



ADVANCE PUBLICATION OF REPORTS

This publication gives five clear working days' notice of the decisions listed below.

These decisions are due to be signed by individual Cabinet Members
and operational key decision makers.

Once signed all decisions will be published on the Council's
Publication of Decisions List.

1. **BOROUGHWIDE STORAGE HEATER CONTRACT AWARD** (Pages 1 - 22)

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London Borough of Enfield

Report Title	Boroughwide Storage Heater Contract Award
Report to	Director of Housing & Regeneration
Date of Report	25 th April 2024
Executive Director / Director	Joanne Drew, Strategic Director of Housing & Regeneration
Report Author	Hannah Ashley Fraser, Service Director – Homes
Ward(s) affected	All
Key Decision Number	5723
Classification	Part I and Part II (Para 3)
Reason for exemption	Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Purpose of Report

1. To obtain approval to award the Boroughwide Storage Heating Contract for one year.

Recommendations

- I. That approval be given to award one contract for the Boroughwide Storage Heating Programme to the contractor listed in Appendix 1 utilising a compliant framework.
- II. To note the budget of 3.12M which includes contract sum and contingency

Background and Options

2. The current Boroughwide Storage Heater programme is due to end in March 2024. The 24-25 Capital Programme has identified the need to continue with the storage heating upgrade programme to ensure the Council achieves the Decent Homes Standard and energy performance objectives.
3. This new contract will deliver heating and energy efficiency improvements to circa 300 properties in 24/25. These properties have been identified from the Asset Management Database.
4. The scope of works is to replace storage heaters that are failing energy efficiency standards and that do not meet Decent Homes Standard.
5. Following the completion of the Storage Heater Programme, decency figures will increase by 2.97%.
6. This programme does not include works to leasehold properties.
7. To complete the outstanding Storage Heaters Programme and comply with the Council's Contract Procedure Rules (CPR's) the council recommends the award through a compliant framework direct award route with the contractors who have delivered previous replacements in the borough.

Preferred Option and Reasons for Preferred Option

8. The preferred option is to continue to work with the contractor with proven experience in delivering these replacement programmes through a compliant framework using the direct award option.
9. The primary reason for adopting this approach is:
 - a. To provide a consistent product which will ensure long term maintenance is simplified and gives opportunity for enhanced economies of scale. This can also simplify the training of maintenance operatives to reduce the risk of future repairs impacting the integrity of the fire door and therefore fire safety.
 - b. To provide continuity of service and delivery with minimal interruption in delivery.

10. The pricing of the works by the current contractor within the new framework are competitive. While a separately tendered procurement may obtain lower rates this cannot be guaranteed.
11. The council is required to allocate less resource to the procurement process through a framework appointment as the framework provider has undertaken extensive due diligence of the contractor and the product to be installed.

Relevance to Council Plans and Strategies

12. The contract will support the following objectives from the Council Plan:
 - a. **More and better homes:** the programme will improve the quality and safety of existing homes and therefore positively impact on the wellbeing and quality of life for our residents
 - b. **Sustain healthy and safe communities:** improving the existing homes where people desire to live will help to create and maintain healthy and confident communities.
 - c. **An economy that works for everyone:** ensuring residents can fully participate in activities within their neighbourhood

Financial Implications

13. The budget for these contracts was approved as part of the rent setting report in February 2024, these costs are included in the HRA 30year business plan.

Legal Implications

14. The Council has the power under section 1(1) Localism Act 2011 to do anything individuals generally may do providing it is not prohibited by legislation and subject to Public Law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power as recommended in this report. The Council has the power to alter, repair or improve its housing stock in accordance with section 9 of the Housing Act 1985. Under section 11 of the Landlord & Tenant Act 1985 the Council has repairing obligations in respect of properties which are occupied by its tenants and these obligations cover the structure, exterior including drains, gutters, external pipes, installations in homes including water, gas, electricity and sanitation and installations for space heating and heating water. Further, under section 111 Local Government Act 1972 local authorities may do anything, including incurring expenditure or borrowing which is calculated to facilitate or is conducive or incidental to the discharge of their functions. The recommendations in this report are in accordance with these powers.
15. External law firm Devonshire's has been advising on this project to ensure compliance from a legal perspective and will draft the contract (JCT MTC)

under the supervision of the client team. Internal Legal's role will be execution (sealing) only without further review of Devonshire's work.

