

Delegated Decisions report



10 November 2020

24/7 WARDEN PATROL SERVICE AT MELLISH COURT AND THE GABLES - CONTRACT AWARD

Name of Cabinet Member	Councillor Emily Darlington (Cabinet member for Public Realm and Housing Services)
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Exempt / confidential / not for publication	No
Council Plan reference	Ref number: N/A
Wards affected	Wolverton & Bletchley

Executive Summary

Mellish Court and The Gables are residential high-rise buildings both over 18 metres, with 136 and 59 units respectively.

Following intrusive investigations at both blocks, the Council is now aware of the fire safety profile of the buildings. During discussions between the Council's Asset Management and Investment team, the Council's Health and Safety team, the commissioned external structural surveyor consultant (RPS) and Buckinghamshire Fire and Rescue (BFRS) it was determined that both buildings have compartmentation issues that mean they currently present a risk of fire spread throughout the blocks.

We have moved to a simultaneous evacuation policy at both buildings in line with BFRS recommendations. To mitigate the risk identified and ensure residents can evacuate safely should the need arise a 24/7 Warden Patrol service was put in place on 12 October 2020 for an initial six-week period. The service was set up initially through our partnering contractor Mears, delivered on site by Orbis Protect.

The service needs to continue, and we are looking for approval to procure a suitable supplier who will offer the service for a period of up to six months with an option to extend if required for a maximum cost as set out in confidential **Annex A** from 23 November 2020.

The Council is to call off Fusion21, a reputable framework specialising in building, maintenance and compliance and security work for the public sector. Using this Framework allows the Council to directly appoint a service provider.

There are few providers offering a warden service on other frameworks, most offer static or mobile patrol services that are not trained on fire safety standards and evacuation procedures. This framework offers a warden service at a price rate that is comparable to other providers nationally.

A desktop evaluation was carried out with this provider and those offering static or patrol services on the ESPO Framework 347. Fusion21 offer good value for money. This framework also allows for a flexible approach; the service can be reduced by any amount at any time which will allow the Council to make savings where possible as and when the buildings empty sufficiently.

Working with Procurement colleagues, Orbis Protect Limited were on the Fusion 21 Framework and following evaluation, Orbis Protect Limited was the most economically advantageous bidder by scoring highest on quality and costs against four other providers. Furthermore, by continuing to use Orbis we would ensure residents are not impacted by new faces in the buildings, or new processes and procedures so our residents remain assured at this time and over the coming months. Please refer to confidential **Annex B** on the direct award report.

1. Decisions to be Made

- 1.1 That the public and press may be excluded from the meeting by virtue of Paragraph 3 (Information relating to the Financial or Business Affairs of the Authority) of Part 1 of Schedule 12A of the Local Government Act 1972, in order that the meeting may consider the **Confidential Annexes** to the report.
- 1.2 That the Fusion21 Framework, which is a single supplier framework, be approved.
- 1.3 That the contract be awarded to Orbis Protect Limited on the framework, commencing on 23 November 2020 for a period of six months, with an option to extend, if required.
- 1.4 That the service consists of eight wardens at Mellish Court and six wardens at The Gables, with the flexibility to reduce the number of wardens to six at Mellish Court and four at The Gables in the event the occupancy level of the either block falls below 50% . The maximum cost of full staff for six months is set out in confidential **Annex A**.

1.5 That the cost of the 24/7 warden patrol service is not passed on to leaseholders.

2. Why is the Decision Needed?

2.1 The decision is needed to ensure the safety of residents of, and visitors to, Mellish Court and The Gables whilst we consider the long-term future of the buildings. We are taking the continued safety of residents and visitors to both Mellish Court and The Gables very seriously and it is our number one priority. Working alongside Buckinghamshire Fire and Rescue Service, we are being proactive in ensuring residents' safety and the procurement of the 24/7 warden patrol service beyond the initial six week period is just one of a series of interim measures that we are taking whilst a long term strategic decision about the future of each block is made through an additional Delegated Decision report in December.

2.2 Others measures that are being taken at both Mellish Court and The Gables include:

- (a) finalising the upgrading of smoke/heat detectors in each flat;
- (b) introduction of a simultaneous evacuation procedure;
- (c) developed Personal Emergency Evacuation Plans (PEEPs) as necessary; and
- (d) increased the on-site presence of our caretaking, Anti-Social Behaviour and Neighbourhood teams.

2.3 The contract is for a period of six months and will allow flexibility to ensure the right number of fully qualified and trained fire wardens are patrolling the building at any given time. The role of the wardens will be to raise the alarm in the event of a fire or other incident and to help evacuate people promptly and in a safe manner if required, especially those most vulnerable and in need of assistance.

