



City of Westminster

Cabinet Member Report

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| Decision Maker: | Cabinet Member |
| Date: | 14 March 2024 |
| Classification: | Part Exempt: Appendix 2 is exempt from publication under Schedule 12A of the Local Government Act 1972 |
| Title: | Direct Award of Structural Survey Services – High-Rise Blocks |
| Wards Affected: | Little Venice, Westbourne, Pimlico South, Vincent Square, Marylebone |
| Policy Context: | To ensure compliance with Fire Safety Act 2021 and Building Safety Act 2022 |
| Cabinet Member: | Councillor Liza Begum, Cabinet Member for Housing Services |
| Key Decision: | No |
| Financial Summary: | <p>Leaseholder and Flexible Owner contribution £150,500 (restricted to £250 per leaseholder - S20 consultation will not be undertaken)</p> <p>Payable by the Council £219,851 (including £19,026 leaseholder and flexible owner costs which cannot be recovered)</p> <p>See Appendix 2 – commercial sensitivity</p> |
| Report of: | Sarah Warman, Strategic Director Housing and Commercial Partnerships |

1. Executive Summary

The purpose of this paper is to request Cabinet Member approval of a direct award of Structural Survey Services to Ridge and Partners LLP (Companies House Registration no. OC309402).

The route to market is via the Communities in Housing Investment Consortium which allows a Direct Award under Lot 2 Consultancy Framework - utilising the JCT CA with Westminster City Council amendments. Ridge LLP is the top ranked supplier on this framework.

This appointment is to conduct Structural Surveys to higher risk, high-rise buildings within Westminster's Housing portfolio, and in line with new legislation, the Building Safety Act 2022. Surveys will be conducted in all block common parts and a 10% sample of individual dwellings will be carried out in each High-Rise Building, as outlined in the programme.

A pilot programme has been agreed of 13 identified high-rise blocks. Access will be arranged through the supplier and in partnership with WCC.

The budget for stages 1 and 2 of the Surveys is £370,351 including VAT.

The objective is to complete the surveys to 13 buildings registered with the Buildings Safety Regulator as Tranche 1 – highest risk category; to meet statutory requirements under the Building Safety Act 2022 and the Fire Safety Act 2021.

The work will commence in February 2024 and estimated to end 30 April 2024, subject to variation.

Value for Money

Value for money will be achieved by using a compliant competitively tendered framework awarded in September 2021 which was subject to a rigorous tender process in line with the Public Contract Regulations 2015, saving time and demonstrating competitive rates.

It must be noted that these works are urgent, high risk and related to statutory regulatory requirements. A benchmarking exercise was carried out to ascertain how the consultant compares to those on the Communities for Housing Investment Consortium Consultancy Framework. Framework rates have been compared to ensure that the contract provides value for money and ensures the best possible outcome for the Council.

2. Recommendations

It is recommended that the Cabinet Member:

- Approve the direct award for Structural Survey Services to Ridge and Partners LLP.
- Approve the estimated cost for Stages 1 & 2 - £370,35 (including VAT), of which the cost to Council will be £219,851, including £19,026 unrecoverable leaseholder costs (including VAT) and the cost to leaseholders will be £150,500.
- Approve the works to proceed without leaseholder consultation, limiting leaseholder contribution to £250 per leasehold property.

3. Reasons for Decision

In England and Wales, the Government has introduced new legislation (the Building Safety Act 2022) covering the design, construction, and management of higher-risk buildings (existing and new) and the building control regime.

The legislation is designed to provide greater safety, quality, transparency of the building process and accountability of the professionals involved. Furthermore, the Act aims to provide key stakeholders, such as residents, with reassurance and confidence that the buildings they reside in are safe and fit for purpose.

WCC is currently in the process of procuring a long-term solution for this requirement, however this will not be in place until summer 2024. There is an immediate requirement for services identified below.

A requirement has been identified to appoint a suitably qualified and competent Consultancy to carry out structural surveys, across Westminster City Council's (WCC) 134 building high-rise high-risk property portfolio, as registered with the Building Safety Regulator.

We are seeking permission to carry out surveys on the 13 buildings which have been placed in Tranche 1 – the highest risk category; to ensure commencement of our inspection programme in advance of the 1 April 2024 deadline. We are preparing Building Safety Cases for all 134 buildings and have identified the need to carry out structural and external wall surveys to provide additional information to meet this new legislative requirement.

