



City of Westminster

Minutes

Meeting:

Committee of the Cabinet (BSF)

Date of meeting:

25 October at 2.30pm

Attendees:

**Councillor Sir Simon Milton (Chairman)
Councillor Colin Barrow**

Apologies:

Councillor Sarah Richardson

Contact:

**Charlotte Dale, Senior Committee and Scrutiny
Officer**

Details:

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1. MEMBERSHIP

- 1.1 It was noted that apologies for absence had been received from Councillor Sarah Richardson and that Councillor Sir Simon Milton would chair the meeting in her absence.

2. DECLARATIONS OF INTEREST

- 2.1 None declared.

3. MINUTES

- 3.1 **RESOLVED:** That the minutes of the meeting held on 23 July 2007 be signed by the Chairman as a correct record.

4. EXEMPT REPORT UNDER THE LOCAL GOVERNMENT ACT 1972

- 4.1 **RESOLVED:** That, by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) the public and press be excluded from the meeting for the following item of business because it involves the likely disclosure of information on the grounds shown below:

Agenda Item No.	Grounds	Para of Part 1 of Schedule 12A of the Act
6	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	3

5. BSF PROCUREMENT PROCESS – ENABLING WORKS AT THREE SAMPLE SCHOOLS PRIOR TO FINANCIAL CLOSE

- 5.1 The BSF Procurement Manager introduced a report (a) providing Members with information on the progress of the procurement process; and (b) seeking approval to enter contracts with Bouygues (UK) Limited for early enabling works to take place at the three sample schools prior to financial close.
- 5.2 The Committee noted that (a) the total cost of the proposed enabling works was estimated to be £978,000 but authorisation for £1m had been requested for flexibility-?; (b) the early works contracts would, where appropriate, be tripartite, involving the Council, Bouygues (UK) Limited and the relevant Voluntary Aided Bodies; (c) there were a limited number of outstanding practical issues remaining to be agreed with the sample schools and St Vincent's Primary School; and (d) that commencement on site would be subject to confirmation by planning officers that planning permission wais not required for the specified

enabling works, or, if otherwise, that commencement ~~would~~ be delayed until planning consent ~~was~~ granted.

- 5.3 The BSF Procurement Manager confirmed that it was the Council's intention that the contracts would be signed before the contractors went on site. However, whilst the Council was confident that it would be ready to sign and that Bouygues (UK) Limited would be ready to sign, there were some doubts around the ability of the relevant Voluntary Aided Bodies to sign on time. Councillor Barrow expressed the view that it would be worthwhile devoting significant legal resources to ensuring that contracts were signed prior to the contractors going on site. The Committee was also informed that the date by which time Bouygues (UK) Limited would need site access had not been confirmed, but that it would be some time in November.
- 5.4 In response to a question from Councillor Colin Barrow it was confirmed that the licences required by the contractors to carry out the early enabling works would specify exactly what works were to be completed.

RESOLVED:

1. That the report be declared not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).
2. That the progress with the BSF procurement process be noted.
3. That the Council be authorised to enter into Early Works Agreements for the proposed BSF enabling works at a maximum total cost of £1 million, to be subsumed within the BSF design and build contracts for the sample schools, and funded from within BSF monies, assuming that the BSF Programme reaches financial close and that Financial Regulation B8 approval and a waiver of the Contracts and Procurement Code be granted accordingly and that the Chief Executive and the Director of Legal and Administrative Services be authorised to agree the contract detail and to conclude the necessary documentation.
4. That it be noted that, should the BSF design and build contracts for the sample schools not proceed, then the Council will be liable to meet the cost of up to £1 million plus demobilisation costs of up to £401,000 from within its own resources.

Reason for Decision:

Delegated authority for the Council to enter a contract with Bouygues (UK) Limited is required in order to protect the construction and decant

phasing for the BSF Programme works to the sample schools and to enable a prompt start following financial close and thus reduce future disruption.

6. BSF PROPERTY ISSUES RELATING TO ST GEORGE'S SCHOOL

- 6.1 The Committee noted a draft report concerning options for expanding the facilities at St George's RC Secondary School as part of the Building Schools for the Future Project. The report was due to be despatched to the Cabinet Members for Housing, Children's Services and Finance & Support Services shortly, for a decision. It was confirmed that the Cabinet Member for Housing had informally seen the report and had requested clarification on a number of points and that this had been provided.

7. END OF MEETING

- 7.1 The meeting ended at 2.46pm.

Chairman

Date