

# Portfolio Holder Decisions

Date: Friday 6 October 2023

Time: 12.00 pm

Venue: Microsoft Teams

## Membership

Councillor Peter Butlin

Items on the agenda: -

**1. A4177 Birmingham Road, Hatton**

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**Monica Fogarty**  
Chief Executive  
Warwickshire County Council  
Shire Hall, Warwick

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## Disclaimers

### Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. Any changes to matters registered or new matters that require to be registered must be notified to the Monitoring Officer as soon as practicable after they arise.

A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests relevant to the agenda should be declared at the commencement of the meeting.

The public reports referred to are available on the Warwickshire Web  
<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

### Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

## Portfolio Holder Decision A4177 Birmingham Road, Hatton

<b>Portfolio Holder</b>	<b>Portfolio Holder for Finance and Property</b>
<b>Date of decision</b>	<b>6 October 2023</b>
	<b>Signed</b>

### 1. Decision taken

- 1.1 The Deputy Leader (Finance and Property) approves the addition of £1,600,000 to the Capital Programme budget for 2023/24 by increasing the estimate for the fully developer funded highways improvements scheme A4177 Birmingham Road, Hatton from £600,000 to the new estimated value £2,200,000 on condition that works do not commence until protected by a bond under section 278 of the Highways Act 1980.
- 1.2 The Deputy Leader authorises the Executive Director for Communities to carry out an appropriate procurement exercise and award all necessary contracts on terms and conditions acceptable to the Executive Director for Resources.

### 2. Reasons for decisions

- 2.1 Any proposal to let a contract with an estimated total value of between £1,000,000 and £3,000,000 can only be approved by the Deputy Leader, the Leader or Cabinet. Authority must be obtained before a procurement commences.
- 2.2 The addition to the capital programme of works costing less than £2,000,000 that are fully funded from developer contributions can only be approved by the Deputy Leader or Full Council.

### 3. Background information

#### 3.1 A4177 Birmingham Road, Hatton

A planning application was submitted to Warwick District Council by Taylor Wimpey in respect of a residential development on land at Birmingham Road, Hatton. Planning permission is pending (ref: W/19/0933). The planning application includes a proposed ghost right turn lane to create an access to the site.

The County Council will enter into a Section 278 agreement with the Developer to undertake the works and under the agreement all the costs and fees will be fully funded by the Developer.

The Portfolio Holder for Finance and Property previously granted approval on 14 November 2019 to add the scheme to the Capital Programme at an estimated cost of £600,000. Delays by the developer to commence the scheme has resulted in significant construction cost increases due to inflation. In addition, new working restrictions that could not have been reasonably foreseen, have been introduced which impact upon the overall construction programme. As a consequence of the changes the new estimate value is £2,200,000.

The construction contract is a direct award on Lot 1 of the Construction Framework Contract for the Provision of Engineering and Construction Works 2019 but the supplier is also on Lot 4 – Major Highway Works over £4m so is suitable to carry out the procurement.

#### **4. Financial implications**

- 4.1 As the new highway assets which are being created through these schemes will come on to the Council's balance sheet once completed, the costs incurred by the Council need to be treated as capital expenditure.
- 4.2 Section 278 schemes are fully funded by developer contributions which are ring-fenced for the schemes described in the sections above. There are no alternative uses for the contributions and the addition of these schemes will not affect the overall level of available capital resources.
- 4.3 The respective Developer has already committed to funding the technical review work by accepting the Council's fee estimates. The Council's fees for technical review are always collected in advance of the s278 agreement being signed.
- 4.4 Procurement and subsequent award of construction contracts will only take place subject to the applicable Section 278 agreements being signed, which will provide 100% of the funding. The s278 agreements will also require the Developer to provide a bond or cash security. The commencement of the works is dependent on the completion of the technical review, procurement, and contractor mobilisation processes. Any slippage or increase in costs due to changes in the scope of the works will be reported in the normal quarterly monitoring process.

#### **5. Environmental implications**

- 5.1 The environmental impacts of developer-funded highway schemes are considered through the planning approval process.
- 5.2 The contractors on the Council's Framework Contract for the Provision of Engineering and Construction Works (WCC 6012) have all demonstrated that they hold a certificate of compliance with BS EN ISO 140001 (or equivalent) or have

otherwise satisfactorily demonstrated their policies and arrangements for the management of construction-related environmental issues.

