

Leader's Decision Record

Report Title	Procurement of a design and demolition contractor for the Barrow Market and Forum
Date of Decision	28 July 2025
Report Author	Allan Harty – Assistant Director Assistant Director – Corporate Assets, Fleet & Capital Programme James Daplyn - Capital Programme Control Manager Jonathan Bushell - Portfolio Manager – Capital Programmes
Director	Steph Cordon - Director of Thriving Communities
Lead Cabinet Member	Cllr Helen Chaffey – Cabinet Member for Communities, Customer Services, Culture and Communications
Wards Affected	Old Barrow and Hindpool
Identify exempt information and exemption category	Part exempt Note – In accordance with Section 100B(2) of the Local Government Act 1972, copies of Appendix 2 to this report are excluded from inspection by members of the public as the report contains information as described in Schedule 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006, as follows:- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Paragraph 5) In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
Reasons for urgency	N/A
Appendices (if any)	Appendix 1 – EQIA Appendix 2 – Confidential Legal Advice Appendix 3 – Redline Plan

1 Executive Summary

- 1.1 Cabinet decided on 3 June 2025 to support the Barrow Delivery Board recommendation not to progress with its current plans for public realm improvements in Barrow town centre and a refurbishment of the Market Hall, in favour of developing a much bolder and more transformational vision for Barrow.

- 1.2 This paper seeks approval from the Leader to undertake a procurement exercise of a design and demolition contractor to undertake a two-stage design (Stage 1) and demolition (Stage 2) contract for the Market and Forum buildings as identified in Appendix 3 - Red line plan (“the Site”).
- 1.3 It is proposed that Cabinet decide on the future options for the Site in October 2025. The options are likely to be full demolition, partial demolition or retention of the Site. This procurement exercise will place the Council in a position where it may proceed with the award of a full demolition Stage 1 (Design) contract, should a Cabinet decide to do so. Following Stage 1 the Council would subsequently enter a Stage 2 demolition contract.
- 1.4 Subject to the Cabinet’s decision, given its estimated value (£0.07m-£0.1m) the Stage 1 (Design) would be awarded through an Officer Delegated Decision Record (ODDR). Following Stage 1, a Stage 2 demolition contract could be awarded via a further Cabinet Decision (value over £5m).
- 1.5 If Cabinet do not decide to demolish the buildings, or to choose an alternative option, the Council would not award either contract.

2 Recommendation(s)

For the reasons set out in this report, the Leader is recommended to:

- 2.1 Authorise Director of Thriving Communities to prepare procurement documents and go out to tender for a design (Stage 1) and demolition (Stage 2) contractor for the Market Hall and Forum in Barrow via a two-stage design and demolition contract.

3 Information: Rationale and Background for the recommendations

- 3.1 The Council’s Cabinet has agreed to start the process to develop bolder, more ambitious plans for the ‘Heart of Barrow’ following a recent decision by the Barrow Delivery Board - which includes the Council, central Government and BAE Systems, as Team Barrow - to prioritise the regeneration of the town centre as one of its major capital projects.
- 3.2 Extra funding made available through the Barrow Transformation Fund means significantly more money is now available and this has the potential to deliver a more transformational regeneration of the town centre.
- 3.3 The additional funding from the Barrow Transformation Fund would be on top of the money already committed by Government for the current town centre regeneration works.
- 3.4 The Barrow Delivery Board has recommended that the current regeneration projects being undertaken by the council be reorientated to allow further investigation of these new opportunities.
- 3.5 Cabinet agreed to support the Barrow Delivery Board recommendation and allow current plans for public realm improvements in the town centre and a refurbishment of the Market Hall to be revised as enabling and ‘meanwhile’

uses, in favour of developing a much bolder and more transformational vision for Barrow.

