

# **MINUTES OF THE MEETING Cabinet Member Signing HELD ON Monday, 12th August, 2024, 4.30-4.45pm**

**Councillor Sarah Williams - Cabinet Member for Housing and Planning (Deputy Leader)**

**ALSO ATTENDING: Alfie Peacock, Christian Carlisle, Scott Kay, Ayshe Simsek**

## **21. FILMING AT MEETINGS NOTICE**

The Chair referred to the filming at meetings notice and attendees noted this information.

## **22. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **23. URGENT BUSINESS**

There were no items of urgent business.

## **24. DECLARATIONS OF INTEREST**

There were no declarations of interest put forward.

## **25. DEPUTATIONS/ PETITIONS/ QUESTIONS**

None

## **26. APPROVAL FOR AN AGREED MAXIMUM PRICE FOR AN APPOINTMENT OF A RETROFIT INSTALLER (CONTRACTOR) UNDER A MEASURED TERM CONTRACT (MTC)**

The Cabinet Member for Housing and Planning (Deputy Leader) considered the report, which sought agreement to a maximum price for a project to deliver council housing retrofits, detailed in the exempt report.

The Cabinet Member noted that the project was partially funded by the Social Housing Decarbonisation Fund (SHDF) Wave 2.2 and would support the first retrofit project, which the Council has commenced since approving the Housing Energy Action Plan (HEAP) agreed by cabinet in January 2023.

It was further noted that the contract will be spent delivering a maximum of 289 retrofits to Council owned street properties. If the recommendations were approved, a

procurement exercise would be carried out by Haringey Council's Strategic Procurement team on the London Construction Programme (LCP) Dynamic Purchasing System (DPS) for a Retrofit Installer (as referred to under PAS2035:2023 & PAS2030:2023) / Contractor.

The project would actively commit to one of the main objectives of the Council Delivery Plan: to reduce carbon emissions from the Council's housing stock and meet Haringey Climate Change Action Plan (CCAP) targets.

In response to questions from the Cabinet Member, the following information was provided:

- This was a two-year contract with a potential third year extension.
- Housing in Coldfall and White Hart Lane ward would be the recipients of the initial retrofit works.
- Assurance was provided that this contract award was within the budget envelope assigned to carbon reduction in the MTFS. In relation to adhering to the budget envelope, assurance was given that the team had already completed an expression of interest exercise and pre – tender formalities, which had informed the decision and contract cost. Therefore, tenders would be sought according to the pre -contract rate. Contractors would be aware that the Council had set allocated funds to spend on retrofit, allowing the Council to set the price and draw down on these funds.
- Any unexpected significant variation in the contract price and provision, which was over £500k, would require a further key decision.

Further to considering the exempt information and exempt recommendations, the Cabinet Member for Housing and Planning (Deputy Leader),

## **RESOLVED**

1. To approve an agreed maximum sum for appointment of a contractor following a procurement process as detailed in this report and the exempt report containing exempt recommendations.
2. To Approve a delegation to the Director of Placemaking & Housing, after consultation with the Director of Finance, to award a contract to the highest scoring bidder in accordance with the evaluation criteria up to a maximum value identified in the exempt report, following a compliant procurement process. The contract will have a maximum term of three years.

## **Reasons for decision**

A Retrofit Installer is required to deliver the project, as well as ensuring that grant funding deadlines can be met by carrying out the appropriate amount of works and claiming for the funding before the deadline. Further details on the grant funding are detailed in the body of this report.

Approval pre-procurement will ensure that the tendering suppliers are aware that the necessary governance process and agreed maximum price is approved, allowing for a quick mobilisation to deliver the works and meet the deadlines set by the grant funding body.

The budget for this project fits within the envelope of the carbon reduction budget over three financial years as shown in the exempt information report.

Social Housing Decarbonisation Fund (SHDF) has been awarded to the Council for this project, with a deadline to spend the monies prior to March 2025. Delaying this procurement will prevent our ability to meet this deadline.

#### **Alternative options considered**

Do nothing – The council has made a commitment to become a net zero carbon borough by 2041, this commitment includes provision to retrofit all its social housing stock (circa 15,000 properties) as part of the Council Housing Energy Action Plan (HEAP) 2023-2028, and therefore doing nothing does not work towards this commitment.

Delivering the project in house – The council reviewed whether it had the capacity and capabilities to deliver these works in house, and due to the specialist nature of these works, it was deemed not possible.

Use of existing contracts - Existing construction contracts used by this service area were reviewed on their suitability for this project and none were deemed appropriate, therefore a fresh procurement is required.

#### **27. AWARD OF CONTRACT FOR A PROGRAMME OF SURVEYS TO UNDERTAKE FIRE RISK APPRAISALS OF EXTERNAL WALLS (FRAEWS) FOR RESIDENTIAL PROPERTIES AND PROVIDE REPORTS**

The Cabinet Member for Housing and Planning (Deputy Leader) considered the report which sought approval for the provisional award of a contract, subject to Stage 2 s20 consultation, for a programme of surveys to undertake Fire Risk Appraisals of External Walls (FRAEWS) for residential properties and provide reports.

