

Notice of KEY Executive Decision

Subject Heading:	Building safety works to lifts at four high-rise blocks
Decision Maker:	Strategic Director of Place - Neil Stubbings
Cabinet Member:	Cllr Paul McGeary, Cabinet Member for Housing & Property
ELT Lead:	Neil Stubbings, Strategic Director, 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 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. The works have been budgeted for in the 2024/25 HRA Business Plan and Capital Programme.
Financial summary:	This report seeks authorisation to add the building safety works that are required to the lifts at Highfield Towers and the three blocks at Petra estate to the existing high rise lift refurbishment contract. The estimated cost for the works and fees is £676,000
Reason decision is Key	(a) Expenditure of £500,000 or more
Date notice given of intended decision:	2 July 2024

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Relevant Overview & Scrutiny Committee:	Places
Is it an urgent decision?	No
Is this decision exempt from being called-in?	No.

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

People - Supporting our residents to stay safe and well **X**

Place - A great place to live, work and enjoy **X**

Resources - Enabling a resident-focused and resilient Council

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:

1. Agree to vary the lift refurbishment contract with Lift Specialists Ltd at the estimated cost of £610,000 to include the building safety works required to the lifts at Highfield Towers and the three blocks at Petra estate (Overstrand House, Parkview House and Uphaving House)
2. Approve extending Butler and Young Lift Consultants Limited's lift-engineering consultancy duties at the cost of £40,000 to cover the additional sites.
3. Approve extending Pellings' Principal Designer duties in connection with the building regulations application to the Building Safety Regulator in respect of the additional sites at the cost of £26,000.
4. Approve not recovering the costs of the work from leaseholders for the reasons given below.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

Scheme 3.3.3 - Powers common to all Strategic Directors

1. General

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

4. Contracts

- 4.2 To award all contracts with a total contract value of below £1,000,000 other than contracts covered by Contract Procedure Rule 16.3.

STATEMENT OF THE REASONS FOR THE DECISION

1. Works are required to be undertaken to the lifts at Highfield Towers and the three blocks at Petra estate (Overstrand House, Parkview House and Uphaving House) as a consequence of the introduction of the Building Safety Act on 1 October 2023. These works are:
 - a. Upgrade of one of the lifts in each block to act as a fire-fighting lift in accordance with BS 8899:2016
 - b. The fire-fighter's lift to open onto all floors (the existing two lifts in Highfield Towers open onto odd or even numbered floors)
 - c. The works to include provision of a secondary power supply to the fire-fighter's lift.
 - d. Any other works in connection as required by the Building Safety Regulator.

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2. The existing high-rise lift refurbishment contract is a recently let contract for lift refurbishments to the other six high-rise blocks that Havering own. It incorporates building safety works into the general refurbishment works as the need for them was foreseen. It was tendered in late 2023.
3. The proposed works were given priority B status in the Building Safety Case Files and so it is necessary to consider way of procuring them quickly. The best way to procure them quickly is to add them to the existing contract. There are a number of justifications for this, which are:
 - a. The works required to Highfield Towers and Petra estate lifts are of a similar nature to the works on the existing lift contract with Lift Specialists Ltd.
 - b. The high rise lift contract was tendered recently, therefore the rates used to price the works are reasonably representative of current market prices.
 - c. The valuation rules for the JCT Intermediate contract form that has been used for the high rise lift contract require variations to the works to be valued on the basis that the same rates should be used as for the original tendered works, with reasonable adjustments for inflation.
 - d. Adding the works is acceptable as the value of the existing contract is sub-threshold with regard to the Public Contracts Regulations 2015 and therefore within the Council's discretions. In addition, the Council's Contracts Procedure Rules permit such variations to contracts if they are in the best interests of the Council.
4. The value of the additional works is as detailed above under 'Details of the Decision Requested'.
5. It is not proposed to re-charge leaseholders for these fire safety works. The reasons for this are:
 - a. This is the approach Havering has taken for similar fire safety works that were undertaken in anticipation of the Building Safety Act coming into force.
 - b. Consultation periods with leaseholders would lengthen the timeline, bearing in mind the points above, and would probably delay these safety works.
 - c. Once these works have been completed the future maintenance and lifecycle replacement of them would be considered chargeable.

OTHER OPTIONS CONSIDERED AND REJECTED

Option 1 - Do nothing

Doing nothing is not an option as the works were identified as being necessary in the Building Safety Case Files that were submitted to the Building Safety Regulator.

Option 2 – Procure a new contract

This would take longer and probably cost Havering more due to economies of scale and increased staff time. As the works are required to improve resident safety and are of a reasonable cost this option has been rejected.

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PRE-DECISION CONSULTATION

None.

Name: James Johnson

Designation: Senior Project Manager

Signature:



Date: 17th December 2024

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

- 1.1.1 The Council has statutory requirements to undertake repairs and maintain its Housing Revenue Account (HRA) housing stock under the Landlord and Tenant Act 1985, Housing Act 2004 and the Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994.
- 1.1.2 The Council as landlord, has a range of statutory duties in respect of the safety of buildings it manages. Those statutory duties are mentioned elsewhere in this report and include matters arising from the Building Safety Act 2022 in respect of high rise buildings.
- 1.1.3 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 any statutory constraints on the Council's powers. None of the constraints on the Council's Section 1 power are engaged by this decision.
- 1.1.4 Additionally, under section 111 of the Local Government Act 1972 the Council can do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The contract may be procured in accordance with these powers.
- 1.1.5 The proposed variations are below the threshold for services and works contracts respectively under the Public Contracts Regulations 2015 (PCR) and accordingly the procurement of the contract is not caught by the full PCR regime. However, the Council's Contract Procedure Rules apply.
- 1.1.6 A variation to the contract is allowed by the initial contract and under the Council's Contract Procedure Rules.
- 1.1.7 For the reasons set out above, the Council may vary the contracts.

FINANCIAL IMPLICATIONS AND RISKS

The estimated cost of these works and services is £676,000 and will be funded from the HRA Capital Programme, Project Code: C38740 Task - 7.0

A financial check has been carried out on Lift Specialists Ltd, using Experian and they were considered very low risk.

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

The recommendations made in this report do not appear to 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.

An EqHIA (Equality and Health Impact Assessment) was prepared for the lift refurbishment works. It will be amended to reflect these additional works.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

There are no equalities and social inclusion implications and risks associated with this decision.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

Havering Council are committed to protecting and improving the health and well-being of all residents.

There are no direct health and wellbeing implications associated with the procurement approach proposed to deliver the lift improvements outlined in the report.

Ensuring that the works outlined in this paper are undertaken in a timely fashion is essential to support an effective emergency service response in the event of a fire or other emergency situation in a high-rise property, supporting efforts to protect the health and life of Havering residents.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

This decision concerns undertaking refurbishment works to existing lifts in existing buildings and therefore there are no specific risks to the environment or climate.

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BACKGROUND PAPERS

None

APPENDICES

Appendix A-Impact Assessment-High-rise Lifts-V3

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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

Neil Stubbings
Strategic Director of Place

Date:

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 _____