

# Notice to the Chair of the Community and Wellbeing Scrutiny Committee



## Urgent Key Decision form

DECISION DETAILS
<b>Decision Maker:</b> Cabinet
<b>Decision Title:</b> Authority to Award Contract for Watling Gardens Design & Build Contract
<b>Description of Decision:</b> Award of contract for Watling Gardens following approval of tenure changes for 25 of the LAR homes to SO homes in order to ensure viability of the development.
<b>When will the Decision be made?</b> 20/06/22
<b>Will the accompanying report be:</b> Open <input type="checkbox"/> Part Exempt <input checked="" type="checkbox"/> Fully Exempt <input type="checkbox"/>
<b>Reasons for exemption (if applicable)</b> The report will contain the following category of Information exempt from publication under the Schedule 12A of the Local Government Act 1972, namely paragraph: Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information
TYPE OF URGENCY
<b>Please tick all that apply:</b> <input type="checkbox"/> A. The decision is urgent and <u>28 clear days' notice</u> of the decision cannot be given but at least 5 clear days' notice can <input type="checkbox"/> B. The decision is extremely urgent and even <u>5 clear days' notice</u> of the decision cannot be given <input type="checkbox"/> C. The decision will be made by members at a meeting and <u>28 clear days' notice</u> that the proposed decision may be discussed in private (i.e. the report will contain information <u>exempt from publication</u> ) cannot be given <input checked="" type="checkbox"/> D. The decision must be implemented urgently and the <u>5 day call-in period</u> must be <u>dis-applied</u> to allow the decision to take immediate effect.
REASONS FOR URGENCY
<b>If you have selected options A, B or C please explain:</b> <ul style="list-style-type: none"><li>Why it was not possible to provide the required notice (i.e. why the decision or exemption was not anticipated)  N/A</li></ul>

- **Why it is impractical to defer the decision to a later date to allow the appropriate notice to be provided.**

N/A

**If you have selected Option D please explain why the council's interest or the public interest would be seriously prejudiced by the decision not taking immediate effect.**

The current bidders are holding the tender price until 2<sup>nd</sup> July after which LBB will need to go back out to the market and retender.

The current information/advice from the Council's consultants is that if this were to happen the Council would be looking at increased costs over the next 12 months of between 8 – 12% with further increases in 2023.

The risks in not seeking to take this to approval stage in advance of the above date are that:

- Brent would need to re tender and face increased construction costs.
- The time required to procure new tenders would mean the Council would miss the deadline for Start on Site and therefore risk loss of GLA grant as the funding is approved within this financial year.
- Inability to carry out the development and risk the loss of 125 affordable homes towards the Council's targets.

SIGN-OFF

**Strategic Director Community Wellbeing**

**Chief Executive**

**Printed Name: Phil Porter**

**Printed Name: Carolyn Downs**

**Signature:** *Phil Porter*

**Signature** *Carolyn Downs:*

**THE FOLLOWING SECTION IS TO BE COMPLETED BY GOVERNANCE SERVICES**

CHAIR OF SCRUTINY

**Notice to:** Councillor Ketan Sheth, Chair of the Community and Wellbeing Scrutiny Committee

**The Chair is asked to:**

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | <p><b>Note that an urgent decision will be taken as detailed in the form above.</b></p> <p>The decision is deemed urgent because insufficient (less than 28 days) notice of the intention to take the decision was provided on the Forward Plan. However, at least 5 clear days' notice has been provided and therefore the Scrutiny Chair is only required to note that the decision will be taken.</p>   |
| <input type="checkbox"/>            | <p><b>Permit the extremely urgent decision to be taken as detailed in the form above.</b></p> <p>The decision is deemed extremely urgent as less than 5 clear days' notice of the intention to take the decision has been provided. The Scrutiny Chair is asked to agree that the decision is urgent and cannot be reasonably deferred for the reasons detailed in the form above.</p>   |
| <input type="checkbox"/>            | <p><b>Permit discussion of exempt information in private relying on Schedule 12A of the Local Government Act 1972</b></p> <p>If a report is likely to contain information exempt from publication under schedule 12A of the Local Government Act 1972, then 28 days' notice of this must be provided on the Forward Plan. Where this requirement has not been met, the agreement of the Scrutiny Chair is required before proceeding.</p>  |
| <input checked="" type="checkbox"/> | <p><b>Permit the dis-application of the 5 day call-in period, allowing the decision detailed in the form above to take immediate effect.</b></p> <p>A Cabinet decision or a Key Decision cannot be implemented until the 5 day call in period has elapsed and no valid call-in has been received. The call-in protocol can be dis-applied if the council's or the public interest would be seriously prejudiced by the decision not taking immediate effect. The Chief Executive must determine whether a decision is urgent in this regard. The consent of the Scrutiny Chair to the matter being treated as urgent is also required.</p> |

SIGN-OFF

**Notice sent to Councillor Ketan Sheth, Chair of the Community and Wellbeing Scrutiny Committee on 16/06/22**

**Chair's approval:** Required  Not Required

**Date approval granted (if applicable): 16/06/22**