

CHIGWELL PARISH COUNCIL
OFFICER REPORT TO FULL COUNCIL
COMMUNITY HUB AND VICTORY HALL IMPROVEMENT WORKS APPOINTMENT OF LEGAL
ADVISORS TO PREPARE AND COMPLETE CONSTRUCTION CONTRACT

Note: Due to an administrative oversight, this appendix was not included with the original published agenda papers. The matter was, however, discussed and agreed by Full Council, and the meeting transcript confirms consideration of this item. For reasons of transparency, this document has been added to the official record as Appendix 14a.

Date: 22 October 2026

Purpose of Report

To seek Full Council approval to appoint Birketts LLP to prepare, negotiate and complete the construction contract associated with the Community Hub and Victory Hall accessibility and improvement works previously awarded through the Council's tender process.

Background

Following a compliant procurement exercise, Full Council approved the appointment of Hartley Services Group Limited as the successful contractor for the delivery of accessibility and community improvement works at the Community Hub and Victory Hall.

The value of the works is approximately £100,000 and represents a significant capital investment by the Council.

Whilst the contractor appointment has already been approved, the Council has not yet entered a formal building contract governing the delivery of the works.

Given the value of the project and the importance of ensuring that the Council's interests are adequately protected, officers sought specialist legal advice regarding the most appropriate contractual arrangements.

Following discussions with Stefan Harris-Wright, Partner and Head of Construction and Engineering at Birketts LLP, a proposal has been received for the preparation and completion of a formal JCT Design and Build Contract between the Council and the appointed contractor.

Proposed Legal Services

Birketts LLP has proposed to undertake the following work on behalf of the Council:

- Preparation of the JCT 2024 Design and Build Contract documentation.
- Review of the tender documentation and contractor submissions.
- Liaison with Hartley Services Group Limited regarding contractual provisions.
- Review and verification of contractor insurance arrangements.
- Negotiation and finalisation of the contract documentation.
- Management of the execution process and completion of the contract.

The advice received indicates that whilst amendments could potentially be made to further improve the Council's risk position, given the relatively straightforward nature of the works,

extensive bespoke amendments are unlikely to represent a proportionate or cost-effective approach.

The proposed JCT contract is considered an industry-standard construction contract and provides an established legal framework governing delivery of the project.

Financial Implications

The quotation received from Birketts LLP is:

- Fixed fee: £3,750 plus VAT
- JCT digital portal costs: approximately £200 plus VAT
- Total anticipated cost: approximately £4,740 including VAT

The fee has been offered on the basis that:

- The scope of work remains as outlined.
- The contractor takes a reasonable approach to negotiations.
- The work is completed within approximately three weeks of instruction.

The proposed expenditure can be funded from the approved capital project budget.

Risk Assessment

Officers consider there to be significant advantages in ensuring that a formal construction contract is prepared and reviewed by a specialist construction law firm.

Benefits include:

- Protection of the Council's legal and financial interests.
- Clear contractual obligations and project deliverables.
- Appropriate insurance verification.
- Mechanisms for managing delay, defects and disputes.
- Improved governance and contract management.
- Reduced risk of future contractual disagreements.

Failure to obtain appropriate legal advice may expose the Council to unnecessary financial, contractual and project delivery risks.

Officer Comment

Having considered the value of the project, the procurement process already undertaken and the importance of protecting public funds, I am of the view that the appointment of specialist construction solicitors represents a prudent and proportionate expenditure.

The proposed fee represents approximately 4% of the total project value and provides assurance that the Council's contractual arrangements are properly documented and legally robust prior to works commencing.

Officers therefore support the appointment of Birketts LLP and recommend that authority is granted to proceed.

Recommendations

That Full Council:

1. Notes the contents of this report.
2. Approves the appointment of Birketts LLP to prepare, negotiate and complete the JCT Design and Build Contract between Chigwell Parish Council and Hartley Services Group Limited in relation to the Community Hub and Victory Hall accessibility and improvement works.
3. Approves expenditure of £3,750 plus VAT, together with associated disbursements and JCT portal costs estimated at £200 plus VAT.
4. Delegates authority to the Clerk to instruct Birketts LLP and complete all necessary documentation associated with the appointment.
5. Notes that a formal construction contract will provide additional protection for the Council and ensure appropriate governance and risk management arrangements are in place prior to commencement of the works.

Prepared by:

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Clerk and Proper Officer