

Minutes of the Extraordinary Parish Council Meeting
Held on Monday 1st July 2019 at 7.30 p.m.
In the Cabin, Salhouse Rd, Rackheath

Present: Paula Lowe (Chairman), Brian Gardner, Tracy Buckley, Joel Whymark, Stephen Oakley, Julie Hunt, Fran Whymark and Rebekah Hughes

In Attendance: Diana Dring, Parish Clerk, Anne Tandy, Parish Clerk Designate, Graham Sibley, Pavilion Contract Administrator

Members of Public: None

1. Apologies for absence

Apologies received from Pippa Nurse

2. Declarations of Interest in items on the Agenda

No declarations received

3. Resolution to exclude Press and the Public in order to discuss matters where publicity would be prejudicial to the public interest by reason of the confidential nature under the provisions of Section 1 of the Public Bodies (Admissions to meetings) Act 1960, that is Contracts

The resolution to exclude the public was approved with the exception of Graham Sibley, Parish Council Contract Administrator who was present to provide advice, was agreed on the proposal of Tracy, seconded by Brian.

4. Review the progress with the Pavilion Extensions & Refurbishment Project and approve proposals for completion of the work

Graham advised that the principle Contractor appointed by the Parish Council for the Pavilion Building Contract work had gone into Administration and building work had stopped the day before it was due to be completed on 21st June 2019, which effectively ended the Contract. Graham visited the site that day with Brian and met the Site Manager. Unfortunately, the sub-contractors had removed all the previously fitted mechanical, electrical and plumbing fixtures from the site as well as some of gravel and Type 1 from the car park. Keys were provided to the Parish Council and the site was secured.

Graham had approved the last Works Valuation made by Gills on 24th May 2019 and the Parish Council had paid Gill's for works carried out up to that date but funds were still in hand to pay for final works, some of which were variations added to the original Contract by the Parish Council such as the car park.

The Administrators had been appointed and Acasta Consulting had been retained by the Administrators to advise and assist in dealing with the Company's outstanding contractual affairs and had advised that the Parish Council 'are required to mitigate your costs to the benefit of the Company's creditors'. The Administrator had requested payment for all works carried out since the last valuation of £88,996.86 inc. VAT and had advised that the Parish Council to provide three quotes for completion of the remaining works for the Administrators to inspect.

Graham had spoken to the Administrators pointing out that much of the works carried out had been removed by the sub-contractors and that it would be imperative to get guarantees for the completed work by retention of the previous sub-contractors to get

the much needed guarantees for the work they had and/or would carry out and it would be quicker to engage with the previous sub-contractors to ensure prompt completion of the project. Graham would follow up with a letter to the Administrators and their written authority for the Parish Council to make arrangements with the sub-contractors would be required.

Graham had contacted most of the sub-contractors to discuss terms for them to complete the work. The Parish Council would not pay again for work they had already paid Gill's for but would only pay for work agreed in the contract budget. The car park works would be completed by MPH later in the week and an invoice for the agreed sum sent to the Parish Council.

Graham had consulted with the sub-contractors such as the mechanical, electrical and plumbing companies, painting, flooring, fencing, rendering and other suppliers and sums had been agreed to complete or pay for works carried out. The Administrator would be asked to agree to the Parish Council making arrangements with these companies to complete the works.

Graham advised that as there was no principle contractor to take on the CDM responsibility for overall site Health & Safety, only one sub-contractor could work at the Pavilion at once, which would mean that it would take slightly longer to complete the works. Graham would check and approve each sub-contractor's work prior to payment of invoice. Following the car park completion later in the week the electrical work was scheduled.

The Clerk had advised the Parish Council insurance company of the situation and there main concern was that the building was secure and did not create a public liability hazard. The Pavilion would not be available for public use until all the works were completed and checked by Graham. The car park should be usable by the following weekend but Graham and advised leaving fencing up around the back of the building to deter anyone trying to get in. The electrician would need to ensure any wiring protruding from the building was made safe. Clerk to advise Bowls Club of situation although an external toilet had been provided so they should not need access.

Members queried whether the Administrators would need to be paid in addition to the sub-contractors. Graham advised that any surplus monies in the budget after the works had been completed may be required by the Administrators to pay Gills creditors e.g the sub-contractors that had not been paid by Gills. Detailed accounts would need to be presented to the Administrator at the completion of the project to show what and how the budget was spent.

Members asked about extra costs incurred by the Parish Council such as Graham's services as Contract Administrator. He advised that the extra time he incurred following Gill's Administration would be charged in the same way that the sub-contractors would be charged and be paid from the project budget and be set against the potential Administrators charges.

The Parish Council had made initial contact with solicitors nplaw but Graham advised that further legal contact may be required if the Administrators did not agree with the Parish Council working directly with the sub-contractors, otherwise it may not be necessary.

Members reviewed the cashflow showing that the Parish Council had spent £357,594.71 on the Pavilion Project since September 2018 and the final projected total cost including variations was £493,750, showing a balance of £136,156 left.

On the proposal of Tracy, seconded by Julie it was unanimously agreed that the Contract Administrator should follow the procedure to appoint suitable sub-contractors to complete the Pavilion Project building works within the agreed budget following the agreements with the Administrators to this procedure.

There being no further business the meeting closed at 8.29pm