

**BELPER TOWN COUNCIL****FULL COUNCIL MEETING ON 11 JANUARY 2022****Report Title: CAPITAL CONTRIBUTION: BELPER TEA ROOMS****Submitted By: Christine Marlow (Responsible Financial Officer)****APPROVAL**

Report for consideration/approval by Full Council – see Agenda Item 9a

**BACKGROUND INFORMATION**

The Tea Rooms Funding Agreement that was approved by Council on 12 March 2019 (Minute 4087) provided for payment on confirmation in writing from AVBC that the Final Certificate had been issued by the Contractor appointed to build the Facility (Clause 1.3).

AVBC are seeking payment on the basis of the Practical Completion Statement issued by the Contractor on 19 November 2021. Simon Gladwin, the Borough's Assistant Director (Landscapes, Growth & Community Safety) has indicated that there were some earlier "iterations" to the original agreement and provided a copy of the signed final version whereby Clause 1.3 has been amended from Final Certificate to Practical Completion Statement.

Practical Completion indicates that the building project is complete, save for minor defects, and can be handed over to/occupied by the client whereby the Final Certificate certifies that a construction contract has been fully completed. Its issued at the end of the defects liability period and has the effect of releasing all remaining money due to the contractor. Although the final version of the agreement has been signed, the approved change from payment on confirmation of Final to Practical Completion has not been formally minuted by Council.

**FINANCIAL IMPLICATIONS**

None

**RECOMMENDATIONS**

That the Council formally minutes its approval for the change from Final to Practical Completion and authorises payment of £100,000 to Amber Valley Borough Council in settlement of Invoice No 7738663.

Budget £100,000, Code 8002.