

## Report of Land and Property

### Report to Chief Officer Asset Management and Regeneration

Date: 1 March 2021

### Subject: Flood Alleviation Scheme phase 2 – procurement of compensation advice

Are specific electoral wards affected? If yes, name(s) of ward(s): Kirkstall; Little London & Woodhouse.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: 10.4 (3) (business affairs of any person including the Council) Appendix number: 1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## Summary

### 1. Main Issues

- The purpose of this report is to seek approval to formalise the appointment of Carter Jonas in respect of the procurement of external advice in relation to the assessment, negotiation and settlement of compensation claims and associated land transactions.
- The procurement relates to the provision of support to the Leeds Flood Alleviation Team in their delivery of land requirements and dealing with affected land owners, relating to Phase 2 of the Leeds Flood Alleviation Scheme.
- Given the value of the proposed contract, the Council's Procurement Section indicated that a small-scale tender would be the most suitable and preferred option.

### 2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- Whilst not directly affecting any of the stated aims of the Best Council Plan, the proposal will provide essential support to the Flood Alleviation Scheme and will save Land and Property officer time which can be more productively directed elsewhere.

### **3. Resource Implications**

- This procurement will provide independent advice that will help the Flood Alleviation Team to assess whether compensation is due as a result of its actions and, if so, that appropriate sums are paid, including for any associated land transactions.
- It will assist in ensure payments for compensation and land transactions are at reasonable levels and assessed by a third party.
- Monitoring, assessing, negotiating and managing the claims is a substantial commitment. Therefore the appointment will free officer time for other areas of Land and Property work.

### **Recommendations**

- a) It is recommended that a contract be awarded to Carter Jonas for support in the assessment, negotiation and settlement of compensation claims submitted by landowners, occupiers and businesses and associated land transactions in connection with phase 2 of the Leeds Flood Alleviation Scheme and under the provisions of the Water Resources Act 1991. The contract value is capped as noted in the attached appendix.

#### **1. Purpose of this report**

- 1.1 The purpose of this report is to seek approval to formalise the appointment of Carter Jonas to provide advice and support in the assessment, negotiation and settlement of compensation claims submitted by landowners, occupiers and businesses and associated land transactions in connection with phase 2 of the Leeds Flood Alleviation Scheme.

#### **2. Background information**

- 2.1 As part of phase 2 of the Leeds Flood Alleviation Scheme Leeds City Council is undertaking works along the channel of the River Aire from the point it runs beneath the Leeds City railway station to the boundary with Bradford Council at Apperley Bridge.
- 2.2 The works are being conducted within the provisions of the Water Resources Act 1991. This Act allows persons for whom associated works cause 'loss' to claim compensation from the Council.
- 2.3 Such losses need to be assessed and managed to ensure that compensation is awarded or refuted correctly. Given the internal resource implications, the Council sought a small-scale tender for independent valuation advice and settlements of claims.
- 2.4 The works affect, to greater or lesser extents, privately-owned land alongside the river. It has been clear from the claims received so far that claims may be property-related or arise from financial/business effects. It is not yet known how many claims will be received. Separate land transactions may also be required, typically the acquisition of permanent or temporary rights in land.

- 2.5 Carter Jonas will be expected to discuss all types of claim and make recommendations to the Council as to when compensation should be paid and negotiate and relevant land transactions.

### **3. Main issues**

- 3.1 As noted above, the Council is seeking to engage Carter Jonas to provide a claims management service to optimise the way that compensation claims are handled. This should ensure that only valid claims are compensated, whilst mitigating appropriately the financial cost of those valid claims. This will also include the negotiations of any associated land transactions.
- 3.2 Whilst the Council's Land and Property Section can undertake such assessments and negotiations, it is not felt to be a good use of those resources.
- 3.3 From discussions with the Council's Procurement Section it was deemed that a mini-tender would be appropriate, with knowledge of the Water Resources Act 1991 being a stipulation of the bidding process.
- 3.4 Three bids were requested. Following assessment of these, Carter Jonas was deemed to have scored the highest.
- 3.5 The fees associated with this work are capped as noted in the appendix.
- 3.6 The appointment will mean that staff resources can be directed to other Land and Property work areas.

### **4. Corporate considerations**

#### **4.1 Consultation and engagement**

- 4.1.1 Not applicable.

#### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 The proposals have no specific implications for equality, diversity, cohesion and integration.

#### **4.3 Council policies and the Best Council Plan**

- 4.3.1 The instruction of Carter Jonas will not directly affect the Best Council Plan but does support the Sustainable Infrastructure priority whilst also 'spending money wisely'.

#### Climate Emergency

- 4.3.2 There are no specific implications for the climate emergency, although this proposal relates to the Leeds Flood Alleviation Scheme which is a response to the effects of Climate Emergency.

#### **4.4 Resources, procurement and value for money**

- 4.4.1 The cost of the appointment will be borne by the Leeds Flood Alleviation Scheme which is supportive of the proposal as it should accelerate claims and ensure relationships with affected parties are maintained.

4.4.2 Leeds City Council's Procurement Section has advised Land and Property throughout the process and will instruct via YorTender in due course.

#### **4.5 Legal implications, access to information, and call-in**

4.5.1 Under Part 3, Section 3E(g) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of the Executive in relation to Asset Management.

4.5.2 The Chief Officer Asset Management and Regeneration, Head of Asset Management and the Deputy Heads of Land and Property have authority to take decisions in relation to Asset Management as delegated in the Director of City Development's sub delegation scheme.

4.5.3 The proposal constitutes a significant operational decision and is not subject to call in.

4.5.4 Appendix 1 is confidential and is exempt from publication under access to information rule 10.4 (3) (matters relating to the business affairs of any person including the council). The appendix contains detailed pricing information which if generally disclosed would give an advantage to Carter Jonas's competitors when tendering for work. The appendix also contains details of procurement and commercial considerations relating to this appointment. There is a public interest in disclosing all of the details of public procurement. However, in this case, the public interest in maintaining commercial confidentiality of detailed pricing information and the council's procurement and commercial considerations carries the greatest weight.

#### **4.6 Risk management**

4.6.1 By not procuring these services in an expeditious manner this would compromise the Council's Land and Property section which would have to allocate resources to receiving, assessing, negotiating, managing and reporting claims. This would be likely to result in delays to the process and reputational damage to the Council.

### **5. Conclusions**

5.1 It is considered that the proposed procurement of Carter Jonas's services represents a cost effective option and demonstrates good asset and resource management. The appointment will enable the Council to achieve a high level of claims management, whilst enabling officer time to be directed at other Land and Property issues.

### **6. Recommendations**

6.1 It is recommended that a contract be awarded to Carter Jonas for support in the assessment, negotiation and settlement of compensation claims submitted by landowners, occupiers and businesses and associated land transactions in connection with Phase 2 of the Leeds Flood Alleviation Scheme and under the provisions of the Water Resources Act 1991. The contract value is capped as noted in the attached appendix.

## **7. Background documents<sup>1</sup>**

7.1 None.

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<sup>1</sup> The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.