

To: All Members of the EXECUTIVE

When calling please ask for:

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Policy and Governance

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Date: 19 March 2019

Membership of the Executive

Cllr Julia Potts (Chairman)
Cllr Ged Hall (Vice Chairman)
Cllr Andrew Bolton
Cllr Kevin Deanus

Cllr Jim Edwards
Cllr Jenny Else
Cllr Carole King
Cllr Chris Storey

Dear Councillors

A SPECIAL meeting of the EXECUTIVE will be held as follows:

DATE: WEDNESDAY, 27 MARCH 2019

TIME: 12.00 PM

PLACE: COUNCIL CHAMBER - COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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NOTES FOR MEMBERS

Contact Officers are shown at the end of each report and members are welcome to raise questions, make observations etc. in advance of the meeting with the appropriate officer.

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for absence.

2. **DECLARATIONS OF INTERESTS**

To receive from members, declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

3. **CONTRACTUAL DISPUTE RESOLUTION AND REQUEST FOR BUDGET VIREMENT** (Pages 5 - 16)

[Portfolio Holders: Cllr Jenny Else & Cllr Ged Hall]
[Wards Affected: All]

This report outlines the contractual dispute that has arisen relating to the construction of the Memorial Hall, Babbs Mead, West Street, Farnham following practical completion of the building which was achieved on 29 August 2018.

The Council had been in the process of questioning the Extensions of Time awarded on this contract by Lytle Associates, the appointed Contract Administrator. At the end of January 2019, Armfield Construction Ltd submitted an inflated interim account, application no. 26, for work on the Hall.

On 19 February 2019, an Adjudication Referral Notice was received by the Council from Armfield Construction Ltd (ACL) regarding alleged non-payment of their payment application.

This report advises the Executive on the options that result from the Adjudication process and recommends a course of action to resolve this matter, with a virement decision as a financial solution.

Recommendation

That the Executive:

1. **Authorises officers to finalise and settle the negotiated settlement with Armfield Construction Ltd on the broad terms set out in this report, with the agreement of the detailed legal documents delegated to the Section 151 Officer and Portfolio Holder for Finance in consultation with the Borough Solicitor; and**
2. **in accordance with Waverley's approved scheme of virement, agrees to vire £375,000 of capital budget from the Frensham project to the Memorial Hall capital scheme budget to meet the unbudgeted contractor cost resulting from this settlement.**

4. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That, pursuant to Procedure Rule 20, and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item(s) on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified at the meeting in the revised Part 1 of Schedule 12A to the Local Government Act 1972.

5. ANY OTHER ISSUES TO BE CONSIDERED IN EXEMPT SESSION

To consider matters (if any) relating to aspects of any reports on this agenda which, it is felt, may need to be considered in Exempt session.

**For further information or assistance, please telephone
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Officer, on 01483 523226 or by email at
fiona.cameron@waverley.gov.uk**