16. This has been categorised as a works contract, the value of which is below the threshold at which the Public Contracts Regulations 2015 apply to the procurement. The procurement must still be carried out in accordance with the Council's Contract Procurement Rules (CPRs). The use of a framework is a compliant route to award, provided that the Council can legitimately use the framework and the award process complies with the terms of the framework. The terms of the call-off contract must be consistent with the framework, and in a form approved by Legal Services on behalf of the Director of Law and Governance.
17. Due to the value of the contract being over £1,000,000, CPR 7.2 stipulates 'sufficient security' (e.g., a performance bond or parent company guarantee) from the Supplier must be obtained to manage risk. Evidence of the form of security required, or why no security was required, must be stored, and retained on the E-Tendering Portal for audit purposes.

Equalities Implications

18. An equalities impact assessment has been undertaken and is appended to this report.
19. The works will be delivered to social housing stock and will benefit residents irrespective of their protected characteristics.
20. Individual requirements are addressed prior to starting on site to ensure all relevant individual circumstances are considered during the works.
21. Development of disabilities following the completion of the works and any required adaptations will be managed under the council's existing aids and adaptations referrals process. The terms and conditions of the contract will require adherence with the Equalities Act and contractors will be required to share their Equality, Diversity, and Inclusion policy to assure the council of their recruitment policies.
22. Engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison.

Environmental and Climate Change Implications

23. The works will provide improved environmental performance by providing modern facilities. Current installations are required to meet current regulations, and this will result in improvements in energy efficiency performance of resident's homes.
24. The contract will require with the minimum criteria of the councils sustainable and ethical procurement policy to be met.

Public Health Implications

25. Good homes are a necessity for human health, the award of this contract will help secure this. Residents of adequately heated properties are far less likely to develop respiratory and associated conditions or suffer from acute exacerbations of those. In turn helping to reduce the number of preventable referrals to both hospital and residential social care.
26. The work will contribute towards reducing heating bills, sustaining tenancies, reducing fuel poverty, and improving the environment for the residents of the borough.
27. Any measures which alleviate relative or absolute poverty within the borough, including fuel poverty, will in turn reduce the chance of developing poor health and chronic conditions, which again would contribute to embedding inequality and poverty.

Safeguarding Implications

28. The works will require Contractors to enter resident's homes and therefore the Contract Documents require Disclosure & Barring Services (DBS) and adherence with the Councils Safeguarding Policy.
29. In addition to the above the Contractor is required to provide a dedicated Resident Liaison Officer (RLO) whose role is to ensure that residents needs are reflected in the processes adopted by the Contractors.

Procurement Implications

30. Direct award procurement to be carried out via e-Tendering system. As the procurement is not led by Procurement Services, ultimate accountability for procurement compliance lies with Housing Services including Framework Due Diligence completion.
31. Gateway 3a Direct Award Report was presented and endorsed at Procurement Assurance Group on the 10/04/2024 and it is attached to this report.
32. As the contract is over £1,000,000 the supplier must be required to provide sufficient security in accordance with Clause 7 (Financial Security) of the Councils Contract Procedure Rules.
33. The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of the executed contract must be undertaken on the London Tenders Portal including future management of the contract.
34. As this contract will be over £500,000, the CPR's state that the contract must have a nominated contract manager in the Council's e-Tendering portal. Contracts over £500,000 must show evidence of contract management of

KPI's to ensure VFM throughout the lifetime of the contract. The contract will be managed in line with the Contract Management Framework and evidence of robust contract management, including, operations, commercial, financial checks (supplier resilience) and regular risk assessment shall be uploaded into the Council's e-Tendering portal.

35. The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

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Appendices:

- Appendix 1 Restricted Appendix (Confidential)
- Appendix 2 Equalities Impact Assessment

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Enfield Equality Impact Assessment (EqIA)

Introduction

The purpose of an Equality Impact Assessment (EqIA) is to help Enfield Council make sure it does not discriminate against service users, residents and staff, and that we promote equality where possible. Completing the assessment is a way to make sure everyone involved in a decision or activity thinks carefully about the likely impact of their work and that we take appropriate action in response to this analysis.

The EqIA provides a way to systematically assess and record the likely equality impact of an activity, policy, strategy, budget change or any other decision.

The assessment helps us to focus on the impact on people who share one of the different nine protected characteristics as defined by the Equality Act 2010 as well as on people who are disadvantaged due to socio-economic factors. The assessment involves anticipating the consequences of the activity or decision on different groups of people and making sure that:

- unlawful discrimination is eliminated
- opportunities for advancing equal opportunities are maximised
- opportunities for fostering good relations are maximised.

The EqIA is carried out by completing this form. To complete it you will need to:

- use local or national research which relates to how the activity/ policy/ strategy/ budget change or decision being made may impact on different people in different ways based on their protected characteristic or socio-economic status;
- where possible, analyse any equality data we have on the people in Enfield who will be affected eg equality data on service users and/or equality data on the Enfield population;
- refer to the engagement and/ or consultation you have carried out with stakeholders, including the community and/or voluntary and community sector groups you consulted and their views. Consider what this engagement showed us about the likely impact of the activity/ policy/ strategy/ budget change or decision on different groups.

