

GUILDFORD BOROUGH COUNCIL**The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012****Notice under Regulation 10**

In accordance with Access to Information Procedure Rule 15, I hereby give notice that I have informed the Chairman of the Council's Overview and Scrutiny Committee (Councillor Paul Spooner) that the publication of the intention to make the key decision referred to below under Regulation 9 of the 2012 Regulations is impracticable. This notice sets out the reasons why compliance with Regulation 9 is impracticable.

Key Decision:

To authorise a supplementary capital estimate of £600,000 towards the overall cost of the Lido drainage capital scheme, to enable the Council to enter into a contract to deliver the scheme.

Reason for Non-Compliance with the Notice Requirements of Regulation 9:

Following a procurement exercise in July, the Council has conducted an initial evaluation of the tenders received. The works cost of the scheme was expected, based on an external QS estimate updated in April, to be around £900,000 (excluding contingencies). The range of acceptable works tenders received were between £1.7m and £1.9m. The work is essential and is programmed to take place during the winter period commencing 3 October 2022. In order to achieve this, a supplementary capital estimate of £600,000 would need to be approved and a contract in place by 23 August 2022. The original scheme was to be funded from a reserve specifically for the Leisure Partnership Agreement which has a current available balance of £1.5m. The works tender mentioned above does not make provision for other project costs such as specialist consultant fees and charges or a contingency against unforeseen circumstances. The entire project is likely to be circa £2.1m allowing for these factors.

Under Regulation 9 of the 2012 Regulations, a notice of the making of a key decision must normally be published on the Council's website and made available at the Council's offices at least 28 days in advance of the decision being taken.

Under Regulation 10 of the 2012 Regulations, a general exception procedure may be followed in circumstances where the publication of the notice of intention to make a key decision under Regulation 9 is impracticable, provided that the Chairman of the Council's Overview and Scrutiny Committee has been informed and a notice of the matter on which the decision is to be made has been published on the Council's website and made available at the Council's offices and a period of five clear days have elapsed following publication of that notice.

Unfortunately, compliance with Regulation 9 was impracticable as it could not have been foreseen that such a shortfall in funding would result from the outcome of the procurement exercise.

The key decision referred to above will be taken by the Leader of the Council or Joint Chief Executive on 12 August 2022.

In addition to appearing on Guildford Borough Council's web site, a copy of this notice is also available to the public at the Council's offices at Millmead House, Millmead, Guildford, GU2 4BB.

John Armstrong
Democratic Services and Elections Manager
Proper Officer for the purposes of the above-mentioned Regulations
4 August 2022