

Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendix A is not available for public inspection as they contain exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to the financial or business affairs of any particular person (including the authority holding that information), and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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| Subject Heading: | Low rise & sheltered scheme lift replacements |
| Decision Maker: | Ian Saxby AD of Housing, Property and Assets |
| Cabinet Member: | Councillor Paul McGeary - Lead Member for Housing |
| SLT Lead: | Neil Stubbings Neil.Stubbings@havering.gov.uk Strategic Director of Place |
| Report Author and contact details: | James Johnson, Senior Project Manager, Housing Services Email: james.johnson@havering.gov.uk Tel: 01708 432144 |
| Policy context: | Supports the outcomes within the London Borough of Havering's Corporate plan. |

Non-key Executive Decision

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| | <p><u>Places.</u></p> <p>Making sure that our neighbourhoods are a great place to live by investing in them and keeping them clean, green and safe.</p> |
| Financial summary: | <p>The contract value is £388,564 and will be funded from the HRA Capital Programme.</p> |
| Relevant Overview & Scrutiny Sub Committee: | <p>Place</p> |
| Is this decision exempt from being called-in? | <p>Yes, this is exempt, it is a Non Key decision by a member of staff.</p> |

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 **X**

~~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 Assistant Director of Housing, Property and Assets is recommended to: -

- a) Agree to award a contract to replace lifts at The Rotunda general needs block of flats, Garrick House sheltered block and Charlbury Court sheltered block with a value of £388,564.00 to Eze Lifts Ltd, as set out in this report.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

3.4 Powers of Second Tier Managers

General powers

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

Contract powers

(a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000

STATEMENT OF THE REASONS FOR THE DECISION

1. The single lifts at Garrick House and Charlbury Crescent sheltered schemes and the pair of lifts at The Rotunda general needs block 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 lift at Charlbury Crescent was originally installed in 1983, upgraded in 2010. Parts of the lift are now 40 years old.
 - b. The lift at Garrick House was installed in 1999 and so is now 24 years old
 - c. The two lifts at The Rotunda were installed as part of the original construction of the building circa 1975. They underwent limited refurbishment in 1999, some 24 years ago.
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. 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.

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4. The life expectancy of the refurbished lifts is expected to be 25 years, subject to the quality of maintenance and their correct usage during this time.
5. Tenders for the works were sought from a tender list of five contractors selected from Constructionline using Fusion, in accordance with Havering's Contract Procedure Rules (CPRs).
6. Quality scoring was undertaken, moderated by a member of the Procurement Team, and the scoring was based on a quality and price percentage of 30% and 70% respectively.
7. The most economically advantageous tender (MEAT) for the works is that of Eze Lifts Ltd with a value of £388,564.
8. In addition, in the case of The Rotunda, 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 in its role as a social landlord 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 Council 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 at The Rotunda.

Housing management have been consulted.

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

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

Name: James Johnson

Designation: Senior Project Manager

Signature:



Date: 17/11/2023

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The Council has legal obligations as an employer and landlord to ensure the building is accessible. Replacing the existing life-expired lift helps ensure these obligations are met.
2. The Council has power to enter into the contract 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. The work that has been tendered is proposed to be undertaken in pursuance of these obligations.
3. The Council also has power to enter into the contract under the general power of competence contained in Section 1 of the Localism Act 2011 which allows the Council to do anything that an individual may do, subject to any statutory constraints on the Council's powers. None of the constraints on the Council's Section 1 power are engaged by this decision.
4. The proposed contract value is below the applicable Public Procurement threshold for Works contracts (£5,336,937) stipulated in the Public Contracts Regulations 2015 as amended ("PCR"). Therefore, the contract is not caught by the full rigors of the PCR regime.
5. Whilst the contract does not fall to be considered under the full PCR regime, the Council must comply with procurement, evaluating and awarding requirements of the Council's Contract Procedure Rules (CPRs), unless waived.
6. A competitive procurement procedure has been conducted in accordance with the Council's Contract Procedure Rules.
7. For the reasons set out above, the Council may award the contract to Eze Lifts Ltd.

FINANCIAL IMPLICATIONS AND RISKS

The total cost of the contract is £388,564.00. This will be funded from the Housing Revenue Account Capital Programme - Project Code C38690 Task 8.0.

Financial Stability

A financial check has been carried out on Eze Lifts Ltd, using Experian, and they are considered low risk.

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

The recommendation made in this report does 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 has been 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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

Replacement of the lifts will reduce the amount of fuel used by lift engineers attending to frequent breakdowns.

Removed materials will be disposed of in accordance with environmental legislation relating to construction waste.

New materials will be of low environmental impact in accordance with legal requirements.

BACKGROUND PAPERS

None

APPENDICES

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|-------------------|------------------------|--------------------|
| Appendix A | Tender analysis | Open/Exempt |
| Appendix B | MEAT evaluation | Open/Exempt |

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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

Details of decision maker

Signed



Name: Ian Saxby

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

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

For use by Committee Administration

This notice was lodged with me on _____

Signed _____