

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	High rise block lift replacements
<b>Decision Maker:</b>	Neil Stubbings <a href="mailto:Neil.Stubbings@havering.gov.uk">Neil.Stubbings@havering.gov.uk</a> Strategic Director of Place
<b>Cabinet Member:</b>	Councillor Paul McGeary - Lead Member for Housing
<b>SLT Lead:</b>	Neil Stubbings <a href="mailto:Neil.Stubbings@havering.gov.uk">Neil.Stubbings@havering.gov.uk</a> Strategic Director of Place
<b>Report Author and contact details:</b>	James Johnson, Senior Project Manager, Housing Services Email: <a href="mailto:james.johnson@havering.gov.uk">james.johnson@havering.gov.uk</a> <b>Tel: 01708 432144</b>
<b>Policy context:</b>	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.
<b>Financial summary:</b>	The estimated contract value is £4,900,000
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Places

**Non-key Executive Decision**

<b>Is this decision exempt from being called-in?</b>	Yes – it is a non-key decision by a member of staff
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**Non-key Executive Decision**

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

~~People - Things that matter for residents~~\_\_\_\_\_

Place - A great place to live, work and enjoy

~~Resources - A well run Council that delivers for People and Place.~~

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

For the reasons detailed in this report, the Strategic Director of Place is recommended to approve commencing a tendering process for a works contract to replace the lifts at Edinburgh House, Elizabeth House, Mountbatten House, Victoria House, Dryden Towers and Kipling Towers. The estimated value of the works is £4,900,000.

### AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

#### 3.3 Powers of Members of the Senior Leadership Team

##### General powers

- a) To take any steps necessary for proper management and administration of allocated portfolios.

##### 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. The pairs of lifts at Edinburgh House, Elizabeth House, Mountbatten House, Victoria House, Dryden Towers and Kipling Towers are all old, are becoming difficult to maintain and are experiencing more frequent and longer periods of downtime due to breakdown. Some of the technology in the installations is now obsolete and the software no longer supported.
  - a. The lifts at Edinburgh House, Elizabeth House, Mountbatten House and Victoria House were new when the buildings were constructed in 1967 and were partially upgraded in the years between 1997 and 2001.
  - b. The lifts at Dryden Towers and Kipling Towers were new when the buildings were constructed in 1968 and were partially upgraded in 1995.
2. Replacement of the lifts will improve compliance with current regulations (as far as practicable) and serviceability by utilising well-engineered, good quality components, which are fully open protocol and suitable for their environment.
3. Each block has one lift serving odd numbered floors and one serving even numbered floors. This arrangement is not suitable to comply with modern fire safety standards and does not cater well for the disabled if, on occasion, one lift breaks down. Replacement will include making both lifts in each block stop at every floor.

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4. Where it is not detrimental to the design life, and possible, some of the existing components will be retained and refurbished as part of the works.
5. The life expectancy of the refurbished lifts would be expected to be 25 years, subject to the quality of maintenance and their correct usage during this time.
6. A lift engineering consultant has been appointed to design and specify the works. They will be retained to manage the contract when a contractor has been appointed.
7. Tenders for the works will be sought from a Dynamic Purchasing System (DPS) managed and operated by the Procurement Hub and will follow a process that complies with the Public Contract Regulations 2015.
8. Following tender evaluation, award of contract will be the subject of a further Key executive decision.
9. Financial checks will be undertaken prior to award of the contract to ensure the proposed contractor is financially viable for this project.
10. The estimated cost of the works is £4,900,000. This figure is inclusive of all builder's, electrical and other works in connection.
11. In addition, the leaseholders will be consulted in accordance with the requirements of Section 20 of the Landlord and Tenant Act 1985.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

The option of doing nothing was rejected on the grounds that the current state of the lifts presents a big risk to its users and subsequently, to Havering Council in its role as a social and freehold landlord. Whilst the lifts continue to be used then, as time passes they will wear out more and more and thus break down more and more frequently. Furthermore, as time passes, the lifts will become increasingly obsolete and parts hard or impossible to find. There will come a point when the lifts break down and cannot be repaired. This would mean that there would be no lift in place until replacement works are undertaken and waiting until this time would have a significant impact to people with limited mobility, particularly the elderly.

The specialist professional advice Havering sought is for these lifts to be replaced now. The consultant has also advised that, where possible, some parts may be refurbished and incorporated into the works.

### **PRE-DECISION CONSULTATION**

Resident meetings were convened at the start of 2023 by the Resident Liaison team.

The Home Ownership team have issued Stage 1 Section 20 notices to the leaseholders.

The Compliance Team who are responsible for lift maintenance have been consulted.

The procurement was approved at GRG on 9 August 2023.

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Further consultation is planned, post tender, to comply with the requirements of Section 20 of the Landlord and Tenant Act 1985. There will also be further engagement with other residents so that the details of the works can be disseminated, concerns addressed and expectations managed.

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

Name: James Johnson

Designation: Senior Project Manager

Signature:



Date: 24/08/23

## Part B - Assessment of implications and risks

### **LEGAL IMPLICATIONS AND RISKS**

1. The Council has the general power of competence under Section 1 of the Localism Act 2011 to do anything an individual may generally do, subject to limitations. Additionally, the Council has the power to procure contracts under Section 111 of the Local Government Act 1972 which, permits the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
2. The proposed contract value (£5,880,000 inc VAT) is above threshold for Works contracts (currently £5,336,937 inc VAT) and accordingly falls within the full rigours of the Public Contracts Regulations (as amended) 2015 (PCR).
3. The procurement must still comply with the Council's Contract Procedure Rules (CPRs). The body of this report confirms that officers will undertake a route via the Dynamic Purchasing System (DPS) managed and operated by the Procurement Hub, which is in compliance with the regulation 34 PCR. The tender procedure conforms to the PCR and CPRs.
4. Leaseholder consultation is required under Section 20 of the Landlord and Tenant Act 1985 (as amended) and as stipulated by Section 151 of the Common hold and Leasehold Reform Act 2002.
5. For the reasons set above, the Council may commence the proposed procurement.

### **FINANCIAL IMPLICATIONS AND RISKS**

This report is seeking approval to procure the replacement of life-expired lifts. It is anticipated that the works will cost £4,900,000, which will be funded from the HRA Capital Programme, Project Code: C38690 Task 1.0 spread over a three-year period. 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.

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### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

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;
- (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, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

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.

The procurement process will be carried out in accordance with the Council's Contract Procurement Rules. The proposed contractor will be expected to comply with the Council's policies with regards to the promotion of equality and diversity in service delivery and employment practice. The change to lifts being made available to each floor will also help address where lifts breakdown as this would improve outcomes from those with greater mobility needs. Officers will ensure that EQIA is undertaken in the delivery of these arrangements.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

The contractor will be expected to comply with the law and contractual obligations imposed on them by Havering with regard to minimising adverse environmental impact.

### **BACKGROUND PAPERS**

None

### **APPENDICES**

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**

Proposal agreed

*Delete as applicable*

~~Proposal NOT agreed because~~

**Details of decision maker**

Signed 

Name: Neil Stubbings  
Strategic Director of Place

Cabinet Portfolio held:  
CMT Member title:  
Head of Service title  
Other manager title:

Date: 30.08.23

**Lodging this notice**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_

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