

Officer Decision Record – Executive Decision

If Key Decision: Decision Ref. No.

B000/24

If not a Key Decision write n/a above

OFFICER DECISION RECORD ⁱ

Officer Key Decisions are subject to the Council's Call-In Procedure (Annex 9 of the Council's Constitution <https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/who-we-are-and-what-we-do.aspx>)

Subject: For Hertfordshire County Council to agree the claim for settlement of unforeseen construction costs arising from the Bishop Stortford High School Rebuild Project

Type of Decision: Executive/~~Non-Executive~~

Key Decision (Executive Functions only): Yes/~~No~~

Executive Member/Committee Chairman: Cllr Bob Deering

Portfolio (Executive Functions only): Resources and Performance

Officer Contact: Helen Maneuf

Tel: 01438 845502

1. Decision

For Hertfordshire County Council to agree the settlement proposed by ISG (24-06-24) in relation to the costs overruns incurred as a result of unforeseen ground conditions. The settlement payment will require an additional allocation of funding of £4.022m.

The settlement payments and scheduling are as follows:-

£3,475,436 by 10 July 2024 and
£1,529,069 by 31 July 2024

If yes:

- (a) Comments of Executive Member/Committee Chairman (*delete as applicable*)

Views were sought from the Executive Member for Resources Cllr Deering, who concluded that HCC had taken expert legal and costs assessment advice which indicates that the offer is financially advantageous for HCC and as such there is a compelling reason to expedite the process through the use of Special Urgency procedures available under the Constitution.

Cllr Deering first considered the settlement proposal at a meeting on 27 2024 June when the options were presented to HCC's Chief Finance Officer, Steven Pilsworth. Although Cllr Deering considered the legal costs of adjudication were minimal in the context of the whole claim, his provisional view was that the offer represented the best outcome as it was presented to him but he sought assurance that there would be appropriate governance of the decision making process given the value of the transaction and also the need to consult the Executive Leader.

On the 3 July 2024 Cllr Deering met with the interim Executive Director for Resources, and on 4 July 2024 Cllr Roberts and Cllr Deering met with the Interim CEO, Director of Law & Governance and Chief Finance Officer. Having reviewed the position all were satisfied that:-

- i) The offer itself represented the best option for HCC.
- ii) The offer was in jeopardy unless a decision could be made under the Special Urgency' provisions and whilst this wasn't ideal, it was necessary in the circumstances to avoid significant additional costs to HCC.

- (b) Comments of other consultees

Councillors consulted:

Cllr R Roberts
Cllr David Andrews
Cllr Steve Jarvis
Cllr Nigel Bell
Cllr Ben Crystal

- 5. Any conflict of interest declared by a councillor who has been consulted in relation to the decision**

N/A

- 6. Following consultation with the Executive Member/Committee Chairman, I am proceeding with the proposed decision.**

Signed: Helen Maneuf

Title: Interim Executive Director of Resources

Date: 5 July 2024

Copies of record to:

- All consultees
- hard & electronic copy (if required to be made available for public inspection) to Democratic Services Manager - Room 213 County Hall.ⁱⁱ

Summary of Requirements to Inform/Consult Councillors

Significance of Proposed Action	Controversial	Relevant Councillor(s) to be Consulted
Technical/Professional/ Routine	No	No need to inform or consult councillors
Technical/Professional/ Routine	Yes	Executive Functions: Consult relevant Lead Executive Member and, where appropriate, Local Councillor Non-Executive Functions: Relevant Committee Chairman and, where appropriate, Local Councillor
Local	No	Executive Functions: Inform Lead Executive Member and Local Councillor Non-Executive Functions: Inform Local Councillor
Local	Yes	Executive Functions: Consult Lead Executive Member and Local Councillor Non-Executive Functions: Consult Local Councillor
General or County-wide	No	Executive Functions: Consult relevant Lead Executive Member (s) Non-Executive Functions: Consult relevant Committee Chairman
General or County-wide	Yes	Executive Functions: Consult relevant Lead Executive Member (s) and the Leader of the Council Non-Executive Functions: Consult relevant Committee Chairman/Leaders all Political Groups