

# Document Pack



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
Chief Executive,  
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County Hall, Carmarthen. SA31 1JP

**THURSDAY, 17 MARCH 2016**

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR RESOURCES** WHICH WILL BE HELD IN **DEMOCRATIC SERVICES COMMITTEE ROOM, COUNTY HALL, CARMARTHEN**, AT 11.00 AM, ON **THURSDAY, 24TH MARCH, 2016** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Mark James*

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Michelle Evans Thomas</b>
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<b>Ref:</b>	<b>AD016-001</b>

# AGENDA

1. DECLARATIONS OF PERSONAL INTEREST
2. TO SIGN AS A CORRECT RECORD THE DECISION RECORD OF THE MEETING HELD ON THE 3RD MARCH 2016 3 - 6
3. PROPERTY MAINTENANCE & CONSTRUCTION DIVISION - MONITORING OFFICER AND SECTION 151 OFFICER EXCEPTION REPORTS/ COMMERCIAL ROOFING/DECORATION ALLOWANCE REPORTS 7 - 40
4. FOLLOWING CONSIDERATION OF ALL THE CIRCUMSTANCES OF THE CASE AND FOLLOWING THE APPLICATION OF THE PUBLIC INTEREST TEST THE EXECUTIVE BOARD MEMBER MAY CONSIDER THAT THE FOLLOWING ITEMS ARE NOT FOR PUBLICATION AS THEY CONTAIN EXEMPT INFORMATION AS DEFINED IN PARAGRAPHS 12 & 14 OF PART 4 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT, 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) (WALES) ORDER 2007
5. FORMER TENANT DEBT WRITE-OFF 41 - 48

**EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR  
RESOURCES**

**THURSDAY**, 3 March 2016

**PRESENT: Councillor:** D.M. Jenkins (Executive Board Member).

**The following Officers were in attendance:**

J. Gravelle, Revenue Services Manager;  
S. Lewis, Assistant Area Manager;  
M.S. Davies, Democratic Services Officer

**Democratic Services Committee Room, County Hall, Carmarthen - 10.00 - 11.30 am**

**1. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**2. DECISION RECORD OF MEETING HELD ON 11TH JANUARY, 2016**

**RESOLVED** that the decision record of the meeting held on the 11<sup>th</sup> January, 2016 be signed as a correct record.

**3. REPORTS NOT FOR PUBLICATION**

**RESOLVED** pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 that the following items were not for publication as the reports contained exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A to the Act.

**4. FORMER TENANT DEBT WRITE-OFF**

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute 3 above not to publicise the content of the report as it contained exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14 of Part 4 of Schedule 12A to the Act).

The public interest test in this matter related to the fact that the report included personal data relating to former council tenants, including details of their rent arrears. The publication of individual debts was unwarranted and would prejudice the rights and freedoms of the relevant data subjects. Accordingly, the public interest in disclosure was outweighed by the public interest in maintaining confidentiality.

The Executive Board Member considered a report prepared in accordance with the Council's Financial Procedure Rules seeking the write-off of former tenant debts in excess of £1,500. The Former Tenant Arrears Policy clearly detailed the criteria which needed to be met when determining whether it was uneconomical to pursue a former tenant debt any further.

The Executive Board Member considered a schedule of cases for write-off, all of which met the requirements of the policy.

**RESOLVED** that the former tenant debt arrears detailed within the report be written-off as irrecoverable.

## 5. IRRECOVERABLE ACCOUNTS

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute no. 3 above not to publicise the content of the report as it contained exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14 of Part 4 of Schedule 12A to the Act).

The public interest test in this matter related to the fact that the report contained information about individuals' indebtedness and/or personal information. Although public disclosure of the report would promote accountability for public finances, it would release confidential financial information. On balance therefore, the public interest in disclosure at this time was outweighed by the public interest in maintaining confidentiality.

The Executive Board Member considered a report detailing Council Tax Accounts, sundry debt accounts and non-domestic rates accounts which had been identified as being irrecoverable. Recovery procedures, where appropriate, had been exhausted and there was no likelihood of payment being secured. It was therefore considered appropriate to write off those accounts.

**RESOLVED** that the accounts detailed within the report be written off as irrecoverable.

## 6. NON-DOMESTIC RATES - DISCRETIONARY RELIEF

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute no. 3 above not to publicise the content of the report as it contained exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14 of Part 4 of Schedule 12A to the Act).

