



Cabinet

Title	Procurement to support Housing Regulatory Services to ensure the safety of residential premises
Date of meeting	6 th February 2024
Report of	Councillor Ross Houston Deputy Leader and Cabinet Member for Homes & Regeneration
Wards	All
Status	Public
Key	Key
Urgent	Yes
Appendices	None
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Summary

To support the work undertaken by the Council's Housing Regulatory Services it is necessary to procure a partner to assist with delivery of safety inspection and statutory obligations in relation to private residential premises.

Recommendations

Cabinet is requested to agree:

1. To run an urgent accelerated procurement exercise to commission a contractor to fulfil the Council's statutory duties under the Parts 1-4 Housing Act 2004 and legislation relevant to ensure minimum mandatory safety standards are met in relation to private sector accommodation.

2. To delegate authority to the Deputy Chief Executive in consultation with the Deputy Leader and Cabinet Member for Homes and Regeneration to award and enter into a contract with the winning bidder.

1. Reasons for the Recommendations

- 1.1 These recommendations will enable the Council to ensure that the appropriate inspections and enforcement action takes place in relation to private sector accommodation.

2. Alternative Options Considered and Not Recommended

- 2.1 Consideration was given to not procuring a contractor but due to the likely cost of the work this is required.
- 2.2 Consideration was given to completing a non urgent procurement exercise but due to the need to start the work by April this is not viable.
- 2.3 Consideration was given to completing this work in house, but given the current number of staff and size of workloads this isn't viable.

3. Post Decision Implementation

- 3.1 An accelerated procurement exercise will be undertaken working with the Procurement Team to ensure compliance with the relevant legislation and procedures.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

- 4.1 The project will support the Quality Affordable Homes priority within the Places strand of Our Plan for Barnet by improving the condition of housing in the borough.

Corporate Performance / Outcome Measures

- 4.2 There are currently no specific measures relating to this proposal.

Sustainability

- 4.3 There are no sustainability issues related to this report

Corporate Parenting

- 4.4 The decision has no direct or indirect impact on looked after children and care leavers.

Risk Management

- 4.5 Failure to complete this procurement exercise quickly, will leave the Council unable to meet its legal requirements under parts 1-4 of the Housing Act 2004 within an appropriate timescale.

Insight

- 4.6 The procurement exercise will be completed and evaluated in line with the Council's standard procurement procedures.

Social Value

- 4.7 Completion of the work following inspection and the service of remedial notices will help the council to protect some of the most vulnerable members of society, who often end up in sub-standard private sector accommodation.

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

- 5.1 Capital funding is being requested as part of the Capital Additions for approval at February Cabinet to cover the costs of the procurement.
- 5.2 This decision will ensure a fair procurement process is undertaken to deliver value for money for the Council.
- 5.3 There are no IT or property implications of this report

6. Legal Implications and Constitution References

- 6.1 The Housing Health and Safety rating system (HHSRS) was introduced in the Housing Act 2004. This is a risk-based evaluation tool to help identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The HHSRS assesses 29 categories of housing hazard. Each hazard has a weighting which will help determine whether the property is rated as having category 1 (serious) or category 2 (less serious)
- 6.2 The Council has a mandatory duty to take action to reduce category 1 hazards identified under the Housing Act 2004. There is a discretionary duty under category 2.
- 6.3 On inspection other mandatory legal duties may be identified that require action to improve property conditions to a legal minimum standard.
- 6.4 Under Regulation 28 (10) of the Public Contracts Regulations 2015 (PCR), where urgency means that the Council cannot comply the time limits laid down in the PCR, the council can run an accelerated procurement process in a minimum of 25 days
- 6.5 Under the Council's Constitution, Part 2D, Cabinet is responsible for functions including:
- Development of proposals for the budget (including the capital and revenue budgets, the fixing of the Council Tax Base, and the level of Council Tax) and the financial strategy for the Council;
-Monitoring the implementation of the budget and financial strategy;
-Recommending major new policies (and amendments to existing policies) to the Council for approval as part of the Council's Policy Framework and implementing those approved by Council;
-Approving policies that are not part of the policy framework;
-Management of the Council's Capital Programme; and All key decisions

7. Consultation

- 7.1 No public consultation has been undertaken in relation to this report. The procurement exercise will be publicly available.

8. Equalities and Diversity

8.1 Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. The equalities impact will be revisited on each of the proposals as they are developed. Consideration of the duties should precede the decision. It is important that Cabinet has regard to the statutory grounds in the light of all available material such as consultation responses. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Tackle prejudice, and
- b) Promote understanding.

Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:

- a) Age
- b) Disability
- c) Gender reassignment
- d) Pregnancy and maternity
- e) Race
- f) Religion or belief
- g) Sex
- h) Sexual orientation
- i) Marriage and civil partnership

9. Background Papers
9.1 None