

## Notice of Non-Key Executive Decision

<b>Subject Heading:</b>	Appointment of Firntec construction consultancy by direct award via the Constellia framework to undertake structural investigations at Dryden Tower, Heaton Avenue, Harold Hill, RM3 7HS.
<b>Decision Maker:</b>	Paul Walker, Interim Director of Housing & Property.
<b>Cabinet Member:</b>	Cllr Paul McGeary, Cabinet Member for Housing & Property.
<b>ELT Lead:</b>	Neil Stubbings, 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> Tel: 01708 432144
<b>Policy context:</b>	This report supports: <ul style="list-style-type: none"> <li>• The HRA Business Plan and Capital Programme</li> <li>• Housing Asset Management Plan.</li> <li>• Building Safety Act 2022.</li> </ul>
<b>Financial summary:</b>	This report seeks authorisation to appoint a consultant to provide specialist professional services. The estimated fee quoted for these services is £50,000.  This will be funded from the HRA Capital Programme.
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Places Overview & Scrutiny Sub Committee.
<b>Is this decision exempt from being called-in?</b>	Yes. The decision is exempt from call in as it is a Non key Decision.

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### 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 Interim Director of Housing & Property is recommended to approve appointing Firntec to provide structural engineering consultancy services to carry out structural investigations at Dryden Towers, which is a designated higher-risk building (HRB) under the Building Safety Act 2022. The contract will be awarded as a direct award through the Constellia framework, at an estimated cost of £50,000, starting immediately.

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

##### **Part 3 of the Council's Constitution**

##### **Scheme 3.3.3 - Powers common to all Strategic Directors**

##### **General**

To take any steps, and take any decisions, necessary for the proper management and administration of their allocated directorate.

##### **Contracts**

To award all contracts with a total contract value of below £1,000,000 other than contracts covered by Contract Procedure Rule 16.3. This delegation shall include the ability to extend or vary a contract up to and including a value of £1,000,000 (provided that the extension is in line with the existing contractual provisions).

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

##### **Background detail**

This report concerns the appointment of a specialist construction consultancy firm to provide consultancy services in connection with the Building Safety Act 2022 requirements at one of the Council's designated HRBs.

It follows on from a previous appointment of the same firm to undertake an initial structural appraisal which was included in the Building Safety Case (BSC) for the building. The BSC has now been called in for review by the Building Safety Regulator (BSR). Queries have been raised

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regarding the initial structural appraisal by the BSR and these now need to be addressed by undertaking this additional work.

### **The Services required**

The services now required are detailed below:

Structural engineering consultancy to undertake specialist concrete testing as follows:

1. Test concrete strength with Schmidt hammer test or core sampling
2. Check cover depth in 6 No. locations
3. Check depth of carbonation in 5 No. locations
4. Test 5 No. locations for presence of chloride
5. Collect 5 No. samples for laboratory testing for presence of high alumina cement (HAC)
6. Survey cavity wall ties
7. Check and confirm roofing material build-up
8. Arrange laboratory testing of the samples taken

And to report as follows:

9. Report back on testing/sampling completed and supply comprehensive photos of all works and areas inspected.

10. Provide updated structural risk interpretive report for client with conclusions and recommendations on durability of structure, fire resistance of elements and material defects. The report must include commentary and advice on the following matters:

- i. structural collapse of a residential unit or common area;
- ii. multiple-floor collapse, whole-building collapse;
- iii. balconies or suspended walkways;
- iv. attached or supported components;
- v. material deterioration;
- vi. undermining or compromise of foundations;
- vii. aggressive conditions due to chemical or biological processes;
- viii. specific incidents such as gas explosion or impact damage;
- ix. The suitability of any interim measures in place or considered necessary.

In addition, the consultant is to include an updated HAZID assessment of the risks.

### **Procurement route**

A fee quote from Firntec will be obtained on the basis of working through the Constellia framework. The fee quote is likely to be in the region of £50,000. Appointments of consultants through Constellia are a requirement to comply with the Council's Procurement Rules.

Taking account of the above, officers are satisfied that this supplier represents best value for the Council.

## **OTHER OPTIONS CONSIDERED AND REJECTED**

### **Option 1 - Do nothing**

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Doing nothing is not an option. The Council need to undertake this work in order to satisfy the Building Safety Regulator's requirements.

**Option 2 – Tender the services**

Tendering the services is not feasible as the response to the Regulator is required by 25<sup>th</sup> November 2025 and there is therefore insufficient time.

**PRE-DECISION CONSULTATION**

None.

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

Name: James Johnson

Designation: Senior Project Manager

Signature:



Date: 6 August 2025

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

### **LEGAL IMPLICATIONS AND RISKS**

The Council has the power to award a contract for these services under Section 111 of the 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 also has a general power of competence under Section 1 of the Localism Act 2011 to do anything an individual can 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.

Officers seek authorisation to make a direct award to Firntec Limited via the Constellia framework. The proposed value of the direct award is at £50k which is below the threshold for services according to the Procurement Act 2023. However, the award must be in compliance with the Council's Contract Procedure Rules.

The use of the framework is compliant with Contract Procedure Rule 20.

### **FINANCIAL IMPLICATIONS AND RISKS**

The cost for Firntec Limited to carry out structural investigations at Dryden Towers, is estimated to be £50,000, This will be funded from the HRA Capital Programme.

A financial check has been undertaken on Firntec Limited using Experian, as is required by the Council's Contract Procedure Rules and they have been rated as Below Average 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.

### **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

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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 but on this occasion this is not required.

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.

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

None.

### **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

A handwritten signature in black ink that reads "P Walker". The "P" is large and stylized, with the first letter of "Walker" being a capital "W".

Paul Walker  
Interim Director of Housing & Property

Date: 15<sup>th</sup> August 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 \_\_\_\_\_