements set out in the Procurement Act 2023 and must ensure that the proposed approach is proportionate and represents value for money. This has been duly considered and will be achieved through the clear justification for CDA's appointment, oversight by the relevant officers and publication of the contract details in line with transparency requirements. In particular, the Council will publish a below threshold contract details notice on the Government's procurement portal as soon as possible once it has entered into the contract with CDA.</p> <p>The Council will enter into a detailed written agreement with CDA for the works with options for the Council to add some additional equipment as specific traders are signed up / cookline identified.</p> <p>As the Council will pay full market value for the works, there is no element of subsidy to CDA.</p> <p>There are no human rights implications for</p>

<p>Assessment of risk</p>	<p>this report.</p> <p>There is a risk that the kitchen fit out would exceed the Council's agreed budget. This risk would be mitigated by the direct appointment of CDA thereby reducing the fees due to the phase 2 contractor by extending their programme.</p> <p>There is a risk that the kitchen fit out would not be completed by the time of the Market Hall re-opening. This risk will be mitigated by Cabinet approving the proposal set out in this report and an order placed with CDA before the 15 June 2026.</p>
<p>Equality and diversity implications <i>A <u>Customer First Analysis</u> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who do not; and • foster good relations between those who share a relevant protected characteristic and those who do not. <p>For these purposes, the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p> <p>In this case there are no direct equality or diversity issues arising from this report.</p>

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

Town Centre Levelling Up funded project progress – Cabinet March 2026
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MIId=3150&Ver=4>

Accrington Martel Hall Operator Update – Cabinet December 2025
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MIId=3031&Ver=4>

Levelling Up Funded Projects Update – Cabinet October 2025

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=3030&Ver=4>

Town Centre Levelling Up Funded Project Update – Special Overview & Scrutiny Committee October 2025

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=323&MId=3053&Ver=4>

Town Centre Levelling Up Funded Project Update – Special Overview & Scrutiny Committee February 2025

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=323&MId=2990&Ver=4>

Market Chambers Operating Costs - Cabinet January 2025

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2898&Ver=4>

Appointment of Operator for Burtons Chambers – Cabinet March 24

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2802&Ver=4>

Levelling Up Funded Projects Update - Special Scrutiny Committee March 2024

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2802&Ver=4>

LUF and Other Funding Update – Cabinet February 2024

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2801&Ver=4>

Markets Decant – Cabinet December 2023

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2799&Ver=4>

Market Traders Decant Accommodation – Cabinet October 2023

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2798&Ver=4>

LUF General Update and Operator Procurement – Cabinet September 2023

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2797&Ver=4>

Levelling Up Update – Special Scrutiny Committee July 2023

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=323&MId=2814&Ver=4>

Levelling Up Update – Cabinet June 2023

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2795&Ver=4>

Levelling Up Update – Special Scrutiny Committee March 2023

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=323&MId=2773&Ver=4>

Levelling Up Update – Special Scrutiny Committee December 2022

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=323&MId=2762&Ver=4>

8. **Freedom of Information**

8.1

The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

