



**LANCASTER
CITY COUNCIL**

Promoting City, Coast & Countryside

INDIVIDUAL CABINET MEMBER AND OFFICER DELEGATED DECISIONS

WEDNESDAY, 5 APRIL 2023

Please find enclosed Decision Notice in connection with the following:

ICMD23 Award of contract for Asbestos Surveying Services (Pages 2 - 6)

Please note that this is subject to call-in.

Queries regarding these documents

Please contact Liz Bateson, Democratic Services - email ebateson@lancaster.gov.uk.

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Promoting City, Coast & Countryside

**EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER
NOTICE OF DECISION**

TITLE OF DECISION:			
ASBESTOS SURVEYING SERVICES – AWARD OF CONTRACT			
NAME OF DECISION TAKER:	CLLR CARY MATHEWS		
POSITION AND RESPONSIBILITY HELD:	PORTFOLIO HOLDER FOR HOUSING		
CONTACT OFFICER:	DENNIS GRAHAM		
TELEPHONE:	01524 582453		
E-MAIL:	dgraham@lancaster.gov.uk		
Details of Decision:			
<p>(1) That the contract for asbestos surveying services be awarded to Tersus Consultancy Limited from April 2023 for an initial period of 3 years as outlined in the report.</p> <p>(2) That subject to satisfactory performance levels being achieved, the contract period is extended by 2 additional years.</p>			
Reasons for the decision:			
<p>The Council has undertaken over the previous 18 months a substantial amount of work to strengthen all areas of activity relating to compliancy. In particular, the “Big 6” – Gas, Electrical, Water, Fire, Asbestos and lifts. A formal contractual arrangement is now required to ensure a service provider is in place for at least 3 years which may be extended for another two years subject to overall performance levels being achieved. There is a risk to tenants, residents, Council employees and sub-contractors if asbestos surveys are not undertaken within a prescribed timescale.</p>			
IS THE DECISION URGENT - NO			
<p>I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.</p>			
SIGNATURE OF DECISION TAKER:	Cllr Cary Matthews		
DATE:	05.04.23		
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			REF NO.
DATE DECISION TAKEN:	05.04.23	DATE RECEIVED BY DEMOCRATIC SERVICES:	05.04.23
DATE DECISION PUBLISHED:	05.04.23	IMPLEMENTATION DATE (publication day + 5 working days):	17.04.23

Individual Cabinet Member Decision

Asbestos Surveying Services – Award of Contract

Report of Head of Housing

PURPOSE OF REPORT				
To seek approval for the authority to award the contract to Tersus Consultancy Limited to undertake asbestos surveys to Council Housing stock.				
Key Decision	X	Non-Key Decision		Referral from Cabinet Member
Date of notice of forthcoming key decision		N/A		
This report is public				

RECOMMENDATIONS:

- (1) That the contract for asbestos surveying services be awarded to Tersus Consultancy Limited from April 2023 for an initial period of 3 years as outlined in the report.
- (2) That subject to satisfactory performance levels being achieved, the contract period is extended by 2 additional years.

1. Introduction

1.1 Lancaster City Council housing stock is a substantial asset, providing over 3,800 homes for a wide range of housing needs including general needs and family accommodation, older persons independent living schemes, and community centres.

1.2 The Council has a legal responsibility to ensure that its tenants reside in warm, secure and safe homes. These homes must comply with a range of Regulatory requirements including providing homes that comply with the Decent Homes Standard and the Home Standard as prescribed by the Social Housing Regulator.

1.3 An over-arching priority for the Council is the Health and Safety of its tenants, leaseholders and residents ensuring it is not implicated in any way. To ensure the Council remains fully compliant with all its obligations, a fundamental review was undertaken with the support of an external consultant pertaining to all areas of compliance related activity. These explicit areas of work are monitored and managed by Council Housing Repairs and Maintenance Service Compliance Team. The social housing sector commonly refers to these compliance areas of work as the “Big 6”. These are – Asbestos, Electrical, Fire, Gas, Lifts and Water. The fundamental review and subsequent service improvement has been in progress for over 18 months and has significantly improved Council Housing performance with regards to overall

compliance and assurance.

1.4 A further factor to consider that the Social Housing sector is increasingly under the “spotlight” and is exemplified by the recent, high profile publicity relating to the death of a toddler in Rochdale which was attributable to sub-standard housing, and of course the Grenfell tragedy. We are committed to doing all that is reasonably practicable to keep our residents safe in their homes and provide assurance to the Council and Regulator that we accord the highest priority with regards to the health and safety of our tenants.

