



RECORD OF OFFICER DECISION MEETING

Date: Thursday, 29 April 2021

Time: 10.00 am

Venue: Virtual Via Skype

	Pages
1. Novation of contract for construction of Multi-Storey Carpark from Huber Carpark Systems International GMBH to Huber Carpark Systems UK Ltd	3 - 4

Record of decision made by the Director of Regeneration.

Issued on Thursday, 29 April 2021

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**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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Agenda Item 1

RECORD OF OFFICER DECISION

This form must be completed by or on behalf of the relevant Officer immediately after any decision has been made. Please send to the Proper Officer for publication in accordance with the Council's Constitution.

NAME OF OFFICER MAKING DECISION	Emma Wiggins, Director of Regeneration
SUBJECT OF DECISION BEING MADE BY OFFICER	Novation of contract for construction of Multi-Storey Carpark from Huber Carpark Systems International GMBH to Huber Carpark Systems UK Ltd
SUMMARY OF OFFICER DECISION AND REASON FOR THAT DECISION	<p>A contract was entered into with Huber Carpark Systems International GMBH to design and build the Multi-storey car park in Sittingbourne. The carpark has now reached practical completion but warranties and post construction obligations are still live within the contract. One such requirement is to hold £2million Professional Indemnity insurance for 12 years after practical completion. Huber Carpark Systems International GMBH have requested a novation of our contract to Huber Carpark Systems UK Ltd (a subsidiary of their German company) due to the difficulty and costs of obtaining PI insurance due to the impact of the current market and Brexit on these services to their German company.</p> <p>Legal advice has been obtained and due diligence carried out on Huber Carpark Systems UK Ltd and agreed that the novation of the contract takes place.</p>
DATE OF OFFICER DECISION	29 th April 2021
DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	The option was considered to not novate the contract and this would have provided additional risk to both the Council and the contractor as no PI insurance would be in place.
DETAILS OF ANY CONSULTATION UNDERTAKEN	The Cabinet Member for Economy and Property was consulted.
DETAILS OF ANY CONFLICTS OF INTERESTS	None.
CONTACT FOR ENQUIRIES/FURTHER INFORMATION	Charlotte Hudson – Head of Housing, Economy and Community Services. Ext 7197

DELEGATED AUTHORITY UNDER WHICH OFFICER IS ACTING

DELEGATING COMMITTEE OR INDIVIDUAL	Cabinet
TITLE OF REPORT TO COMMITTEE	Proposal To Construct A New Multi-Storey Car Park In Sittingbourne Town Centre
DECISION/RECOMMENDATION MADE BY COMMITTEE	Minute 141 (4) That authority be delegated to the Director of Regeneration to take all necessary action to construct the multi-storey car park and surface spaces in Sittingbourne Town Centre in accordance with the approved business case.
DATE OF COMMITTEE DECISION	16 th July 2014
A copy of this Notice will be published on the Council's website	