

Cabinet

Confirmed Decision list

Leader's Urgent Decision

The call-in has expired and the decision can now be implemented.

If you have any queries about this decision please contact Kayode Adewumi on 020 8753 2499 or e-mail kayode.adewumi@lbhf.gov.uk

1. **TITLE:** Leader's Urgent Decision - Investigation Into The Circumstances Leading To Sale Of Council Land

2. **DECISION MADE BY:** Leader of the Council

3. **DECISION:**

The Leader is recommended to approve:

1.1 A waiver pursuant to Contract Standing Orders (CSO) 3.1 in relation to the competition requirements of CSO 10.2 (to advertise contract and seek quotations or use a framework) to enable the direct award of two separate contracts for provision of investigative services, on the grounds that:

- (i). The nature of the market for the services to be provided has been investigated and is demonstrated to be such that a departure from these CSOs is justifiable; and
- (ii). it is in the council's overall interest to pursue this route;

1.2 The award of a contract to Kroll to conduct the investigation at a cost contained in exempt appendix A.

1.3 The award of a contract to KLDISCOVERY to provide technical, forensic and eDiscovery support to the investigation at a cost contained in exempt appendix A.

1.4 Delegate authority to the Assistant Director of Legal and Democratic Services to finalise the terms of both contracts.

1.5 A project budget for the investigation as set out in exempt appendix A and which includes the amounts included in recommendations 2.2 and 2.3 above.

4. **REASON FOR URGENCY:**

Following the decision to investigate all the circumstances that led to the signing

of a Conditional Land Sale Agreement with a private developer in 2013, in relation to West Kensington and Gibbs Green Estates; there is an urgent need to appoint an investigative company and an eDiscovery company to conduct the investigation which in part involves processing historical electronic data held by the council.

The urgency arises from:

- The monthly cost of retaining historical electronic data which is costing the council £25,000 per month until its deleted;
- The need for a speedy conclusion of the investigation to allow savings to be realised and give the council control over the project costs; and
- The risk that further delay may have on the investigation and its outcomes arising from contractual and/or statutory liability limitation.

5. ALTERNATIVE OPTIONS CONSIDERED:

As described in the report.

6. CONFLICTS OF INTEREST DECLARED AND DISPENSATIONS GRANTED:

None

Date of Decision
27 February 2019

Decision List Published on: 5 March 2019