

**Executive Decision
Individual Decision Notice
General Exception Notification**



Decision Maker: Mayor's Executive Decision Making, Not before 29th November 2018

Classification:
[Partly Exempt]

Tower Hamlets Town Hall - Contract Sum Risk Contingency Approval

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – notice is hereby given that an Executive Key Decision is required to be taken under General Exception Urgency provisions as it is not possible to provide at least 28 clear days' notice of the decision but it is possible to give at least 5 clear days' notice of the decision.

As required under the above regulations, the Chair of the Overview and Scrutiny Committee will be notified of the above decision being taken under the General Exception Provision.

This notification will be published as soon as possible before the decision is taken, stating why the decision must be taken urgently.

Reason why it is impractical to provide 28 clear days' notice of the decision:

It was not possible to give 28 clear days' notice of this decision because final commercial negotiations with the main contractor were only concluded on 15 November and the final assessment of options was then carried out immediately to allow the Project Board to make a decision on its preferred way forward on the 19 November.

The target date for entering into the main JCT design and build contract with our preferred contractor is week commencing 26th November 2018. Political sign off of this IMD to secure and approve the additional project risk contingency is vital prior to signing the main contract. It is therefore not possible to delay or defer this decision because a 4 week delay to contract signing is likely to result in an additional programme cost of £118K per week or £472k for a further four week delay.

Reason why it is recommended that this decision be treated as a matter of urgency:

The target date for entering into the main JCT design and build contract with our preferred contractor is week commencing 26th November 2018. Political sign off of this IMD to secure and approve the additional project risk contingency is vital prior to signing the main contract. It is therefore not possible to delay or defer this decision to accommodate the normal call-in procedures this is because a delay to the contract signing is likely to result in an additional programme cost of £118K per week.

Signature:

Ann Sutcliffe, Corporate Director of Place

Date:

21/11/2018

Comments of the Chair of the Overview and Scrutiny Committee relating to the impracticality of providing 28 clear days' notice of the decision:	
Would have preferred that the matter was brought to my attention sooner, however, due to the urgency of the decision for the reasons stated above, I agree that it would be impractical to provide 28 clear days' notice of the decision.	
Comments of the Chair of the Overview and Scrutiny Committee relating to his/her agreement to this decision being treated as a matter of urgency:	
Happy to agree for the decision to be taken as a matter of urgency as long as it provides the best outcome financially. I would hope officers have taken due diligence when further inspections have been carried out to ensure no further implications arise on major infrastructure and utilities and that these are thoroughly checked.	
For the reasons given above, I agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and therefore exempt from call in, as any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.	
Signature:	Date:
Councillor Abdal Ullah	21/11/2018

Further details of the decision to be taken:

Key Decision? Yes	Ward(s) All Wards
Summary of Decision	<p>This report requests consideration of an additional risk contingency allocation to be approved through an Individual Mayoral Decision (IMD) towards the new Town Hall project as agreed by the Project Board and following advice from the Acting Corporate Director of Finance.</p> <p>The Council will shortly enter into the JCT Design and Build contract. The main contractor is taking on the majority of building related risks including construction inflation; design development and co-ordination; all risks on the new-build element; and, risks in the ground. However, a number of risks remain with the council; an assessment of those risks has been appraised by the Projects' Employer's Agent (appended as an exempt report) which has been presented to the Project Board.</p> <p>Approval is sought via an IMD to secure a funding allocation to provide for an additional client-held contingency budget to help manage remaining risks on the project. An Individual Mayoral Decision is required in this instance on the basis that further delays in authorising the contract will have significant project cost implications and cause programme delays.</p>

Community Plan Theme	All Priorities
Cabinet Member	Mayor (Mayor John Biggs)
Who will be consulted before decision is made and how will this consultation take place	<p>The town hall project was subject to extensive internal and external consultation, this includes borough wide public consultation events, engagement with public, private and statutory partners such as Historic England, TfL, Barts Health NHS Trust, Department of Health and the Tower Hamlets CCG.</p> <p>For more information on stakeholder engagement and public consultation, please see the 27th June 2017 Cabinet report and the 'Statement of Community Involvement' submitted as part of the Planning determination process:</p> <p>https://development.towerhamlets.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_123638</p>
Has an Equality Impact Assessment been carried out and if so the result of this Assessment?	<p>April 2015 (Cabinet report)</p> <p>https://democracy.towerhamlets.gov.uk/documents/s78665/5.1a%20Civic%20Centre%20Cabinet%20Report.pdf</p>
Contact details for comments or additional information	<p>Ann Sutcliffe, (Acting Corporate Director, Place) Ann.Sutcliffe@towerhamlets.gov.uk , Naznin Chowdhury (Project Manager, Town Hall Project) naznin.chowdhury@towerhamlets.gov.uk</p>
What supporting documents or other information will be available?	<p>27th June 2017 Cabinet report - https://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=720&Mid=7698</p> <p>T&T Gateway 3 report (appendix to report)</p>
Is there an intention to consider this report in private session and if so why (Paragraph number – see notes section)?	<p>Partly Exempt (Part of the report will be exempt)</p> <p>Commercially sensitive financial and legal information is contained in the exempt report which relates to the finalisation of a substantial JCT design and build contract with the preferred contractor for the new Town Hall development.</p> <p>Paragraph 3</p>

NOTES

Advance notice of Key Decisions

Key decisions are all those decisions which involve major spending, or savings, or which have a significant impact on the local community. The precise definition of a key decision adopted by Tower Hamlets is contained in Article 13.03 of the [Constitution](#). Key Decisions are taken by the Mayor, or the Mayor in Cabinet.

Individual notices of new Key Decisions will be published on the website as they are known, whilst a Forward Plan collating these decisions will be published 28 days before each Cabinet meeting. The Forward Plan will be published on the Council's website and will also be available to view at the Town Hall and Libraries, Ideas Centres and One Stop Shops if required. [The Committee pages](#) on the Council website include copies of the Forward Plan, Cabinet and other meeting dates and the publication dates of the Forward Plan.

If, due to reasons of urgency, a Key Decision has to be taken where 28 days' notice have not been given. Notice will be published (including on the website) as early as possible and Urgency Procedures as set out in the Constitution will have to be followed.

The most effective way for the public to make their views known about the issues listed in the Forward Plan is to examine the consultation column of the Forward Plan, and/or contact the report author or Cabinet Lead Member as soon as possible, and no later than 10 working days before the decision is expected to be taken.

Reports, appendices and background papers will be available on the Council's website 5 clear working days before the Cabinet meeting. For all other information or to submit documents in relation to any issue, please contact the relevant officer.

Notice of Intention to Conduct Business in Private

The Council is also required to give at least 28 days' notice if it wishes to consider any of the reports on the agenda of an Executive meeting (such as Cabinet) in private session. The last row of each item below will indicate any proposal to consider that item in private session. Should you wish to make any representations in relation to an item being considered in private please contact Democratic Services on the contact details listed below. Note that this applies to Cabinet but not to Individual Mayoral Decisions outside of Cabinet.

The notice may reference a paragraph of Section 12A of the 1972 Local Government Act. In summary those paragraphs refer to the following types of exempt information (more information is available in the Constitution):

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority handling the information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-

- a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Democratic Services Contact Details:

Contact Matthew Mannion
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