



Notice of Non-Key Executive Decision

Subject Heading:	Urgent cladding works at Highfield Towers
Decision Maker:	Neil Stubbings, Strategic Director, Place
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:	This report supports: The HRA Business Plan and Capital Programme and the Housing Asset Management Plan. In addition, the statutory requirement to maintain the Council's homes to a decent standard and our requirements under the Building Safety Act.
Financial summary:	The indicative budget for the works is up to £400,000. The works have been budgeted for in the 2024/25 HRA Business Plan and Capital Programme.
Relevant Overview & Scrutiny Sub Committee:	Places Overview & Scrutiny Sub-Committee
Is this decision exempt from being called-in?	Yes. The decision is exempt from call in as it is a Non-key Decision

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 approve a direct award to Lawtech Group Ltd via Lot 9 of the LHC FS2 framework to remove HPL cladding that is located on some parts of the external envelope from Highfield Towers. The indicative budget for this work is up to £400,000.

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, and take any decisions necessary for the proper management and administration of their allocated directorate in accordance with the applicable Council policies and procedures.

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

The Government recently introduced a new methodology set out in PAS9980. A new Fire Risk Appraisal of External Walls (FRAEW) was undertaken as part of the future planned external enveloping works to Highfield Towers, in accordance with PAS9980.

This was submitted to the Council by Keegans consultancy on 27th January 2025.

It identified the cladding to consist primarily of an aggregate board, supplemented by a lesser proportion of high pressure laminate (HPL) board. It advised that the HPL cladding present on the building presented a risk such that it should be removed as soon as practicable. The FRAEW was then reviewed by the Council's FRA assessor, Oakleaf, who advised that the building's fire emergency plan should change from 'stay put' to a 'simultaneous evacuation supported by a waking watch'.

At present the cost of the waking watch is approximately £6,200 per week. If the HPL cladding were to remain, the Council would either need to invest in an automatic fire detection and alarm system, or continue a Waking Watch until such time that the HPL cladding has been removed. It is anticipated that removal of the HPL part of the cladding will enable the building to change the fire emergency plan back to 'stay put'.

This paper seeks approval to commence a procurement for a works contract by direct award to Lawtech Group Ltd through the LHC FS2 (Lot 9) framework. A direct award is permissible under the framework rules (clause 1.3.6). By not undertaking a mini-tender the procurement process will be accelerated and the risk presented by the cladding will be removed more quickly than it otherwise would be.

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OTHER OPTIONS CONSIDERED AND REJECTED

1. Getting competitive tenders
This will take longer and will not deliver in the required timescales.
2. Wait until the cladding is removed as part of the planned cladding replacement project which is already in the pipeline
There is an existing project in the pipeline to replace all of the cladding as well as the windows and roof covering. Waiting until this project is on site will result in the cladding removal starting in summer 2026, which is considered unacceptable.
3. Do nothing
This is not acceptable as the HPL element of the cladding needs to be removed.

PRE-DECISION CONSULTATION

None.

Consultation with the residents and stakeholders will be undertaken and is considered essential to the smooth running of this project.

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

Name: James Johnson

Designation: Senior Project Manager

Signature:



Date: 11th March 2025

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Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a legal responsibility as a landlord under The Building Safety Act (2022) to ensure the safety of cladding on buildings. Removing the existing HPL cladding helps to ensure these obligations are met.

The Council has the power to procure and award contracts for these works through section s111 Local Government Act 1972 which allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The Council has the power to directly award this contract under 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 s.1 power are engaged by this decision.

Officers seek authorisation to make a direct award to Lawtech Group Ltd through Lot 9 of the LHC FS2 framework, procured under Regulation 33 of the Public Contracts Regulations 2015 (PCR), to remove the HPL cladding on the Highfield Towers. A call off from an active, fit for purpose framework under regulation 33 is a permissible route to procurement.

For the reasons set out above, the Council may direct award the contract to Lawtech Group Ltd.

FINANCIAL IMPLICATIONS AND RISKS

1. This report is seeking to direct award to Lawtech Group Ltd via the LHC FS2 (Lot 9) Framework with an indicative budget requirement of £400,000. This would be funded from the HRA Capital Stock Investment Programme Budget and likely straddle the 2024/25 and 2025/26 Programmes.
2. At present, following the FRAEW, a waking watch has been established which must remain in place until such time as the HPL is removed. A Cabinet Paper is being prepared for a larger scheme relating to Highfield Towers but those works would not commence until 2026/27. At a cost of £6,200 per week, the 2025/26 waking watch would cost £322,000 for the financial year. Our consultants have advised that the watch would be removed once these urgent works are completed, however, that would be dependent on the London Fire Brigade's future assessment. The waking watch is not within the Housing Revenue Account's budget as the requirement arose after the budget was agreed.
3. The use of a Framework will offer some assurance on value for money, however, a direct award does mean no other providers will be considered. It is therefore accepted by the decision makers that due to the urgency, and in part to limit the cost pressure of the waking watch, value for money consideration is secondary in this instance.

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

There are no HR implications or risks.

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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) is usually carried out and on this occasion this is/isn't required/attached

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

There are /are not equalities and social inclusion implications and risks associated with this decision.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

There are no climate change implications and risks associated with this work.

BACKGROUND PAPERS

None.

APPENDICES

None.

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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: 21st March 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 _____