

Delegated Decision Notice

This form is the written record of a key, significant operational or administrative decision taken by an officer.

Decision type	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
Approximate value	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000 <input checked="" type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
Director¹	Chief Officer Asset Management & Regeneration		
Contact person:	Daniel Callaghan	Telephone number: 0113 3788308	
Subject²:	Council Housing Growth Programme (CHGP): Delivery of housing on Tarnside and Mardale, Seacroft – Approval of the Final Account with Wates Construction Limited and Total Scheme Costs		
Decision details³:	<p>What decision has been taken? (Set out all necessary decisions to be taken by the decision taker including decisions in relation to exempt information, exemption from call in etc.)</p> <p>The Chief Officer Asset Management & Regeneration has:</p> <p>a) Approved the terms of the Final Account within Confidential Appendix 1 of this report for the NEC 4 contract in relation to the delivery of new council housing on sites located on Tarnside and Mardale, Seacroft.</p> <p>b) Granted the adjusted authorisation to spend due to the variations to Total Scheme Costs as detailed within the Confidential Appendix 1.</p> <hr/> <p>A brief statement of the reasons for the decision (Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal, HR and Equality colleagues as appropriate)</p> <p>On 26th April 2021, following approval from the Director of Resources and Housing, the Council Housing Growth Team entered a NEC4 Engineering and Construction contract with Wates Construction Ltd (Wates) to deliver the new build council housing scheme on sites located on Tarnside and Mardale, Seacroft. Wates were previously appointed via the YorBuild framework and following a Design Services Agreement (DSA) to develop the design and cost for the scheme and achieve planning approval.</p> <p>During the construction period several compensation events occurred. Of these events, those with the highest cost impact are outlined below:</p> <ul style="list-style-type: none"> • The performance of utility providers had an impact on the delivery of the 		

¹ Give title of Director with delegated responsibility for function to which decision relates.


² If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

³ Simply refer to supporting report where used as these matters have been set out in detail.

	<p>construction programme which resulted in delays.</p> <ul style="list-style-type: none"> • Weather events- during the construction period, there were several months where the weather conditions have exceeded the 10yr average, especially in relation to rainfall. • Additional Highway works – enhancements identified by the Highways department which were needed to achieve the required adoption standards. <p>The Council (LCC) appointed NPS as Technical Consultants for the project, this appointment included the NEC Contract Management roles. All the compensation events that have occurred during the project have been rigorously assessed by the NEC Project Manager and appointed Quantity Surveyor and, those that have been paid or are due to be paid to Wates have been judged as fair and reasonable under the NEC contract.</p> <p>Following completion and handover of the final homes in March 2023, NPS have reviewed the Final Account and are recommending that LCC accept the settlement in Confidential Appendix 1 – Tarnside & Mardale Final Account Cost Report.</p> <p>Delegation of authority gives the Director of City Development or Chief Officer of Asset Management & Regeneration to agree funding changes within the Housing Growth Programme which require no further injection of funding.</p> <p>The variations to this project are still within the Housing Growth Capital Programme budget of £345.7m and will be provided from the programme parent.</p> <p>Housing Finance have confirmed that the additional funding required for the project can be met from the overall programme parent pot and will be provided via HRA borrowing blended with retained Right to Buy receipts.</p> <p>The scheme remains within the viability principles that were agreed by Executive Board on 21st September 2022. Therefore, the proposal constitutes a Significant Operational Decision which is not subject to call in.</p> <p>Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision</p> <p>The alternative option would be to not accept the final account which could result in the matter being referred to an independent arbitrator for a decision and LCC incurring additional costs.</p>						
Affected wards:	Killingbeck and Seacroft;						
Details of consultation undertaken⁴:	<table border="1"> <tr> <td data-bbox="387 1585 644 1686">Executive Member</td> <td data-bbox="644 1585 1490 1686">n/a</td> </tr> <tr> <td data-bbox="387 1686 644 1787">Ward Councillors</td> <td data-bbox="644 1686 1490 1787">n/a</td> </tr> <tr> <td data-bbox="387 1787 644 1888">Chief Digital and Information Officer⁵</td> <td data-bbox="644 1787 1490 1888">N/A</td> </tr> </table>	Executive Member	n/a	Ward Councillors	n/a	Chief Digital and Information Officer ⁵	N/A
Executive Member	n/a						
Ward Councillors	n/a						
Chief Digital and Information Officer ⁵	N/A						

⁴ Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

⁵ See Officer Delegation Scheme (Executive Functions) CDIO must be consulted in relation to all matters relating to the Council's use of digital technology

	Chief Asset Management and Regeneration Officer ⁶ - decision maker.	
	Others n/a	
Implementation	Officer accountable, and proposed timescales for implementation Daniel Callaghan The final properties were handed over to LCC in March 2023. The Defect Liability Period is due to complete in Spring 2024, once all outstanding defects have been resolved and both Yorkshire Water and the Highways department have agreed to take on responsibility for the maintenance of the new drainage and highway infrastructure constructed for the development. At that point, all outstanding retention monies can be paid to Wates.	
List of Forthcoming Key Decisions⁷	Date Added to List:- N/A	
	If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision N/A	
	If Special Urgency Relevant Scrutiny Chair(s) approval Signature _____ Date _____	
Publication of report⁸	If not published for 5 clear working days prior to decision being taken the reason why not possible: N/A	
	If published late relevant Executive member's approval Signature _____ Date _____	
Call In	Is the decision available ⁹ for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If exempt from call-in , the reason why call-in would prejudice the interests of the council or the public: The approvals within this DDN are a direct consequence of a previous Key Decision (taken by Executive Board in November 2018) which approved the investment in new sites for the delivery of social housing which included the Amberton and Brooklands Avenue projects.	
Approval of Decision	Authorised decision maker ¹⁰ Angela Barnicle	
	Signature 	Date 02/02/2024

⁶ See Officer Delegation Scheme (Executive Functions) CAMRO must be consulted in relation to all matters relating to the Council's land and buildings.

⁷ See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

⁸ See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

⁹ See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call in. Key decisions are always available for call in unless they have been exempted from call in under rule 5.1.3.

¹⁰ Give the post title and name of the officer with appropriate delegated authority to take the decision.