- 3.6 This procurement exercise puts the Council in the position of being able to award the Stage 1 contract, and the Stage 2 contract at a later date, should the decision be made to demolish the Site, defined within a redline area (see appendix 3), The Ministry of Housing, Communities and Local Government (MHCLG) have provided the following in relation to LUF project funding of £16m for Market Hall transformation, of which £11m is yet to be drawn down *“the Department acknowledges Westmorland and Furness’ plans for the project are likely to change taking account of the Barrow Transformation Fund; has no plans to ask for LUF grant to be returned provided the Council maintains an expectation that it will be spent within financial year 26/27; and, agrees that we should return to the question of what the LUF grant will contribute to within the town centre regeneration over the next few months as local plans develop.”* A Project Adjustment Request (PAR) will need to be submitted to MHCLG to secure the change. Formal agreement from MHCLG is awaited and allocation of the funds by the Council for these purposes is awaited also.
- 3.7 The Funding deadline to spend the £11m is March 2027. Therefore, there is a time critical aspect to this procurement.
- 3.8 Should the Council choose to not start, or to delay the start of the procurement exercise, the Council’s ability to deliver a full demolition works package by the LUF funding deadline of March 2027 would be lost. Because of the funding deadline, an alternative, and more traditional option to procure a detailed report on costings from suitable demolition suppliers to inform the options appraisal is not available (see Section 7 alternatives).
- 3.9 The Council could choose to tender for the partial retention option (retention of the Forum) at the same time as the full demolition. This option is discussed and not recommended in Section 7 alternatives.
- 3.10 The approach taken to procure a demolition contractor with award of contract being subject to a future Cabinet Decision has the potential to discourage the demolition supply chain from bidding due to uncertainty over the award. This could result in lower numbers of bidders. It is the view of the project team that interest should remain good for the opportunity because the contract is being tendered to the open market and is of a high value. In addition, the demolition market has a large pool of suppliers many of whom are versed in undertaking projects across a large geographic region.
- 3.11 To meet the March 2027 funding deadline, the Council will need to publish a tender by the end of July 2025 (see tender timetable below). Should Stage 1 be awarded, , it would start around the end of October 2025 with an estimated cost between £0.07m and £0.1m. Award of Stage 2 would be subject to a Cabinet Decision by the end of March 2026 and Stage 2 would cost c.£8-10m, however this figure is subject to change following the procurement exercise and Stage 1 design stage (if awarded).

Table 01 Proposed Procurement Timetable

Activity	Time and Date
Publication of the Tender Notice and ITT (including associated tender documents).	Latest Date at which tender could be published 31/07/2025
Clarification Deadline	15/08/2025
Deadline for Tender Submission	04/09/2025
Assessment / Moderation of Tender Submissions by	25/09/2025
Preparation of Award Letters and ODDR (not to be sent/signed until after Cabinet Decsion)	25/09/2025 to 14/10/2025
Cabinet Decision Date – Proceed with Full Demolition Option for the Market or Not	14/10/2025
Expiry of call-in period for October Cabinet meeting	4pm on 24/10/2025
Decision To Award Stage 1 Signed (subject to Cabinet Decision)	22/10/2025
Notification of Assessment Outcome to Bidders	23/10/2025
Anticipated Contract Commencement	25/10/2025
Anticipated Cabinet decision on award of Stage 2 contract	March 2026

3.12 If Cabinet agrees to proceed with demolition, the demolition will be dealt with via a Demolition Notice which would be obtained during the Stage 1 design period.

4 **Link to the Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers and Workforce)**

4.1 The demolition option for the Market and Forum are enabling works for the future 'Plan for Barrow' utilising the Barrow transformation fund. The Plan for Barrow is planned to address the following challenges:

4.1.1 **Improve the underlying strength of the town's economy.** It is currently limited by high levels of poor health, a mismatch of skills against those the employers need, a declining working age population, and many people who are not in work. There is limited space for business activity and the connectivity between businesses, and their markets or labour supply needs to be improved

4.1.2 **Attract more people to live and work in the town.** To do this, there is a need to improve housing, improve the look and feel of the town centre, improve local services and enhance transport networks.

4.1.3 **Ongoing structural changes in the retail sector** which has seen a large number of national brands pull out of the town leaving larger retail units vacant, significantly impacting on footfall and vibrancy and the feeling of a declining town centre.

- 4.1.4 **Limited choice of housing in the town centre** and what is available is dated and, in some cases, poor quality – meaning those that can often choose to buy outside of the town centre.
 - 4.1.5 **Low values of homes which creates viability issues for the delivery of new homes** for sale.
 - 4.1.6 **Low values deterring the delivery of modern office space**
 - 4.1.7 **Poor perception and image of Barrow deterring investment**, and limited profile of the Barrow - few people know what the centre has to offer and there are limited attractions that can be used to target visitors from the wider catchment.
 - 4.1.8 **Declining population.** The limited culture and leisure offer detracts from the borough's quality of life offer and ability to attract and retain young people and working age residents into the area
 - 4.1.9 **The peripherality and peninsula geography of Barrow which limits the population catchment using the town centre** which causes concerns for potential retail and commercial occupiers as well as developers and housebuilders.
 - 4.1.10 **Lack of access and connectivity between the town centre, major employers and key residential areas**, particularly due to severances of highways, out of town style development and poor pedestrian / cycle connectivity. Poor and confusing gateways to the town also leads to difficult wayfinding
- 4.2 To address these issues, investment is needed to improve the strength of the local economy and enhance the attractiveness of the town as a place to live and work. This includes upgrades to housing, local services, transport, and public realm. This will support the retention of spend by existing and future residents to support community wealth building ambitions to generate, circulate and retain economic wealth within the local economy. The demolition of the Market and Forum would be an essential enabling activity to prepare the area for future development.