2.4 Given the current occupancy of the buildings it is proposed that a team of eight wardens patrol Mellish Court and a team of six wardens patrol The Gables. Should the occupancy at either of the buildings fall below 50% the number of wardens patrolling each building will reduce to six at Mellish Court and four at The Gables.

2.5 The Government announced that it would meet the reasonable cost of the removal and replacement of unsafe cladding in council-owned buildings. It also agreed to provide "financial flexibilities" to councils for other essential fire safety measures and advised that councils should not pass on the cost of recladding or other fire safety works to leaseholders.

It is unclear whether the cost of a 24/7 warden service is covered by this classification, however the provision of such a service is one mitigating fire safety measure available to landlords when managing fire risk. The Council will explore with MHCLG whether government funding is available to cover all or part of the cost of this. Consequently, it is recommended that costs of the 24/7 warden service at Mellish Court and The Gables are not passed on to leaseholders in the blocks.

3. Implications of the Decision

Financial	Yes	Human rights, equalities, diversity	No
Legal	Yes	Policies or Council Plan	No
Communication	No	Procurement	No
Energy Efficiency	No	Workforce	No

(a) Financial Implications

Please refer to confidential **Annex A** on the anticipated spend and budget requirement.

The contract will have the provision to step down staffing levels as appropriate. If the building has a significantly reduced level of occupancy and all vulnerable residents have been moved to new homes it may be possible to reduce the number of operatives at any one time. If the buildings are at 50% occupancy and all vulnerable residents have been moved there will be a reduction from 8 operatives in a 24 hour period at Mellish to 6, and from 6 at The Gable to 4. This will reduce the total spend.

Government policy is that costs attributable to high-rise buildings, e.g. lifts, should not be treated as a tenant service charge, but should be met by general rent income. The costs of a Warden Patrol service would appear to fall within this class and so no service charges will be attributed to tenants.

Provision of a 24/7 Warden Patrol service are not an insurable service, and so the costs cannot be mitigated by a claim on the Council's insurance.

The risk from a fire to residents, and to the fabric of the building, are substantially mitigated through the provision of the 24/7 Warden Patrol service and the other detection, prevention, and mitigation measures in place above. Risks attached to the Warden Patrol service itself have been managed through the procurement process, including contract specifications, performance standards, and scrutiny of tenderers' quality assurance arrangements.

It is anticipated that the resource level required will reduce as we continue to decant both properties which should reduce costs.

The cost of the Warden Patrol service will fall on the HRA. Since these costs were not anticipated in setting the 2020/21 budget, they will result in an overspend which will be covered by any underspends elsewhere within the HRA and by a reduced contribution of HRA surpluses to the Regeneration Reserve. The reduction in contributions will impact on the funding available for other projects and these will need to be prioritised as part of the review the business plan. Details of the budget implications are set out in the confidential **Annex A**.

(b) Legal Implications

As a general rule, lease agreements will provide for the recovery of the cost of works from long leaseholders but not always, leading to the issue being described in one government publication as a “legal quagmire”.

The decision to be made at 1.5 above would make the situation clear for leaseholders.

There have been some (limited) references to the potential for authorities to be challenged for breach of their fiduciary duty where no attempt is made to recover contributions from long leaseholders if the leases in question allow for this. It is felt, however, that the risk of challenge and likelihood of success were such a challenge to be made, are low.

In order to access government funding (referred to above), social landlords must establish that they “are unable to pay”, leading landlords to question whether they will benefit from the fund.

4. Alternatives

4.1 Do Nothing

For the safety of the residents in both buildings this is not an option. Even once the buildings are empty, they will still present a risk to the local community. Until remedial works have been completed or until the buildings are demolished, should that be the chosen course of action, the buildings could be targeted by arsonists or squatters.

4.2 The Council establishes and manages a 24-hour Warden Patrol Service

This type of service requires the recruitment and training of suitable personnel and internal management staff which will take time to set up. This is to be the short-term solution until the buildings are safe or demolished. The six-month period, with Orbis as the procured provider, will allow the Council time to establish a service.

4.3 ESPO or other Framework Providers

ESPO was considered. This has five providers and requires a mini competition to award. This would not be a suitable option as the providers offer static and mobile guard services and not warden service. Whilst they may be able to offer appropriate services this would take time to agree and procure through competition, and costs may be above those indicated in the framework brochure.

5. Timetable for Implementation

5.1 Delegated Decision - 10 November 2020.

5.3 New provider starts 23 November 2020

List of Confidential Annexes

Annex A Financial Costs of the Warden Service

Annex B Direct Award Report

List of Background Papers

None