2. Background and Financial details

2.1 The Control of Asbestos Regulations 2012 requires employers (in this case the Council) to identify the presence of asbestos, it’s type, location and condition before any building, maintenance, demolition or other works takes place. It also sets out the requirement to arrange a survey if existing information on the presence of asbestos in the premises is incomplete or appears unreliable.

2.2 The Council currently utilises the services of an existing asbestos surveying organisation. Unfortunately, there is no formal contractual agreement in place. In the absence of a formal contract this places the Council at risk if there are issues with under performance, quality/accuracy of information and timescales to undertake surveys which could impact on overall service delivery.

2.3 There are currently no local suppliers with the capacity to undertake or manage the volume of asbestos surveys required to domestic properties and communal areas. The Council is a member of a Framework called Fusion 21. They are a social enterprise who specialise in procurement for the public sector. The decision was taken to utilise this framework to source and appoint an asbestos surveying services contractor.

2.4 The Framework provides details of contractors/suppliers who have gone through an OJEU compliant process to enable them to compete for works and be included in the Lot for this specific area of work. The highest ranked contractor in this Lot was Tersus Consultancy Limited, based on their cost and quality submissions. As part of our selection process to appoint Tersus there was a requirement to undertake a number of pilot surveys to domestic and communal areas to ensure they could comply with our specification.

2.5 The estimated annual cost to undertake asbestos surveys is typically £50,000. Surveys are undertaken to all properties when they become vacant or where works are proposed to be undertaken where asbestos may be present. The overall value of works is therefore estimated to be for the 1st 3 years £150,000 and if the contract is extended for an additional 2 years the total value will be £250,000. Funding provision is available within the HRA.

3.0 Options and Options Analysis (including risk assessment)

	Option 1: To award the contract	Option 2: Do not award the contract
Advantages	The Council will have certainty and assurance that a competent contractor will be appointed to maintain the	The Council will have uncertainty over costs, reduced VFM and no guarantee asbestos surveys will be

	health and safety of tenants. There may be also opportunities for other Council services to utilise the services provided but ensuring the overall value of additional works remains within prescribed thresholds	undertaken within the required timescales
Disadvantages	The Council will need to manage any under performance issues and could face litigation should the contract be terminated	.
Risks	Survey costs and volume of surveys may increase however the contract will enable the successful tenderer to utilise additional resources from within their own organisation.	The Council Housing Service must appoint only competent and qualified contractors who have the capacity to respond to requests for surveys within specific timescales. Not appointing a contractor places the Council, tenants, employees and sub-contractors at increased risk of exposure to asbestos

4.0 Officer Preferred Option (and comments)

5.1 The Officer preferred option, is Option 1. As already outlined approving the award of contract to the successful tenderer will ensure the Council remains fully compliant with regards to the management of asbestos. Further the Council will have increased assurance that the safety of tenants and employees will not be implicated.

5.0 Conclusion

6.1 By approving the award of this contract the Council will have ongoing certainty and assurance that the safety of its tenants continues to be its highest priority.

<p>RELATIONSHIP TO POLICY FRAMEWORK This Strategy seeks to support the ambitions contained within the Council Housing Asset Management Strategy 2022 -27</p>
<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)</p> <p>The award of a contract to undertake asbestos surveying services would have no known negative consequences for specific groups but would undoubtedly have positive impacts ensuring the ongoing safety of tenants, leaseholders, employees and sub-contractors.</p>
<p>LEGAL IMPLICATIONS The Council is under a duty to comply with the Decent Homes Standard and should ensure that surveys of its stock are carried out to identify any potential hazards, such as the presence of asbestos or other hazardous materials. The Council has the power to enter into</p>

contracts to discharge its functions as a Social Housing provider by virtue of s111 Local Government Act 1972. Legal Services are familiar with the terms and conditions of the Fusion 21 framework agreement and confirm that the terms and conditions of the call off contracts under that agreement will be appropriate for the Council to enter into with the contractor.

FINANCIAL IMPLICATIONS

The Repairs & Maintenance Service planned maintenance revenue budget for 2023/24 includes provision of £95K for Asbestos Testing and associated remedial works. This contract will deliver part of this element of the programme and the contract sum can be managed from within this amount.

OTHER RESOURCE IMPLICATIONS

Human Resources:

There are no Human Resource implications arising from this report.

Information Services:

Property:

There are positive implications arising from the award of this contract

Open Spaces:

SECTION 151 OFFICER'S COMMENTS

The Section 151 officer has been consulted and has no further comments

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and approves of the improved contractual arrangement which is to be put in place.

BACKGROUND PAPERS

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Ref: N/A