



## OFFICIAL EXECUTIVE DECISION NOTICE PUBLISHED BY DEMOCRATIC SERVICES

Notice is hereby given that the following decision(s) have been made today by Cabinet Members at the London Borough of Hillingdon:

<b>Title of decision</b>	<b>REDEVELOPMENT OF NELSON ROAD FORMER GARAGE SITE – CONTRACT VARIATION AND RELEASE OF ASSOCIATED FUNDS</b>
<b>Reference No.</b>	685
<b>Date of decision</b>	Wednesday 15 February 2023
<b>Call-in expiry date</b>	Wednesday 22 February 2023
<b>Relevant Select Committee</b>	Property, Highways and Transport Select Committee
<b>Relevant Wards</b>	Hillingdon East

### Decision made

Cabinet Members making the decision	Councillor Ian Edwards – Leader of the Council Councillor Jonathan Bianco – Cabinet Member for Property, Highways and Transport Councillor Martin Goddard – Cabinet Member for Finance
	<b>Approved</b>  That the Leader of the Council, the Cabinet Member for Property, Highways and Transport, and the Cabinet Member for Finance:  <ol style="list-style-type: none"><li>1. Approved a variation to the construction contract for the completion of 6 new houses at Nelson Road to NFC Homes Ltd in the sum of £222,678 varying contract value from £1,561,735 to £1,784,413;</li><li>2. Approved a virement of £133k from the 2022/23 HRA Unallocated Acquisitions and Development Budget to the Nelson Road Development Project; and</li><li>3. Approved the capital release of £243k (Appendix A of the associated report) for the revised cost estimate, inclusive of the budget virement (recommendation 2).</li></ol>
<b>Reason for decision</b>	To enable the Council to fulfil its contractual obligations and to ensure payment can be made.  During the construction phase at the Nelson Road Former Garage Site in Hillingdon East unforeseen additional works were identified which included remedial works to address works

	<p>carried out by the previous contractor, NHBC (National House Building Council), and essential sewer works.</p> <p>The additional work has led to the contractor requesting further time to accommodate these into their programme.</p> <p>Whilst elements of costs are all yet to be fully agreed, these variations to the contract in Table A are expected to be sufficient to settle the final account.</p>
<b>Alternative options considered and rejected</b>	<p>A do-nothing option would mean that the Council would be unable to fund the contractor's next application for payment and be in breach of its contractual obligations. The Council would also be at risk of incurring additional interest costs on unpaid amounts, or legal action for non-payment.</p> <p>A decision not to support the increase in the value of the construction contract could also result in reputational damage to the Council for non-payment and non-compliance with payment terms, as set out in the JCT contract and or other payment legislation such as Housing Construction and Regeneration Act 1996.</p> <p>Returning to the market to re-tender was discounted as this would likely cause further delays, inflated market rates and further disruption and cost to the build with the site deteriorating.</p>
<b>Classification</b>	Part II – Members' Only and Not for Publication
<b>Link to associated report</b>	<i>That this report be declared as exempt from publication as it involves the disclosure of information in accordance with section 100(A) and paragraph 3 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended), in that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and that the public interest in withholding the information outweighs the public interest in disclosing it.</i>
<b>Relevant Officer contact &amp; Directorate</b>	Michael Naughton, Place Directorate
<b>Any interest declared by the Cabinet Member(s) / dispensation granted</b>	N/A

## Implementation of decision & scrutiny call-in

[Internal Use only]	
<b>When can this decision be implemented by officers?</b>	<p>Officers can implement Cabinet Member decision in this notice only from the expiry of the scrutiny call-in period which is:</p> <p><b>5pm on Wednesday 22 February 2023</b></p> <p>However, this is subject to the decision not being called in by Councillors on the relevant Select Committee. Upon receipt of a valid call-in request, Democratic Services will immediately advise the relevant officer(s) and the decision must then be put on hold.</p>
<b>Councillor scrutiny call-in of this decision</b>	<p>Councillors on the relevant Select Committee shown in this notice may request to call-in this decision. The request must be before the expiry of the scrutiny call-in period above.</p> <p>Councillors should use the Scrutiny Call-in App (link below) on their devices to initiate any call-in request. Further advice can be sought from Democratic Services if required:</p> <p><a href="#">Scrutiny Call-In - Power Apps</a> (secure)</p>
<b>Further information</b>	<p>These decisions, where applicable, have been taken under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.</p> <p>This is the formal notice by the Council of the above executive decision, including links to the reports where applicable.</p> <p>If you would like more information on this decision, please contact Democratic Services on 01895 250636 or email: <a href="mailto:democratic@hillingdon.gov.uk">democratic@hillingdon.gov.uk</a>.</p> <p>Circulation of this decision notice is to a variety of people including Members of the Council, Corporate Directors, Officers, Group Secretariats and the Public. Copies are also placed on the Council's website.</p> <p style="text-align: right;"><b>Democratic Services London Borough of Hillingdon Civic Centre High Street Uxbridge UB8 1UW</b></p>