

## Notice of Non-key Executive Decision

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| <b>Subject Heading:</b>                   | Approval for the procurement of a service contract to verify private sector compliance with building safety standards.  |
| <b>Decision Maker:</b>                    | Helen Oakerbee – Director of Planning and Public Protection   |
| <b>Cabinet Member:</b>                    | Cllr Barry Mugglestone  |
| <b>ELT Lead:</b>                          | Helen Oakerbee  |
| <b>Report Author and contact details:</b> | Anand Punj x2253<br>Public Protection Manager<br><a href="mailto:Anand.punj@havering.gov.uk">Anand.punj@havering.gov.uk</a>   |
| <b>Policy context:</b>                    | <p>A great place to live, work and enjoy<br/>Aim: To deliver safe and affordable housing and community assets</p> <ul style="list-style-type: none"> <li>• Our compliance with building safety standards (non-residential) buildings.</li> </ul>  |
| <b>Financial summary:</b>                 | <p>The funding to support the remediation of high-rise and mid-rise private sector residential buildings with unsafe cladding is to be met by grant monies received or due, from the Ministry of Housing, Communities and Local Government (MHCLG).</p> <p>As of April 25, the total funds available will be £0.089m. This will be used for the continuation, of monitoring, investigation and enforcement costs associated with the Local Authority's statutory duties concerning the remediation of high-rise and mid-rise private sector residential buildings with unsafe</p> |

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|  | cladding.   |
| <b>Relevant Overview &amp; Scrutiny Sub Committee:</b> | Places OSSC   |
| <b>Is this decision exempt from being called-in?</b>   | <i>The decision will be exempt from call in as it is a Non key Decision</i> |

## **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**

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### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

For the reasons detailed in this report the Director of Planning & Public Protection is recommended to approve the commencement of a procurement exercise, to award a service contract to a contractor to undertake the following tasks in accordance with the duties placed on the Local Authority by the Building Safety Act 2022, at an estimated total project sum of £0.088m.

1. Verification exercise: conduct a thorough review of a segment of work completed thus far, to provide a second opinion, and identify any opportunities for strengthening the work undertaken to date; to ensure the safety of Havering's residents.
2. Inspection and review: Inspect a high-rise block with known issues, undertake review of fire safety documents, re-scoring of Housing Health and Safety Rating System (HHSRS) assessment, prepare an options report and draft the required Notices.
3. Additional tasks: address any unforeseen tasks arising from the above, and to ensure overall compliance with statutory duties.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

3.3.3 - Powers common to all Strategic Directors

4. Contracts

4.1 - To approve commencement of a tendering process for all contracts below a total contract value £1,000,000.

### **STATEMENT OF THE REASONS FOR THE DECISION**

The Local Authority has statutory duties placed upon it by both the Building Safety Act 2002, and the Housing Act 2004. Both pieces of legislation can be used to act against non-compliant buildings within the district.

The Council has received funding from the Ministry of Housing, Communities and Local Government (MHCLG) which can be used for the following purposes:

- Recruiting additional staff and/or accessing external expertise to bolster current enforcement efforts
- Identifying remaining high-rise buildings with unsafe cladding
- Managing building-by-building data
- Obtaining information on specific buildings of concern
- Engaging with building owners to monitor and drive the progress of remediation, particularly those that are slow to remediate
- Promptly raising and discussing especially difficult cases with the department of Ministry of Housing Communities and Local Government (MHCLG)
- Taking appropriate and swift regulatory and enforcement action, including on cases

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escalated to you by the Department for targeted action, so that buildings are made safe faster.

Since April 2023, the Local Authority has collected information and documents pertaining to blocks identified at risk by MHCLG within its district and shared this information with the Building Safety Regulator (BSR). The documents and information have been used to develop a prioritisation framework.

Officers undertaking the prioritisation exercise have limited skills and experience in this complicated area of work, which requires a high level of technical knowledge spanning several different areas in relation to the design, construction and fire safety within high and mid-rise buildings.

A qualified and experienced consultant is required to undertake the following tasks:

1. Verification exercise: conduct a thorough review of a segment of the work completed thus far, to provide a second opinion, identify any opportunities for strengthening the work undertaken to date ; to ensure the safety of Havering's residents.
2. Inspection and review: Inspect a high-rise block with known issues, review of fire safety documents, re-scoring of HHSRS assessment, prepare an options report and draft the required Notices.
3. Additional tasks: address any unforeseen tasks arising from the above, and to ensure overall compliance with statutory duties.

The Council will be using the Matrix MM framework to procure the service contract. A mini competition will be conducted during which suppliers will submit their bids, which will include pricing, methodology and any other relevant information. The Council will evaluate the bids based on 70% price and 30% quality and award the contract to the most advantageous tender. A further governance report will be completed to formalise the award of the contract to the recommended contractor.

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

To do nothing would breach the statutory duties placed upon the Local Authority by the relevant Acts, and in turn risk the health and safety of residents living in affected blocks, so this option has been rejected.

### **PRE-DECISION CONSULTATION**

No formal consultation is required to make these arrangements although key stakeholders are kept apprised of the project.

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

Name: Anand Punj

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Designation: Public Protection Manager

Signature:

A. Punj

Date: 09/04/2025

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

- i) The Council has specific statutory duties under the Building Safety Act 2022, including the inspection of high-rise blocks (Section 3), the review of fire safety documents (Section 156), and the preparation of option reports and required notices (Section 12). Additionally, the Council has obligations under the Housing Act 2004, such as re-scoring HHSRS assessments and drafting required notices (Section 49).
- ii) The value of the proposed procurement is £88,000 which is below the threshold for services in the Procurement Act 2023 (PA 2023) and is therefore not subject to the full rigours of PA 2023.
- iii) The body of this report confirms that officers will be running a mini competition via the Matrix MM framework which as a local authority the Council is permitted to call off from.
- iv) For the reasons set out above, the Council may commence their procurement exercise to appoint a contractor to carry out the tasks outlined in the body of this report, ensuring compliance with its statutory duties.

### **FINANCIAL IMPLICATIONS AND RISKS**

The cost of supporting the remediation of high-rise and mid-rise private sector residential buildings with unsafe cladding, is to be met by grant monies awarded to the London borough of Havering (LBH), from the Ministry of Housing, Communities and Local Government (MHCLG).

All elements of the remediation will be funded through the new burdens allocation from MHCLG. An Initial quote from a single contractor for elements 1 & 2 of £0.038m (inclusive of a 10% contingency) has been received by the council. The remaining funds will be utilised against continued monitoring, investigation, and enforcement work.

There may be a small risk that the tender price could be higher than estimated. At which point management action will be taken, following a review of available options, which will include options to reduce costs (as appropriate), or seek additional funding. A separate decision will be submitted prior to the award of this tender which will reassess the financial implications.

By not procuring a suitable contractor the health and safety of residents living in affected blocks could be at risk.

(Please refer to appendix A & B for figures relating to new burdens awards)

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

There are no Human Resources implications or risks arising from this decision.

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

There are no Equalities or Social Inclusion negative implications arising from this decision.

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.
- (l) '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 socioeconomics and health determinants.

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

There are no environmental and climate change implications of, and risks relating to, the proposed decision.

### **BACKGROUND PAPERS**

None

### **APPENDICES**

APPENDIX A DLHUC funding letter Dec 2022  
APPENDIX B MHCLG funding letter Dec 2024



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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: Helen Oakerbee, Director of Planning and Public Protection

Date: 8 April 2025

**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 \_\_\_\_\_