The results of the EqIA should be used to inform the proposal/ recommended decision and changes should be made to the proposal/ recommended decision as a result of the assessment where required. Any ongoing/ future mitigating actions required should be set out in the action plan at the end of the assessment.

Section 1 – Equality analysis details

Title of service activity / policy/ strategy/ budget change/ decision that you are assessing	Energy Efficiency Investment in Council Homes
Team/ Department	Council Housing – Housing and Regeneration
Executive Director	Joanne Drew (Strategic Director)
Cabinet Member	Cllr Savva
Author(s) name(s) and contact details	Andrew Cotton Andrew.cotton@enfield.gov.uk
Committee name and date of decision	N/A
Date of EqIA completion	xx.0x.2024

Date the EqIA was reviewed by the Corporate Strategy Service	
Name of Head of Service responsible for implementing the EqIA actions (if any)	Andrew Cotton
Name of Director who has approved the EqIA	

The completed EqIA should be included as an appendix to relevant EMT/ Delegated Authority/ Cabinet/ Council reports regarding the service activity/ policy/ strategy/ budget change/ decision. Decision-makers should be confident that a robust EqIA has taken place, that any necessary mitigating action has been taken and that there are robust arrangements in place to ensure any necessary ongoing actions are delivered.

Section 2 – Summary of proposal

Please give a brief summary of the proposed service change / policy/ strategy/ budget change/project plan/ key decision

Please summarise briefly:

What is the proposed decision or change?

What are the reasons for the decision or change?
 What outcomes are you hoping to achieve from this change?
 Who will be impacted by the project or change - staff, service users, or the wider community?

The Housing Revenue Account (HRA) Capital Programme is focused on investment in our housing stock to ensure the Council continues its delivery of Warmer Homes, as committed to in the Good Growth Strategy agreed in 2020 which prioritised investment in existing homes.

This report records approval to the proposed decision to award a works contract for a Storage Heater Upgrade Programme to council owned blocks. These works will impact residents by improving heating and energy efficiency measures within individual flats.

Section 3 – Equality analysis

This section asks you to consider the potential differential impact of the proposed decision or change on different protected characteristics, and what mitigating actions should be taken to avoid or counteract any negative impact.

According to the Equality Act 2010, protected characteristics are aspects of a person's identity that make them who they are. The law defines 9 protected characteristics:

1. Age
2. Disability
3. Gender reassignment.
4. Marriage and civil partnership.
5. Pregnancy and maternity.
6. Race
7. Religion or belief.
8. Sex
9. Sexual orientation.

At Enfield Council, we also consider care experience and socio-economic status as an additional characteristic.

“Differential impact” means that people of a particular protected characteristic (eg people of a particular age, people with a disability, people of a particular gender, or people from a particular race and religion) will be significantly more affected by the change than other groups. Please consider both potential positive and negative impacts, and provide evidence to explain why this group might be particularly



affected. If there is no differential impact for that group, briefly explain why this is not applicable.

Please consider how the proposed change will affect staff, service users or members of the wider community who share one of the following protected characteristics.

Detailed information and guidance on how to carry out an Equality Impact Assessment is available here. (link to guidance document once approved)

Age

This can refer to people of a specific age e.g. 18-year olds, or age range e.g. 0-18 year olds.

Will the proposed change to service/policy/budget have a **differential impact [positive or negative]** on people of a specific age or age group (e.g. older or younger people)?

Please provide evidence to explain why this group may be particularly affected.

There is no anticipated differential impact. By improving the heating within individual flats will support all residents living in the block, regardless of age. Development of disabilities or changing needs, due to age, following the completion of the works and any required adaptations will be managed under the council's existing aids and adaptations referrals process.

Mitigating actions to be taken

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-day activities.

This could include: physical impairment, hearing impairment, visual impairment, learning difficulties, long-standing illness or health condition, mental illness, substance abuse or other impairments.

Will the proposed change to service/policy/budget have a **differential impact [positive or negative]** on people with disabilities?

Please provide evidence to explain why this group may be particularly affected.

There is no anticipated differential impact, as these works will heating systems and energy efficiency to individual homes.

Residents with disabilities, including families with children and young people who have Special Education Needs and Disabilities will be profiled by the Enfield's Resident Liaison Officer (RLO) and necessary adaptations or enhanced consultation to use equipment will be provided following completion of works.

Mitigating actions to be taken

Gender Reassignment

This refers to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on transgender people?