The public interest test in this matter related to the fact that the report contained information regarding the individual ratepayers' recent financial history and/or personal information. Although public disclosure of the report would promote accountability for public finances, it would release confidential financial information. On balance, therefore, the public interest in disclosure at this time was outweighed by the public interest in maintaining confidentiality.

The Executive Board Member considered two applications for Hardship Relief under the provisions of Section 49 of Local Government Finance Act 1988 as amended.

**RESOLVED** that applications reference 80019871 and 80020344 be awarded a 50% reduction in their current liability, as indicated in the report.

## 7. COUNCIL TAX - DISCRETIONARY REDUCTIONS

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute no. 3 above not to publicise the content of the report as it contained exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14 of Part 4 of Schedule 12A to the Act).

The public interest test in this matter related to the fact that the report

contained information that identified individuals that are liable to pay Council Tax. Although public disclosure of the report would promote accountability for public finances, it would release confidential information that was not in the public domain and which would not normally be disclosed to third parties. On balance, therefore, the public interest in disclosure at this time was outweighed by the public interest in maintaining confidentiality.

The Executive Board Member considered a report detailing applications which had been received for discretionary reduction of Council Tax.

It was noted that regulations had been introduced with effect from April 2004 giving Local Authorities discretionary powers to grant locally determined Council Tax discounts or reductions, over and above existing statutory reductions.

## RESOLVED

7.1	to award a 50% discount for the 3 financial years 2010/11,2011/12 and 2012/13 in respect of application references 60270865 and 60270859;
7.2	that application reference 60263346 be refused;
7.3	that, due to the exceptional circumstances detailed within the report, a 50% discount be awarded in respect of the current account, reference 60312252.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
DATE

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DATE 24<sup>TH</sup> MARCH 2016

<b>Executive Board Member:</b>	<b>Portfolio:</b>
<b>Cllr. David Jenkins</b>	<b>Resources</b>

**Subject: Property Maintenance & Construction Division – Monitoring Officer and Section 151 Officer Exception Reports/Commercial Roofing/Decoration Allowance Reports**

**Purpose: Approval required to comply with Contract Procedure Rules**

## **Recommendations / key decisions required:**

Approval is sought to extend the existing arrangements for the periods defined within the Reports and continue with the current practices for the procurement of Commercial Roofing/Decoration Allowance Provision

## **Reasons:**

As outlined within the Reports

<b>Directorate Environment</b> Name of Head of Service: <b>Mark V Davies</b> Report Author: <b>Emyr Phillips</b>	<b>Designation</b> <b>Area Building Manager</b>	<b>Tel No.</b> <b>01267 225854 (Ext 5554)</b> <b>E Mail Address:</b> <b>IEPhillips@carmarthenshire.gov.uk</b>
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**Declaration of Personal Interest (if any):**

None

**Dispensation Granted to Make Decision (if any):**

N/A

(If the answer is yes exact details are to be provided below:)

**DECISION MADE:**

Signed:

DATE: \_\_\_\_\_

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted <b>subject to the amendment(s) and reason(s) specified:</b>	
Reason(s) why the Officer's recommendation was <b>not adopted:</b>	



## EXECUTIVE SUMMARY

### Executive Board Member for Resources – Decisions Meeting 24<sup>th</sup> March 2016

#### Property Maintenance & Construction Division – Monitoring Officer & Section 151 Officer Exception Reports/Commercial Roofing and Decoration Allowance Reports

1. The Property Maintenance and Construction Division procures the following key services on behalf of the Authority

- Servicing of and maintenance of fixed mechanical and electrical plant and equipment
- Maintenance of Sewer Treatment Works/Pumping Stations/Foul Drain Clearance/Tankering Services
- Arboricultural Works

2. Many of these services are required to comply with legislation and approved industry codes of practice and are essential to indemnify the Authority from potential prosecution and protect the health, safety and wellbeing of our residents, service users, pupils and staff.

3. The existing arrangements which cover the procurement of the above services are due to expire and approval is sought to extend the existing arrangements until a compliant procurement exercise is undertaken

4. In addition to the above the Division procures Commercial Roofing Works. Whilst the majority work in terms of value has been procured through competitive quotation exercises, it has not been in accordance with Financial Procedure Rules.

5. Approval is sought to extend current arrangements until the National Procurement Service (NPS) delivers a Regional National Framework for Commercial Pitched and Flat Roofing.