5 **Consultation Outcomes**

- 5.1 Engagement around demolition being part of the options appraisal has been undertaken with Furness Locality Board, market traders and the Thriving Communities Directorate.
- 5.2 The Furness Member Advisory Group whose membership covers both Cabinet Members and the Leader of the Council, Leaders of the Opposition Groups and Furness Locality Board are keen to support the transformation of the town centre and have been engaged in shaping the decision making of both Team Barrow and Cabinet in halting the original scheme and developing the future transformational opportunity. The Furness Member Advisory Group are aware and agree that an options appraisal to determine what happens to the existing buildings of the Forum and Market Hall is needed to enable Cabinet to make an informed decision.

- 5.3 Consultation will be required for the subsequent Heart of Barrow plans which may or may not include demolition of the Market and Forum.

6 Alternative Options Considered

- 6.1 Alternative 1: Do Nothing. The Council could choose not to start procurement for a design and demolition contractor. This option would not allow a prompt entry into a demolition contract following a Cabinet decision (if chosen). This option is not recommended.
- 6.2 Alternative 2: Do Something 1. The Council could choose to procure a more detailed demolition cost estimate from a suitably qualified demolition supplier to inform the options appraisal and Cabinet decision prior to procuring the 2 staged design and demolition contract. This option would provide clarity to bidders that the demolition project was likely to proceed, avoiding potential abortive bid costs. This option would not allow the project to meet the timescales of the project funding (completion by March 2027), and is therefore not recommended.
- 6.3 Alternative 3: Do Something 2. The Council could choose to undertake pre-market engagement to gain a more accurate price for demolition to inform an options appraisal. This option would not allow the start of procurement activity for the 2 staged demolition contract until after a future Cabinet Decision and would not allow the project to meet the timescales of the project funding (completion by March 2027) and is therefore not recommended.
- 6.4 Alternative 4: Do Something 3. The Council could undertake a procurement which sought bids for both the full demolition and partial retention options. To add the retention of the forum as an option into the proposed demolition contract would change the nature of the procurement as it would require 'construction' activities to take place as well as demolition. An opportunity which includes construction could attract a different supply chain, or a different lead supplier, negatively impacting on the full demolition procurement exercise. Introducing construction into the contract could also lead to additional time delays through the requirement for making good the demolished forum building and gaining planning permission which would not enable the project to meet the timescales of the project funding (completion by March 2027) and is therefore not recommended.

7 Reasons for Recommendations

- 7.1 The Council, and its primary funder the Ministry of Housing, Communities and Local Government, have clear priorities to develop Barrow Market. Utilising the balance of the LUF funding, £11m, (subject to formal confirmation from MHCLG and allocation of the funds by Council) will enable the site to be redeveloped and revitalised as part of the future wider rejuvenation of Barrow Town Centre under the Barrow Transformation Fund.

8 Climate and Biodiversity Implications

- 8.1 There are no known climate or biodiversity implications to the project.

9 Legal and Governance Implications

9.1 Cabinet considered a report on Plan for Barrow (03 June 2025) and resolved that Cabinet:

- agrees to commence the development of an Outline Business Case in respect of a transformational scheme for Barrow town centre in line with the Heart of Barrow draft Strategic Outline Business Case accepted by the Barrow Delivery Board on 12 May 2025;
- agrees to allocate (on receipt of the funding) £970,000 from the Barrow Transformation Fund for the development of the Heart of Barrow Outline Business Case(s) as recommended by the Barrow Delivery Board;
- agrees to accept £970,000 from the Barrow Transformation Fund and delegate the Assistant Chief Executive and Director of Thriving Communities the authority to enter into a Memorandum of Understanding for the development of the Heart of Barrow Outline Business Case(s);
- agrees not to proceed to award the stage 2 contract for the Barrow Market Hall project;
- further to discussion with the Ministry of Housing, Communities and Local Government (“MHCLG”), to authorise the Director of Thriving Communities, in consultation with the Director of Resources (Section 151 Officer), and Chief Legal and Monitoring Officer, to seek to amend the Memorandum of Understanding in respect of the Levelling Up Funding (February 2022) or enter into such further agreements with MHCLG as necessary to give effect to the recommendation 2.1 and 2.3 above.