<b>Report Author</b>	Chris Harris, Paula Jobson chrisharris@warwickshire.gov.uk, paulajobson@warwickshire.gov.uk ,
<b>Director</b>	Director for Planning and Transport
<b>Executive Director</b>	Executive Director for Communities
<b>Portfolio Holder</b>	Portfolio Holder for Finance and Property

<b>Urgent matter?</b>	No
<b>Confidential or exempt?</b>	No
<b>Is the decision contrary to the budget and policy framework?</b>	No

#### List of background papers

Decision Record – Various Developer-funded Scheme Approvals; Cabinet Portfolio Holder taking Decision, Councillor Peter Butlin Deputy Leader Finance and Property, Decision Date - 14 November 2019

#### Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal – Nichola Vine

Finance – Andrew Felton

Equality – n/a

Democratic Services – Amy Bridgewater-Carnall


Councillors – Warwick, Singh Birdi, Boad, Philipps and W Roberts

Local Member(s): Cllr Jan Matecki – Budbrooke & Bishop's Tachbrook ED

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## Decision Record – Various Developer-funded Scheme Approvals

<b>Cabinet Portfolio Holder taking the decision</b>	Councillor Peter Butlin Deputy Leader (Finance & Property)
<b>Date of Decision</b> (not before 18 October 2019)	14 NOV 2019
	

### Decision Taken

That the Deputy Leader (Finance and Property) gives approval to the addition of the following two schemes to the Capital Programme for 2019/2020 and authorises the Strategic Director for Communities to procure the construction contracts for the schemes and to enter into such contracts on terms and conditions acceptable to the Strategic Director for Resources subject to the applicable Section 278 Agreements with the Developers being signed which will provide for 100% of the funding:

- A4177 Birmingham Road, Hatton. Developer – Taylor Wimpey. Approximate value £600k
- A423 Southam By-pass, Southam. Developer – Taylor Wimpey. Approximate value £1.8m

### Reasons for Decisions

Additions to the Capital Programme of less than £2m must be approved by the Portfolio Holder for Finance.

### Background Information

#### A4177 Birmingham Road, Hatton

A planning application was submitted to Warwick District Council by Taylor Wimpey in respect of a residential development on land at Birmingham Road, Hatton. Planning permission is pending (ref: W/19/0933). The planning application includes a proposed ghost right turn lane to create an access to the site.

With this agreement to add this scheme to the Capital Programme being agreed at an estimated cost of **£600,000** (to include fees and works), the technical review of the scheme design is expected to commence within the 2019/2020 financial year and the works will be procured in a future financial year once the technical review is complete to the County Council's satisfaction. The County Council will enter into a Section 278 agreement with the Developer to undertake the works and under the agreement all the costs and fees will be fully funded by the Developer.

#### A423 Southam By-pass, Southam

A planning application was submitted to Stratford-on-Avon District Council by Orbit Homes for the erection of up to 535 dwellings on land between Daventry Road and Welsh Road East, Southam. Planning permission was granted on appeal on 16 December 2016 (ref: 15/04473/OUT) and this required the Developer to construct an access from Daventry Road prior to first occupation and to have submitted plans for improvement works at A423 Southam Road / A425 Daventry Road and at A423 Southam Road / A425 Leamington Road, both of which need to be implemented before 50% of the dwellings are occupied. The Daventry Road access works have now been completed.

The implementation of new pedestrian crossing facilities as part of this scheme is subject to separate statutory notice and consultation procedure and any representations will be reported to the Portfolio Holder for Transport and Planning.

With this approval to add this scheme to the Capital Programme being agreed at an estimated cost of **£1,800,000** the technical review of the scheme design is expected to commence within the 2019/2020 financial year and the works will be procured in a future financial year once the technical review is complete to the County Council's satisfaction. The County Council will enter into a Section 278 agreement with the Developer to undertake the works and under the agreement all the costs and fees will be fully funded by the Developer.

With this approval to add this scheme to the capital programme, further approval is sought to procure the major contract for the scheme and to enter into such contract subject to the applicable Section 278 Agreement with the Developer being signed which will provide for 100% of the funding.

### Financial Implications

Section 278 schemes are fully funded by developer contributions which are ring-fenced for the works described in the sections above. There are no alternative uses for the contributions and the addition of these schemes will not affect the overall level of available capital resources.

The financial years within which the technical review and works are expected to start are included in the sections above. However, the commencement of the works is dependent on the completion of the technical review, procurement and contractor mobilisation processes and may slip. Any slippage will be reported in the normal quarterly monitoring process.

<b>Report Author</b>	Tamalyn Goodwin
<b>Assistant Director</b>	David Ayton-Hill
<b>Strategic Director</b>	Mark Ryder
<b>Portfolio Holder</b>	Councillor Peter Butlin

### Checklist

<b>Urgent matter?</b>	No
<b>Confidential or Exempt?(State the category of exempt information)</b>	No
<b>Is the decision contrary to the budget and policy framework?</b>	No

### List of Reports considered

Link to published proposed decision report:

<https://democratic.warwickshire.gov.uk/cm5/Calendarofmeetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/4673/Committee/586/Default.aspx>

### List of Background Papers

None

### Members and officers consulted or informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board

Legal – Jane Pollard

Finance – Virginia Rennie

Equality – Keira Rounsley

Democratic Services – Paul Williams

Local Member(s): Cllr Jo Barker (Shipston)  
Cllr Corinne Davis (Camp Hill)

Other members: Councillors Roodhouse, Singh Birdi, Warwick, O'Rourke, Butlin, Chattaway and Boad.