

Notice of Non-key Executive Decision

Subject Heading:	Fire Barrier Installation to Garrick House, Holsworthy House and Thomas Simms Court Sheltered Housing Schemes
Cabinet Member:	Councillor Paul McGeary Lead Member for Housing.
SLT Lead:	Patrick Odling-Smee
Report Author and contact details:	Mark Howard, Programme Delivery Manager, Housing Services Email: mark.howard@havering.gov.uk Tel: 01708 434704
Policy context:	Supports the outcomes within the London Borough of Havering's Corporate plan. <u>Places.</u> Making sure that our neighbourhoods are a great place to live by investing in them and keeping them clean, green and safe.
Financial summary:	The fire barrier installation and associated work is calculated at costing about £300,000 excluding VAT. This sum will come from within FY2022/23 capital expenditure. Project Code C38740 Task 7.0

Non-key Executive Decision

Relevant OSC:	Places Overview & Scrutiny Board
Is this decision exempt from being called-in?	Yes, it is a non-key decision by a member of staff.

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To commence procurement through an open tender for the fire barrier installation and ancillary works to three sheltered housing blocks at Garrick House, Holsworthy House and Thomas Simms Court with an estimated Contract start date of 26th September 2022 and an estimated value of £300,000 excluding VAT.

AUTHORITY UNDER WHICH DECISION IS MADE

3.3 Powers of Members of the Senior Leadership Team

Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 above.

Contract powers

- a) To approve commencement of a tendering process for all contracts above a total contract value £500,000.

STATEMENT OF THE REASONS FOR THE DECISION

1. Housing Services commissioned Fire Risk Assessments (FRA) have identified the need for the fire barrier installation within three sheltered housing blocks at Garrick House, Holsworthy House and Thomas Simms Court which are owned by the Council. It has been determined that the fire compartmentation is inadequate to stop spread of flame, smoke and hot gases. Therefore, a suitable barrier is required to isolate any event and protect neighbouring occupants and properties.
2. The works will improve the safety of the Council's residents by preventing a fire from spreading via the roof void.
3. The works will benefit the Council as they will achieve regulatory compliance and the building will be better protected against fire leading to a reduction in rebuilding costs should an event occur. The insurers may also reduce the current premium once the

Non-key Executive Decision

proposed measures are introduced. The Council will also be protected against reputational loss were there to be an occurrence and if unnecessary/preventable lives were to be lost.

4. Should the works not go ahead the risk is, that if an unfortunate incident should occur, the loss of life and property could be significantly worse. Fire, smoke and hot gases would be able to traverse the roof void enabling rapid spread from the seat of the fire. It is likely that the Council and its Senior Staff members would be subject to action resulting in significant fines and possible incarceration.
5. It is proposed that a single stage competitive procurement exercise is undertaken in line with the Councils Standing Order practices. This will be completed using the e-procurement route which includes the necessity for prospective contractors to hold Constructionline membership.
6. The estimated cost of the works is £300,000 excluding VAT and the estimated duration of the contract will be 6 weeks with an anticipated practical completion date of 4th November 2022.
7. It is anticipated the works will commence on 26th September 2022 subject to a satisfactory procurement process.

OTHER OPTIONS CONSIDERED AND REJECTED

1. The option of doing nothing was rejected due to the ongoing impact to the residents, Council's property and the costs associated with insured loss claims.

There is currently a 24 hour waking watch service being provided at the three schemes. This alerts and assists residents in the event of a fire alarm activation. The continuation of this bears financial as well as reputational cost for the Council.

2. The Strategic Procurement Officer explored the route of procuring through an existing Framework and found it unsuitable and impractical to pursue in this instance.

PRE-DECISION CONSULTATION

N/A

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Wayne Richardson

Designation: Project Surveyor

Signature: *W Richardson*

Date: 5th August 2022

Non-key Executive Decision

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The Council has Statutory duties as a landlord. Housing Services are making a decision to procure a contract to make the sheltered housing blocks safe for residents to comply with the Council's responsibilities as a landlord. The Council has power to make a contract for the fire barrier installation and ancillary works through the general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do and the power under section 111 of the Local Government Act 1972 to do anything which facilitates or is conducive or incidental to the discharge of any of its functions. There are limitations on the general power of competence, but the limitations do not apply to this decision.
2. The proposed contract value is below the procurement threshold for works contracts stipulated in the Public Contracts Regulations 2015 ("PCR") of £5,336,937. Therefore, it is not subject to the full PCR regime.
3. For the reasons stated above, the Council can start the tender process.

FINANCIAL IMPLICATIONS AND RISKS

This report is seeking approval to commence the procurement process and does not contain any financial implications at this moment in time. It is anticipated that the contract will cost in the region of £300,000 excluding VAT, which will be funded from HRA Capital Programme, Project Code C38740 Task 7.0. This figure will be confirmed and the contract awarded via a separate Executive Decision.

**HUMAN RESOURCES IMPLICATIONS AND RISKS
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

TUPE (Transfer of Undertakings (Protection of Employment) Regulations) will not apply, as there will be no transferring staff.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

An Equalities Impact Assessment (EqHIA) is not required at this stage. The work to procure has no impact on any of the "protected characteristics". However, a full Method Statement will be requested from the prospective contractors at tender stage to ensure they have the experience of working in a similar environment, understand the possible limited physical capacity of some residents & the associated risks involved and describe fully their mitigation measures. An EqHIA may be required following this stage.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

Non-key Executive Decision

- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The work involves the introduction of fire resisting barriers to prevent spread of flame, smoke and hot gases in order to satisfy fire safety regulations.

The materials used do not offer any reduction in heat energy or associated emissions from heating plant nor do they improve the thermal properties of the structure to prevent heat loss.

BACKGROUND PAPERS

None

Non-key Executive Decision

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Agreed

Details of decision maker

Signed:



Name: Patrick Odling-Smee

Cabinet Portfolio held:

CMT Member title: Patrick Odling-Smee, Director of Housing

Head of Service title

Other manager title:

Date: 10th August 2022

Lodging this notice

The signed decision notice must be delivered to the proper officer at Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____