

**MUNICIPAL YEAR 2018/2019 REPORT NO.**

**ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY**

**OPERATIONAL DECISION OF:**  
Executive Director  
Place

<b>Agenda – Part: 1</b>	<b>KD Num: 4837</b>
<b>Subject: Installation of Dry Risers to Fourteen Housing Blocks</b>	
<b>Wards: Edmonton Green and Upper Edmonton</b>	

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**1. EXECUTIVE SUMMARY**

- 1.1 This report seeks approval for the installation of dry risers to fourteen Council owned blocks of flats (comprising 552 homes) in Edmonton. These blocks have been identified as not complying with up to date health and safety fire recommendations for high rise blocks. Other Council owned high rise blocks (those between 18m and 60m high) in the borough comply with part B of the Building Regulations.**
- 1.2 Dry Risers are pipes that enable pressurised water to be distributed at all floors within a block in the event water is required for the purpose of fire fighting.**
- 1.3 These works are to be funded from the HRA Major Works Capital Programme 2019-20.**

**2. RECOMMENDATION**

- 2.1 That approval be given for the acceptance of the tender from Bidder B as set out in part 2 of the report.**

### **3. BACKGROUND**

- 3.1 Dry risers are a recommendation from part B of the Building Regulations for residential buildings over 18m but less than 60m tall.
- 3.2 The Council has identified 14 blocks which meet the requirement criteria that have no riser installed from date of construction through an ongoing programme of fire risk assessment. It is recommended that these are brought up to the current Building Regulations fire safety standards. Other blocks meet the standard as they built with dry risers.

### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The scheme is considered a statutory requirement so no alternatives considered

### **5. REASONS FOR RECOMMENDATIONS**

- 5.1 All contractors invited to bid demonstrated capability of completing this type and value of work
- 5.2 The recommended contractor has submitted the lowest priced compliant tender and has been judged capable of complying with the specification and quality requirements.
- 5.3 The scheme forms part of Enfield Council's ongoing programme to maintain its housing stock and fulfil statutory landlord obligations

### **6. COMMENTS FROM OTHER DEPARTMENTS**

#### **6.1 Financial Implications**

The costs are included in the HRA capital programme for 2019-20 and funded from capital resources.

#### **6.2 Legal Implications**

- 6.2.1 The contents of this report constitute a Key Decision as the recommendation to accept the recommended tender for the works will lead to capital expenditure exceeding £250,000. This item has been included in the Key Decision List reference: KD4837. Once approved, the decision to proceed will be subject to the usual five-day call-in period.
- 6.2.2 The Council has the power to alter, repair or improve its housing stock in accordance with s.9 Housing Act 1985 (as amended).

- 6.2.3 Under s.20 Landlord and Tenant Act 1985 (“s.20”) the Council (as landlord) has the ability to recharge leaseholders for major works via service charges, provided appropriate consultation has occurred pursuant to the Service Charges (Consultation Requirements) (England) Regulations 2003 (SI 2003/1987). The Council must ensure that leaseholder consultations are carried out under s.20 (as amended) and regulations issued pursuant to s.20 prior to the award of the works contract, to enable the Council to recover the costs from the leaseholders.
- 6.2.4 It is understood that as the works are required to be undertaken to ensure compliance with up to date health and safety requirements pursuant to Building Regulations 2010 Part B Fire Safety there is to be no recharge to leaseholders in the blocks and therefore there is no duty to consult as set out at 6.2.3
- 6.2.5 In accordance with Section 111 of the Local Government Act 1972, the Council may do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The appointment of Contractor B, as recommended in this Report, will be incidental to this power. The Council also has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to Public Law principles.
- 6.2.6 Additionally, the Council is empowered, under s.1 Local Government (Contracts) Act 1997 to enter into contracts in order to discharge its legal powers.
- 6.2.7 Five contractors were invited to partake in a mini competition conducted in accordance with the “Major Housing Works to Social Housing Stock Framework” (a “Framework” agreement set up by the Council on 7<sup>th</sup> May 2015 on the basis of single stage selective tender. It is understood that the Framework is due to expire on 6<sup>th</sup> May 2019 so provided the Contract whose term is likely to be under 6 months, is sealed before that date the Council can still call off this Framework. The use of a compliant framework agreement is encouraged by the Council’s Contract Procedure Rules (“CPRs”).
- 6.2.8 The Council must comply with all requirements of its Constitution and CPRs. Throughout the engagement of Contractor B as a service provider, the Council must comply with its obligations of obtaining best value, under the Local Government (Best Value Principles) Act 1999. The Council must keep a clear audit trail of its decision to award these services to Contractor B in order to demonstrate that best value has been and will continue to be obtained for the Council.
- 6.2.9 The contract price falls below the threshold for Public Works Contracts under the Public Contracts Regulations 2015 and therefore the full EU

procurement procedures do not apply. However, the Council must ensure that it complies with the EU general principles of equality, transparency, proportionality, non-discrimination and mutual recognition when awarding any contract.

6.2.10 Any resultant contracts (and where relevant, ancillary contractual documentation) required in association with this matter must be in a form approved by Legal Services on behalf of the Director of Law and Governance ahead of contract commencement date. The works contract terms are in the form of the JCT Intermediate Building Contract with Contractor's Design (2011 Edition) as amended by Trowers & Hamlins.

6.2.11 As the contract value for the works exceeds £250,000, but is under £1,000,000, sufficient security in the form of either a Parent Company Guarantee or a performance bond should be considered 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 ( CPR 1.8)

### **6.3 Property Implications**

Strategic Property Services support the installation of dry risers to help protect the occupants and the asset in the event of a fire.

## **7. KEY RISKS**

7.1 The Health and Safety team have made a recommendation to Council Housing about the need to fit dry risers to these blocks as a means to reduce risk to residents should a fire occur. Failure to provide them therefore means a risk to residents would be higher in the event of a fire than them being installed.

7.2 The Council would be at risk of not following Building Regulations by not doing these works. In the aftermath of a fire at Greenfell Tower this is a reputational risk that it is recommended be avoided.

## **8. INTERNAL DEPARTMENT IMPLICATIONS/CONSULTATION**

8.1 Neighbourhood Services have been informed of the proposed works. Liaison with residents effected by the works will be undertaken by a Resident Liaison Officer from the Major Works team and the relevant patch Neighbourhood Officer.

## **9. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD**

### **9.1 Good homes in well-connected neighbourhoods**

The installation of dry risers will improve the quality and safety of these 552 Council owned homes improving residents' needs.

### **9.2 Sustain strong and healthy communities**

The outcome of these major works will contribute to people's well-being in knowing their properties have improved standards of fire safety.

### **9.3 Build our local economy to create a thriving place**

Improving property standards ensures better quality accommodation which in turn contributes to a more desirable place to live and work.

## **10. EQUALITIES IMPACT IMPLICATIONS**

10.1 Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment is neither relevant nor proportionate for the approval of this report to award contracts for major works.

10.2 However it should be noted that the any contracts awarded will include a duty on the successful applicant to assist us with meeting our obligations under the Equalities Act 2010.

## **11. HEALTH AND SAFETY IMPLICATIONS**

11.1 The proposed works are in line with recommendations from Health and Safety colleagues.

## **12. PUBLIC HEALTH IMPLICATIONS**

12.1 Dry risers are an important means of improving fire safety. They will also provide reassurance to residents.

### **Background Papers**

None