9.2 The June Cabinet report (para 3.24) set out that: ‘It is therefore anticipated that there will be a decision required by Cabinet no later than Autumn 2025, to consider options on how to proceed with the Market Hall and Forum buildings in the short term.’

9.3 The recommended options in Paragraph 6 of the June Cabinet report included partial retention and minimal / no retention.

9.4 A Leader’s decision is required to cover the action and decisions being proposed by officers. This being due to the fact that the last decision making point on this matter was a Cabinet decision in June as described above.

9.5 The Leader’s Scheme of Delegation (WFLeadersSchemeofDelegation 6 MAY 2025 FINAL.pdf) provides that certain decisions should normally be referred to Cabinet rather than be taken as a delegated decision:

“Any executive functions or matters may additionally be referred by the Leader, Cabinet Member, Chief Executive or a Corporate Director to the Cabinet for consideration, determination and decision. Examples of matters that should normally be referred to Cabinet, rather than be taken as a delegated decision, are those that fall into one or more of the following categories:

(a) the matter under consideration is a high profile matter;

(b) the decision has a significant budgetary impact;

- (c) there is a need or it is considered prudent to engage the public and/or raise public awareness; and/or*
- (d) the function/matter provides important performance management information.”*

- 9.6 The Council has a statutory duty to obtain ‘best value’ under section 3 (1) of the Local Government Act 1999 when making arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 9.7 S.111 Local Government Act 1972 provides that the Council has power to do anything calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- 9.8 The Council’s Contract Procedure Rules (CPRs) were updated in March 2025.
- 9.9 Section 8 sets out the steps which should be followed prior to the commencement of a procurement exercise.
- 9.10 Section 11.1 sets out the authorisation required to commence a procurement exercise which in this case is the Director after consultation with the Relevant Cabinet member. Part 2 Section 6 of the Constitution (Officer Scheme of Delegation), paragraph 3.23.47 also applies.
- 9.11 Further legal advice is in Part II Appendix 2.

10 Human Resources, Health Wellbeing and Safety Implications

- 10.1 There are no direct Human Resources implications arising from this report.
- 10.2 The Council has duties under the Health & Safety at Work Act 1974 and associated regulations to ensure as far as is reasonably practicable that there are suitable risk control arrangements in place to protect employees and others who may be affected by our activities. This includes ensuring that procurement processes take H&S requirements into account to ensure contractors have the necessary competence and accreditations to undertake/ deliver required works. Health and Safety scoring criteria should be included in the tender evaluation process and contract management performance requirements.

11. Financial Implications

- 11.1 The LUF programme £11m for Barrow is time-limited and is to be invested in the Market/Forum as the buildings included in the original scope/award of this funding.
- 11.2 The use of the funding will need to be formally changed through a Project Adjustment Request submitted to MHCLG. MHCLG have indicated that the proposed change would be looked on favourably as it is linked to the Barrow Transformation Fund and the objectives within that programme.
- 11.3 The deadline for full spend is 31 March 2027 and the alternative use of the grant should be formally proposed to MHCLG as soon as is practical.

11.4 The Barrow Delivery Board approved £0.970m to be spent by the Council from the Barrow Transformation Fund to develop the business case for the Heart of Barrow.

11.5 The Heart of Barrow business case is required to inform the future options for the Market Hall and Forum buildings.

12 Equality and Diversity Implications (please ensure these are compliant with the EQiA Guidance)

12.1 See Appendix 1.

13 Background Document

13.1 3 June 2025 Cabinet report titled 'Plan for Barrow'

Executive member Consultation

Name: Cllr Helen Chaffey – Cabinet Member for Community Services

Details of any registrable interest relevant to the decision:

Details of any dispensation granted:

Key Decisions

Notice on Forward Plan? N/A

Rule 15 Notice? NA

Rule 16 Approval by Chair of Scrutiny Board? NA

Exempt from Call in? NA

Decision

Signature of the decision record authorises the implementation (following expiry of the Call In period where applicable) of the recommendations in Section 2.

Signature of decision maker:



Name: Jonathan Brook

Post title: Leader of the Council

Date: 28 July 2025

Delegated authority to make the decision: Part 2 Section 4 Responsibility for Executive Functions in the Constitution