6. The New Homes Team within the Division undertakes repairs and maintenance to empty properties with the County. New tenants are offered a Decoration Allowance which can facilitate quicker sign-up of new tenants, thus reducing rent loss.

7. Approval is sought to formalise the current arrangement with Wilko's

8. The Division has been in consultation with the Corporate Procurement Division in examining the potential for the NPS to provide Frameworks to deliver some of these essential services. Whilst the provision of Electrical and Mechanical Services was identified as a potential tender opportunity, this is yet to materialise in both content and delivery.

9. The Division has also been attempting to develop a Regional Framework Partnership for Mechanical & Electrical Work with Ceredigion, Pembrokeshire, Neath & Port Talbot and Swansea Council but it was clear that other Authorities were unwilling to engage

DETAILED REPORT ATTACHED ?

YES

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mark Davies

Head of Property Maintenance and Construction

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	NONE	YES	NONE	YES	NONE	YES

## 1. Finance

- The Property Maintenance & Construction Division is currently not complying with Contract Procedure Rules in procuring these Services
- Extending the current arrangements would allow sufficient time for a compliant procurement exercise to be established.
- Whilst the current arrangements for procuring Commercial Roofing works offer value for money, they are not in compliance with Contract Procedure Rules
- Whilst the current arrangements with “Wilko’s” for Decoration Allowance offer value for money they are not in compliance with Contract Procedure Rules.
- If the Division procured decoration materials through the existing Framework (ie Travis Perkins/LBS) there would be additional costs incurred estimated at £30,000 per annum.

## 2. Risk Management Issues

- The Servicing of Fixed Electrical & Mechanical Plant & Equipment is a legislative requirement under the Health & Safety at Work Act 1974.
- Failure to undertake essential servicing would leave the Authority open to potential prosecution from the Health and Safety Executive and other statutory bodies.
- Failure to undertake essential servicing would not be compliant with the requirements of the Authority's insurers and would affect the safety and wellbeing of our residents, service users, pupils and staff.
- Failure to adequately maintain the Sewerage Assets – Pumping Stations and Treatment Works, or failure to react to any incident in a timely manner could ultimately lead to prosecution by Natural Resources Wales if it found that the Authority has negligently contaminated water courses, streams, rivers or land with sewage.
- Failure to undertake essential Commercial Roofing (for example on Industrial Premises) may lead to potential claims from tenants for damages/loss of business and a reduction in rental income if the properties are deemed not fit for purpose as a result

## 3. Physical Assets

- Failure to adequately maintain assets within the portfolio will lead to deterioration and may affect the value of properties.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mark Davies

Head of Property Maintenance and Construction

**1. Scrutiny Committee**

N/A

**2. Local Member(s)**

N/A

**3. Community / Town Council**

N/A

**4. Relevant Partners**

N/A

**5. Staff Side Representatives and other Organisations**

N/A

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THERE ARE NONE**

Title of Document	File Ref No.	Locations that the papers are available for public inspection

# Property Maintenance & Construction Division

## Monitoring Officer and Section 151 Officer Exception Reports

March 2016

## Summary Table

Report Number	Title	Page Number	Action
1	Mechanical & Electrical Maintenance Service Contract	3	To be included in a single Mechanical & Electrical Tender
2	Mechanical & Electrical Maintenance Service Arrangement	6	To be included in a single Mechanical & Electrical Tender
3	Mechanical & Electrical Repair, Maintenance & Upgrade (Commercial)	9	To be included in a single Mechanical & Electrical Tender
4	Sewage Treatment Works, Pumping Stations Maintenance and Foul Drain Clearance Arrangement	12	To be included in forthcoming Streetscene Tender
5	Arboricultural Works Framework	15	
Appendix 1	Mechanical & Electrical (Servicing)	18	
Appendix 2	Mechanical & Electrical (Repair/Maintenance/Upgrades/Installation)	19	

## EXCEPTION REPORT 1

**This is a Request for an Exception and Waiver to the Requirement of Competition - Contract Procedure Rules/Quotation Procedure Rules – (Condition 5.3) in relation to:-**

**Extension of Mechanical & Electrical Maintenance Service Contract (Boilers and Alarms) for a period of 9 months from 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 to establish a compliant procurement exercise.**

### **Background**

The Property Maintenance and Construction Division, acting on behalf of the Authority, has a legal obligation under Health and Safety at Work Legislation and various industry Approved Codes Of Practice to undertake periodic servicing and remedial maintenance to fixed Mechanical and Electrical plant and equipment within its property portfolio which includes 9,300 domestic residential and over 450 non-domestic premises including schools, care homes and administrative buildings.

