



Philip Secombe
Police and Crime
Commissioner
for Warwickshire

Notice of Decision

Decision Title: Warwickshire Southern Justice Centre – Standstill Agreement in the claim against Galliford Try Construction Limited

Decision Reference Number: WPCC3-0060

Lead Officer: Polly Reed

If force business, date approved by Chief Officer:

Date: 28 June 2022

Status: Confidential

Decision summary:

To sign the Standstill Agreement between the Office of the Police and Crime Commissioner for Warwickshire (“**the OPCC**”) and Galliford Try Construction Limited (“**Gallifords**”) in relation to possible proceedings arising out of Gallifords’ alleged failure to install appropriate fire stopping measures during the construction of the Southern Justice Centre (“**SJC**”), Newbold Terrace, Leamington Spa.

I confirm that my register of interests declaration is up to date and that none of my interests preclude me from making this decision.

Signature: Philip Secombe

Date: 29 June 2022

Supporting information

1. Background information

The OPCC has a claim against Gallifords due to its alleged failures to install appropriate fire stopping measures at the **SJC**.

The Warwickshire Police Authority was the original party to the contract with Gallifords. The Police Authority's rights vested into the OPCC by operation of Para 5 of Schedule 15 of the Police Reform and Social Responsibility Act 2011 – *“At the relevant commencement time, all property, rights and liabilities which immediately before that time were property, rights and liabilities of the existing police authority for a police area are to transfer to, and by virtue of this paragraph vest in, the new policing body for that police area.”*

Practical completion of the works under the contract was certified on 11 July 2010. The 12 year limitation period for issuing Court proceedings against Gallifords for its alleged failures is due to expire on **11 July 2022**.

The standstill agreement is an agreement between the parties to suspend the limitation period until the long stop date of 14 October 2022. This time will be used to allow negotiations to take place to ascertain whether a settlement can be reached without the need to issue Court proceedings. In the event that the negotiations are unsuccessful, the OPCC retains the right to sue Gallifords within the agreed period.

2. List of additional information attached as appendices

None

3. Expected benefits

To allow the parties time to attempt to agree a remedial scheme for the necessary works without the need to issue proceedings before the limitation period expires on 11 July 2022.

In the event that negotiations between the parties are unsuccessful the OPCC retains the right to sue Gallifords for compensation as long as Court proceedings are issued before the agreed long stop date.

4. Impact of not approving the application

The OPCC's claim against Gallifords will be time barred unless Court proceedings are issued by 11 July 2022, meaning that no recovery would ever be available from Gallifords.

5. Costs (including any identified savings)

If the Standstill is not signed than no costs associated with the claim, whether cost of remedial work or legal costs, will be recoverable from Gallifords.

6. Equality implications

There are no identified equality and diversity implications.

7. Legal comments

Legal advice has been provided to the OPCC throughout the drafting and finalisation of the standstill agreement. The standstill agreement is now in a form suitable for the Commissioner's signature.

8. Publication

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Unless the information provided is covered by an exemption and stated to be either confidential or partly confidential, the information contained in the form will be published on the OPCC website.

We consider that this decision is likely to be exempt because it relates to potential litigation and is of a commercial nature.

Comments from the Treasurer

The standstill agreement is necessary to enable the continuation of negotiations and to protect the legal and financial position of the PCC and force regarding remedial works required to the Justice centres. The costs of the remedial works will be the subject of further work and will depend on the outcome of the continuing negotiations.

Comments from the Chief Executive and Monitoring Officer

This standstill agreement is important to ensure that negotiations with Gallifords can continue in a constructive way without the need to recourse to court proceedings.