

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 it contains or relates to exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to financial or business affairs of any particular person, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:	Appointment of a multi-disciplinary consultancy for advice on building safety works to Havering's high-rise buildings.
Decision Maker:	Strategic Director of Place - Neil Stubbings
Cabinet Member:	Councillor Paul McGeary - Cabinet Member for Housing and Property
SLT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	James Wallis, Project Manager, Property Services Email: James.wallis2@havering.gov.uk Tel: 01708 433468
Policy context:	<ul style="list-style-type: none"> • The Housing Asset Management Strategy 2021-26 • HRA Business Plan and Capital Programme.
Financial summary:	The fee quote for these services, including 10% contingency, is £291,510 which will be funded from the HRA Capital Programme.
Is this decision exempt from being called-in?	The decision will be exempt from call-in as it is a non-key decision.

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

People - Things that matter for residents X

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

Resources - A well run Council that delivers for People and Place. X

Non-key Executive Decision

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. Approve the appointment by direct award of Calfordseaden LLP (company No.OC315838) through the CHIC framework at an estimated cost of £291,510.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

Part 3.3 Scheme of Delegations – Functions delegated to officers

Scheme 3.3.3 Powers common to all Strategic Directors

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. The Council has a legal duty to ensure its high-rise buildings are fully compliant with all of the relevant rules and regulations following the introduction of the Building Safety Act 2022.
2. In response to the new legal requirements, independent Building Safety Case reports were commissioned which identified possible fire safety improvements that should be considered further.
3. Approval was given to obtain a fee quotation for a multi-disciplinary consultant to carry out a feasibility study on the Building Safety works on behalf of the Council.
4. After making enquiries with the Communities and Housing Investment Consortium Ltd (CHIC) framework a number of consultancy firms expressed their interest in this work and following some initial enquiries it was deemed that Calfordseaden had an experienced team to provide the services Havering required.
5. Calfordseaden are also currently working with the Council on the Highfield Towers project, which is a similar project and as they already have a design team in place to support the Highfield Towers project, there will be cost and coordination efficiencies over the duration of the project.
6. The Planned Works team in the HRA has completed an internal review of the Building Safety Case reports and identified the items within the report that require further investigation. Estimated costs and a draft timeline for the delivery of these works have been developed.
7. Their brief includes advice and where necessary design, on a range of issues including:
 - I. Cladding and spandrel panels

Non-key Executive Decision

	II. Smoke ventilation on escape routes
	III. Vertical ducting
	IV. Removal of ducts from warm air heating systems (Delta estate)
	V. Sprinkler systems.
8.	Following further discussions with Calfordseaden, facilitated by CHIC, it was agreed that it would be necessary to appoint a specialist team with expertise in line with the new Building Safety Act for the duration of the project.
9.	This will ensure the collaborative working approach required to for a smooth delivery of this project. Consequently, Calfordseaden was asked to provide a fee estimate for their services to support the entire project, rather than just the feasibility study as originally requested. Full details of these services are provided within the exempt Appendix A.
10.	The Fee quote provided includes a 10% contingency and is based upon the estimated project cost provided by the Council.
11.	It includes various building safety works related to 10 of Havering's high-rise buildings. All costs are estimated in line with the agreed rates as per the CHIC framework and will be subject to change depending on the actual project costs.
12.	A direct award to Calfordseaden via the CHIC framework would ensure that Havering has the expertise it needs and is able to respond quickly to the works identified within our Building Safety Case reports.
13.	Works on this project will commence in September 2024 and will conclude in October 2025.

OTHER OPTIONS CONSIDERED AND REJECTED

Option 1 - Do nothing

This is not considered to be an appropriate option because the Council wants to enhance Building Safety as well as comply with the Building Safety Act.

Option 2 – Seek specialist support and deliver this area of work in-house.

This is not considered to be a viable option as the Council does not employ the expert resources to carry out this work in-house hence the requirement to seek additional resources to support the project. Designs and specifications should also be independently insurance backed and approved by the Building Safety Regulator.

Both options were considered and rejected.

PRE-DECISION CONSULTATION

None.

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

Name: James Wallis
Designation: Planned Works Project Manager

Signature: James Wallis

Date: 8th August 2024

Non-key Executive Decision

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The Council has statutory duties under the Building Safety Act 2022 (section 70,73,80) relating to fire safety and prevention in high-rise buildings.
2. 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.
3. 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.
4. The proposed procurement value of £291,510 is above the threshold for service contracts under the Public Contracts Regulations 2015 (PCR) and accordingly the procurement of the contract is subject to the full PCR regime. Officers are seeking authorisation to make a direct award to Calfordseaden LLP via the CHIC framework, Lot 1, to provide a multi-disciplinary consultancy team for the delivery of essential pre and post- contract services in relation to the Building Safety Act 2022 and essential fire safety works for Havering's high-rise Buildings.
5. The use of the framework is compliant with Regulation 33 of the PCR. The body of this report confirms that officers have undertaken a route via the CHIC Framework (Lot 1) and in accordance with the rules of that framework, the procurement complies with the above principles. The CHIC Framework, commenced on 24 August 2021 and participating authorities therefore have until 22 August 2025 to call-off from this Framework.
6. For the reasons set out above, the Council may proceed with entering the CHIC framework.

FINANCIAL IMPLICATIONS AND RISKS

This report is seeking approval to directly appoint Calfordseaden for multi-disciplinary consultancy support via the CHIC Framework for the delivery of essential building safety works to the Council's residential high-rise buildings. The fee quote for these services, including 10% contingency, is £291,510 which will be funded from the HRA Capital Programme and will start in this financial year and carry over in to the following financial year 2025/26.

Financial Stability

A financial check has been carried out on Calfordseaden, company No. OC315838 using Experian credit check and they were considered to be Very Low Risk.

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

None

Non-key Executive Decision

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 will be 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

None

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

None

BACKGROUND PAPERS

None

APPENDICIES

Exempt Appendix A - Calfordseaden's Fee quotes based on the CHIC framework rates.

Non-key Executive Decision

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, appearing to read 'P Walker', with a large, stylized 'P' and 'W'.

Paul Walker
Interim Director of Housing & Property

Date: 19th September 2024

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 _____