In response to questions from the Cabinet Member, the following information was provided.

- The Council's staff were not in a position to complete these works as this was a specialist exercise and the only viable option was procurement of these works.
- There were eight properties who were awaiting EWS1 reports to allow completion of mortgages which this decision would allow.

- The Council had not previously worked with the successful contractor, but they had passed the procurement criteria for quality, including case studies and outlining their experienced delivery of this provision for social housing providers.
- With regards to leaseholder consultation, there will be a second round of consultation under section 20 of the Landlord tenant Act 1985 and this is set out in the report and statutory comments.
- The contract would be provided over a three-year period, starting with and prioritising high rise buildings.

Further to considering the exempt information and exempt recommendation, the Cabinet Member for Housing and Planning (Deputy Leader),

**RESOLVED**

1. To approve the provisional award of a contract to Contractor A, subject to Stage 2 Leaseholder consultation, for carrying out a programme of surveys for Fire Risk Appraisals of External Walls (FRAEWs) for residential properties and provide reports, including EWS1 and Building Safety Case reports where required, over a period of 3 years from commencement, which subject to award is estimated to be 1<sup>st</sup> November 2024, for a maximum value of £1,799,956.00.
2. To note the details of the procurement and approve the sum in exempt report.

**Reasons for decision**

The Building Safety Act 2022 places a statutory duty upon accountable persons to assess the building safety risks for occupied higher-risk buildings Sections 83. Additionally, the Fire Safety (England) Regulations 2022; regulation 5 -Design and materials of external walls, confirms that for high-rise residential buildings risk assessments as required under the Regulatory Reform Fire Safety Order 2005 (FSO) must include details of the level of risk posed by the design and the material of the buildings external wall system as well as the mitigating measures in relation to that risk.

The Council must also ensure that its residential buildings should adequately resist the spread of fire across their external wall systems, through specification of suitable remediation works.

The survey and resulting reports will support the Council's property data and building safety cases and allow our fire risk assessments to comply with the requirements of the Building Safety Act and the Regulatory Reform Fire Safety Order 2005. Without this, FRA's may not in future, be considered fit for purpose.

Although Haringey's residential high-rise buildings do not have rainscreen cladding similarly to that involved in the Grenfell disaster, fire can occur in external walls in flammable insulation materials within the walls and/or through cavities where there are

not sufficient barriers inserted to prevent the spread across and upwards behind the wall finishes.

The Council is currently unable to confidently confirm or evidence that all buildings would limit the spread of fire due to a lack of detailed and reliable as-built records and subsequent works records, for many of its buildings. This is not unusual for older buildings within the social housing sector, given the lack of computer records at the time. Staff have undertaken extensive investigations and research to locate relevant documents which have identified and support the need for this additional survey programme.

The only way to establish the external wall make-up and potential fire risk of existing buildings without the above information is to undertake intrusive and extensive surveys of the buildings' external wall systems from the external finish through to the surface of the internal walls.

This requirement applies to buildings of any height, where a Fire Risk assessment is required. This information will not be available from a stock condition survey, nor will it be immediately evident from a thermal imaging or Building Information Modelling (BIM) survey, as these are non-intrusive and require subsequent desk top analysis, extrapolation, and assumption.

#### **Alternative options considered.**

Do nothing. This would leave the residents subject to living in buildings where there could be fire safety issues that go unrecorded and unremedied if we do not undertake these surveys. In addition, the Council would not be compliant with both the Building Safety Act and the Fire Safety Act.

Undertake the surveys in-house. This option is not viable due to the specialist skills, certifications and insurances required to carry out and report on the findings of these surveys.

Include within the stock condition surveys. This is also not an option due to the advanced nature of that survey programme and the need to undertake intrusive examinations of all aspects of the external façade which is outside to the scope of a Stock Condition Survey.

### **28. NEW ITEMS OF URGENT BUSINESS**

None

### **29. EXCLUSION OF THE PRESS AND PUBLIC**

#### **RESOLVED**

To exclude the press and public as items 9 to 11 contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 3 and 5, namely information relating to

the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**30. EXEMPT APPROVAL FOR AN AGREED MAXIMUM PRICE FOR AN APPOINTMENT OF A RETROFIT INSTALLER (CONTRACTOR) UNDER A MEASURED TERM CONTRACT (MTC)**

As set out in the exempt minutes.

**31. EXEMPT - AWARD OF CONTRACT FOR A PROGRAMME OF SURVEYS TO UNDERTAKE FIRE RISK APPRAISALS OF EXTERNAL WALLS (FRAEWS) FOR RESIDENTIAL PROPERTIES AND PROVIDE REPORTS**

As set out in the exempt minutes.

**32. EXEMPT URGENT BUSINESS**

None

CHAIR:

Signed by Chair .....

Date .....