4. Background, including Policy Context

Legislation (*Building Safety Act 2022*) requires the Council to understand buildings in greater detail and their structural integrity. The scope of the contract is to deliver Tranche 1 (highest risk high rise) survey's to WCC's

High-Rise Higher-Risk property portfolio; 13/134 surveys. Any minor repairs, emergency works, or replacement works in the Councils portfolio will be carried out under the terms of the Councils Project Obsequiou Minor Works Contract.

| Property Name | Street Name | Estate Code | Postcode | Construct ion Age | Storeys | Building Height in Meters | no of leaseholders & flexible owners | no of tenants | TOTAL |
|--------------------|----------------------|-----------------------|-----------|-------------------|---------|---------------------------|--------------------------------------|---------------|-------|
| Braithwaite Tower | Hall Place | Hall Park Estate | W2 1LR | 1967 | 22 | 55.93 | 39 | 41 | 80 |
| Brinklow House | Torquay Street | Brindley Estate | W2 5EN | 1965 | 21 | 55.05 | 70 | 55 | 125 |
| Gaydon House | Bourne Terrace | Warwick Estate | W2 5TG | 1965 | 21 | 55.84 | 41 | 84 | 125 |
| Glastonbury House | Warwick Way | Abbots Manor Estate | SW 1V 4NP | 1969 | 23 | 59.57 | | 162 | 162 |
| Hall Tower | Hall Place | Hall Park Estate | W2 1LN | 1967 | 22 | 55.93 | 29 | 51 | 80 |
| Hide Tower | Regency Street | Regency Street Estate | SW 1P 4AA | 1961 | 22 | 59.4 | 48 | 114 | 162 |
| Keyham House | Westbourne Park Road | Brunei Estate | W2 5UH | 1973 | 21 | 50.33 | 35 | 62 | 97 |
| Luxborough Tower | Luxborough Street | | W1U 5BF | Circa 1972 | 23 | 59.21 | 80 | 35 | 115 |
| Oversley House | Alfred Road | Brindley Estate | W2 5HE | 1965 | 21 | 55.37 | 65 | 60 | 125 |
| Parsons House | Hall Place | Hall Park Estate | W2 1NE | 1969 | 22 | 52.73 | 54 | 65 | 119 |
| Polesworth House | Alfred Road | Brindley Estate | W2 5HB | 1965 | 21 | 55.45 | 70 | 55 | 125 |
| Princethorpe House | Woodchester Square | Warwick Estate | W2 5SU | Circa 1965 | 21 | 55.29 | 32 | 93 | 125 |
| Wilmcote House | Woodchester Square | Warwick Estate | W2 5SS | 1965 | 21 | 55.05 | 37 | 87 | 124 |

All Structural Surveys are to be completed and uploaded into WCCs Health and Safety Management System 'Shine'. The 'Shine' system is part of WCC's processes in recording all building information and risk within the portfolio.

5. Financial Implications

The surveys outlined within this report are one-off requirements to inform the Building Safety Case (BSC) for each block. An allowance was made in the revised HRA Business Plan to cover one-off activity needed to ensure that the Council reached initial compliance with the requirements of the Building Safety Act. The £219,851 required for the Stage 1 & 2 surveys will be covered by this funding allocation within the HRA (as will any further surveys for Stages 3-6), with the remaining £150,500 recovered via leaseholder recharges as noted.

The output from the surveys may identify a need for preventative maintenance and/or remedial works. Whilst the potential cost impact of this is not yet known, provision has still been made within the HRA Business Plan to account for potential increases in spend (with an additional £10m per annum allocated to the annual programme for major works). This would be expected to be capital expenditure.

6. Legal Implications

In consideration of the Building Safety Regulator Strategic Plan 2023 - 2026 which has set out the Road Map from April 2023 – March 2023:

In early 2024

- It is proposed that all other duties in relation to the Accountable Person and Principle Accountable Persons (PAP) in HRB's will come into force
- A residents complaint system is to be set up and the strategic plan mentions that the BSR will begin acting on un-remediated HRBs
- The BSR is to set up a national register for HRBs, which will provide a searchable portal for the first time in England

Consolidation (April 2024-March 2025)

- The strategic plan details how in Spring 2024, the BSR will be enforcing the regulatory regime and will establish the regulated building control profession.
- The BSR will use this period to call in occupied HRB's for assessment of their compliance with the new duties to assess and manage building safety risks.
- The PAP of a HRB will be committing an offence if their building is occupied but not registered.
- The BSR will direct PAP's of occupied HRB's to apply for a building assessment certificate in relation to the registered building.

The BSR aims to, by their first year of accessing occupied HRB's to have assessed 20% of buildings. The BSR also intend to inspect Building Control Bodies, 20% of all Local Authorities and RBCAs are to be inspected and actioned appropriately.

7. Carbon Impact

The decision will have no carbon impact.

8. Equalities

Not applicable.

9. Consultation

Limited consultation has been carried out due to the urgency of this work. The Residents Engagement Team will be writing to Ward Councillors in Wards where surveyed blocks are situated and contacting Residents Associations for effected buildings.

In addition, we will be contacting tenants and leaseholders explaining why the surveys are needed and providing:

- FAQs
- Contact details for further information
- The surveyors will be issued with a letter of introduction which will be exhibited upon request.

**If you have any queries about this Report or wish to inspect any
of the Background Papers, please contact:**

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APPENDICES

1. Fee Estimate from Ridge and Partners LLP
2. Commercial Analysis – Exempt

BACKGROUND PAPERS

None

Declaration of Interest

I have no interest to declare in respect of this report.

NAME: **Councillor Liza Begum**

DATE: 14 March 2024

For the reasons set out above, I agree the recommendation(s) in the report entitled Building Safety Surveys and reject any alternative options which are referred to but not recommended.

Signed: **Councillor Liza Begum**

Cabinet Member for Housing Services

Date: **14 March 2024**

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.