

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Council Housebuilding Cabinet **Date:** Monday, 27 July 2015
Committee

Place: Council Chamber, Civic Offices, **Time:** 6.30 - 7.55 pm
High Street, Epping

Members Present: D Stallan (Chairman), H Kane, J Philip, S Stavrou and G Waller

Other Councillors: K Chana, S Kane, A Patel, G Shiell and C Whitbread

Apologies: Councillors R Bassett and W Breare-Hall

Officers Present: A Hall (Director of Communities), P Pledger (Assistant Director (Housing Property & Development)) and J Leither (Democratic Services Assistant)

Also in attendance: I Collins (Pellings LLP) and K Harris (East Thames Group)

16. SUBSTITUTE MEMBERS

The Cabinet Committee noted that Councillor H Kane substituted for Councillor R Bassett and Councillor J Philip substituted for Councillor W Breare-Hall.

17. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillors H Kane, S Stavrou, G Shiell and S Kane declared a personal interest in agenda item 7, by virtue of being Waltham Abbey Ward Councillors. The Councillors had determined that their interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

18. MINUTES

Resolved:

That the minutes of the meeting held on 4 June 2015 be taken as read and signed by the Chairman as a correct record.

19. ANY OTHER BUSINESS

The Cabinet Committee noted that there was no other urgent business for consideration.

20. EXCLUSION OF PUBLIC AND PRESS**Resolved:**

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
7	Phase 1 Design and Build Contract	3

21. PHASE 1 DESIGN AND BUILD CONTRACT

The Assistant Director (Housing Property & Development) presented a report to the Cabinet Committee. He advised that at the last meeting of the Cabinet Committee it was agreed that a report would be provided to this meeting on the current position with regard to Phase 1 of the Council Housebuilding Programme together with details of the delays in progress with the works and the expected claim from the contractor, together with a proposed way forward.

The Council's Agent advised that a letter had been received from the Kenzie Group, advisors to Broadway Construction Limited (BCL), the contractors, detailing the delays which were due to design related issues.

The contract was a Design & Build Contract and the Employer would set out a series of 'Employer's Requirements' within the tender documents and contract conditions, upon which the contractor would respond with the contractor's proposals and costs. The detailed design of the construction was the responsibility of the contractor based on the 'Employer's Requirements' and the contractor would appoint his own design teams and supply chains in order to facilitate both the design and construction before tendering for the contract.

Members agreed that when tendering for a contract that an amount should be factored into the costs for any unforeseen risks that could be incurred. The Cabinet Committee proposed that the Council should therefore enforce the contract with no additional costs being incurred by the Council.

Decision:

To enforce the terms of the contract and not pay the additional sums as requested by Broadway Construction Limited.

Reason for the Decision:

The contract with Broadway Construction for Phase 1 of the Council House-building Programme is in delay and a dispute has materialised over the cause and effect of the delay, and a way forward needs to be determined in order to complete the development in the most cost effective way.

Other Options Considered and Rejected:

There are no other options for action, since the recommendation is to consider the report and recommendations of East Thames and Pellings LLP and the most appropriate way forward.

CHAIRMAN