

PORTFOLIO HOLDERS DECISION NOTICE

19 December 2024

(Published 20 December 2024)

This document lists the decision taken by the Deputy Leader and Portfolio Holder for Housing on 19 December 2024.

A decision may be implemented with immediate effect, unless it is eligible for call-in as identified below, whereupon a decision will not be implemented until five working days have elapsed.

Decision Taker	Decision	Reasons for Decision	Any Options Rejected	Declared Conflict of Interest?	Eligible for Call-In?
<p>Deputy Leader and Portfolio Holder for Housing</p> <p>Councillor David Carter</p>	<p><u>Contract Award – Fire Safety and External Refurbishment Works in 86-105 Foldcroft</u></p> <p>RESOLVED that the most tender submitted by Contractor A (A & E Elkins Limited, company registration number 00846751), is accepted in the revised sum of £535,259.05 (Option 1 in the report) for the delivery of internal and external refurbishment and fire safety works to 86 – 105 Foldcroft based on a twelve-week working programme and ten-week lead in (subject to contract and leaseholder consultation).</p>	<p>To enable the Council to enter into a formal contract for refurbishment and fire safety works in compliance with Contracts Standing Orders in line with the Council’s priority to transform Harlow’s Housing.</p>	<p><u>Option 1 (Recommended) - Proceed with the refurbishment work</u></p> <p>Proceeding with refurbishment will remedy risks and hazards identified in the fire risk assessment, improve the condition and thermal efficiency of</p>	<p>None</p>	<p>Yes</p>

the building structure, communal areas and exterior of the block, thus reducing repairs and maintenance costs and ensuring compliance with the Councils legal obligations as Freeholder and Landlord.

Option 2 -
Withdraw the
refurbishment
work

Withdrawal of the works will result in further deterioration and failure of non-serviceable elements of the building structure, communal

areas and exterior of the block.

To mitigate this, the block must be maintained to ensure it is weathertight and therefore habitable, free from defect, disrepair in compliance with the decent home's standard.

Recommendations from the fire risk assessment won't be addressed thus Harlow Council will not be meeting their legal obligations to keep residents safe if withdrawn.

Additionally,
Harlow Council
will not be
adhering to the
following legal
and duty of
care
requirements
as Landlord: -

- Landlord
and Tenant
Act 1985
(Section 9
&11)
- [Homes
\(Fitness for
Human
Habitation\)
Act 2018](#)
- Housing
Act 2004
(The
Housing
Health and
Safety
Rating
System
(HHSRS))
- The
Regulatory
Reform
(Fire
Safety)

- Order 2005
- Building Safety Act 2022
- The Fire Safety (England) Regulations 2022
- Decent home standard

Option 3 - Reduce the package/partially undertake the work

Works can be undertaken separately or only partially but there is a risk that this approach would leave Harlow Council open to litigation due to failure to adhere to the legislation detailed above

where health and safety issues, failing or deteriorated elements of the building are not addressed.

It is more cost effective to package works together to benefit from the economy of scale and to reduce duplicating or increasing costs that form a package of refurbishment works such as site set up, welfare, contractor prelims, management costs etc. that would be attracted if the works weren't undertaken collectively.

Option 4 - Use
alternative
contractor (B,
C or D)

The Council
award
contracts
based on the
most
advantageous
tender. We
consider, not
only price but
also quality as
follows: -

- evidenc
e of
qualifications,
experience,
method
statements
and risk
management
- how
proposed
procurements
could make
local
improvements
and how these
could be

			<p>delivered via the procurement process</p> <ul style="list-style-type: none">- how what is being procured may improve the economic, social and environmental wellbeing of Harlow and the surrounding areas- equality, diversity and sustainability issues	
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