Please provide evidence to explain why this group may be particularly affected.

There is no anticipated differential impact. Improving the heating systems to individual properties will support all residents living in the block, regardless of their gender identity.

Mitigating actions to be taken

Marriage and Civil Partnership

Marriage and civil partnerships are different ways of legally recognising relationships. The formation of a civil partnership must remain secular, where-as a marriage can be conducted through either religious or civil ceremonies. In the U.K both marriages and civil partnerships can be same sex or mixed sex. Civil partners must be treated the same as married couples on a wide range of legal matters.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people in a marriage or civil partnership?

Please provide evidence to explain why this group may be particularly affected.

There is no anticipated differential impact. Improving the heating systems to individual properties will support all residents living in the block, regardless of their marital or civil partnership status.

Mitigating actions to be taken

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Pregnancy and maternity

Pregnancy refers to the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on pregnancy and maternity?

Please provide evidence to explain why this group may be particularly affected.

There is no anticipated differential impact. Improving the heating systems to individual properties will support all residents living in the block, regardless of whether they are pregnant or on maternity leave.

Mitigating actions to be taken

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Race

This refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people of a certain race?

Please provide evidence to explain why this group may be particularly affected.

There is no anticipated differential impact. Improving the heating systems to individual properties will support all residents living in the block, regardless of their race.

Mitigating actions to be taken

Religion and belief
Religion refers to a person's faith (e.g. Buddhism, Islam, Christianity, Judaism, Sikhism, Hinduism). Belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live.
Will this change to service/policy/budget have a differential impact [positive or negative] on people who follow a religion or belief, including lack of belief? Please provide evidence to explain why this group may be particularly affected.
There is no anticipated differential impact. Improving the heating systems to individual properties will support all residents living in the block, regardless of their race.
Mitigating actions to be taken

Sex
Sex refers to whether you are a female or male.
Will this change to service/policy/budget have a differential impact [positive or negative] on females or males? Please provide evidence to explain why this group may be particularly affected.
There is no anticipated differential impact. Improving the heating systems to individual properties will support all residents living in the block, regardless of their sex.

Mitigating actions to be taken

Sexual Orientation
This refers to whether a person is sexually attracted to people of the same sex or a different sex to themselves. Please consider the impact on people who identify as heterosexual, bisexual, gay, lesbian, non-binary or asexual.
Will this change to service/policy/budget have a differential impact [positive or negative] on people with a particular sexual orientation?
Please provide evidence to explain why this group may be particularly affected.
There is no anticipated differential impact. Improving the heating systems to individual properties will support all residents living in the block, regardless of their sexual orientation.
Mitigating actions to be taken

Care Experience
This refers to a person who has spent 13 weeks or more in local authority care.
Will this change to service/policy/budget have a differential impact [positive or negative] on people with care experience?
Please provide evidence to explain why this group may be particularly affected.
No anticipated differential impact. By improving the energy efficiency of homes, this will support all residents, regardless of time spent in local authority care.
Mitigating actions to be taken

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Socio-economic deprivation

This refers to people who are disadvantaged due to socio-economic factors e.g. unemployment, low income, low academic qualifications or living in a deprived area, social housing or unstable housing.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who are socio-economically disadvantaged?

Please provide evidence to explain why this group may be particularly affected.

Improving the heating systems of council homes is expected to positively impact people who are socio-economically disadvantaged.

Mitigating actions to be taken.

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Section 4 – Monitoring and review

How do you intend to monitor and review the effects of this proposal?

Who will be responsible for assessing the effects of this proposal?

The project manager within the service will be responsible for managing the contractor and ensuring they undertake their responsibilities as per the contract, including delivering the works as per the specification. People with disabilities will be profiled by Enfield's Resident Liaison Officer (RLO) and any necessary enhanced demonstrations for affected residents will be provided by the contractor. Development of disabilities following the completion of the works and any required adaptations will be managed under the council's existing aids and adaptations referrals process. The contract will also include all responsibilities under the Equalities Act 2010 as statutory obligations in relation to how they treat residents and employees.

Engagement with residents will be undertaken by the Contractor in accordance with their processes for resident engagement and liaison which adapt process according to the profile of the resident (e.g. vulnerability, language spoken).

Section 5 – Action plan for mitigating actions

Any actions that are already completed should be captured in the equality analysis section above. Any actions that will be implemented once the decision has been made should be captured here.

Identified Issue	Action Required	Lead officer	Timescale/By When	Costs	Review Date/Comments
EDI Policy to be provided by the Contractor	The Contractor will be required to submit their Equality Diversity and Inclusion policy to the council	Paula Sterling-Lawless	Pre contract meeting	None	TBC