Some 18 months prior to the cessation of the original tender efforts were made to develop a Regional Framework Partnership for the provision Mechanical & Electrical Services (CCC, Pembrokeshire, Ceredigion, Neath & Port Talbot and Swansea). It became clear that the other Authorities were unwilling to engage in the process.

Following this exercise, the National Procurement Service was established with officers from the Property Maintenance & Construction Division invited to a working group. The provision of Mechanical & Electrical Services was identified as a potential tender opportunity but this is yet to materialise in both content and delivery.

This service is currently being delivered by 3 providers namely

- Lorne Stewart
- Westward Energy Services
- Protec

The existing arrangement ceases on 31<sup>st</sup> March 2016.

### **Description of Goods/Service**

Undertake periodic servicing and remedial maintenance to fixed Mechanical and Electrical plant and equipment within Authority owned premises as outlined above. This equipment will include:

- All fuel commercial boiler plant & ancillary equipment
- All fuel domestic boilers/installations
- Fire and Intruder Alarms including firefighting equipment

The periodic servicing of these appliances is a Legislative Requirement under Health and Safety Legislation/Approved Codes of Practice and compliance with our

insurers' requirements to ensure the safety and wellbeing of our residents, service users, pupils and staff.

This service has been delivered via a Tender exercise undertaken by the Authority's Procurement section in 2011 for 3 years, with an optional 2 year extension which was taken up in 2014.

### Aims of Goods/Service

To meet the requirements of current legislation as outlined above and to preserve and extend the life of the asset and usage of same.

### Reasons

To comply with current UK Legislation and Industry Approved Codes of Practice and insurers' requirement.

### Alternative Contract/Frameworks

There are no existing alternative contracts/frameworks which deliver this service. Having consulted with the authority's Procurement section the National Procurement Service (NPS) approach is unclear in relation to this type of service.

### Legal Requirements

This is a statutory requirement as landlords/owners of premises under the Health & Safety at Work Act 1974 and Health & Safety Executive Approved Codes of Practice which have the consent of the Secretary of State

### Costs

Based on this financial year's spend to date projected for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 anticipated spend is estimated at £1,800,000.

Based on this estimate the total spend during the life of the contract, including the 9 month extension, has been approximately £13.8 million.

### Efficiencies

Efficiencies have not yet been identified but will be tested during the procurement exercise together with the introduction of e-commerce.

### TUPE

The Transfer of Undertakings (Protection of Employment) Regulations 2006 will be considered under the new tender arrangements.

### Request to Proceed

**I therefore seek approval to extend the current contract arrangements for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 and request an Exception and**



**Waiver to the Requirements of Competition – Contract Procedure Rules 5.3 as follows:-**

Any other exceptions to these Contract Procedure Rules shall only be given in exceptional circumstances and will be authorised by the relevant Executive Board Member following consideration of a report from the Lead Officer which details the reasons for the exception and which is supported by the Section 151 Officer and the Monitoring Officer.

Conclusion

This servicing of mechanical & electrical plant and equipment is a statutory requirement and the Authority would render itself open to prosecution by the Health & Safety Executive if it failed in its duties.

Name

Mark Davies

Position

Interim Head of Property Maintenance and Construction

## EXCEPTION REPORT 2

**This is a Request for an Exception and Waiver to the Requirement of Competition - Contract Procedure Rules/Quotation Procedure Rules – (Condition 5.3) in relation to:-**

**An extension of the existing Mechanical & Electrical Maintenance Service (Miscellaneous Plant & Equipment) Agreement for a period of 9 months from 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 to establish a compliant procurement exercise**

### **Background**

The Property Maintenance and Construction Division, acting on behalf of the Authority, has a legal obligation under Health and Safety at Work Legislation and various industry Approved Codes Of Practice to undertake periodic servicing and remedial maintenance to fixed Mechanical and Electrical plant and equipment within its property portfolio which includes 9,300 domestic residential and over 450 non-domestic premises including schools, care homes and administrative buildings.

Some 18 months prior to the cessation of the original arrangement efforts were made to develop a Regional Framework Partnership for the provision Mechanical & Electrical Services (CCC, Pembrokeshire, Ceredigion, Neath & Port Talbot and Swansea). It became clear that the other Authorities were unwilling to engage in the process.

Following this exercise, the National Procurement Service was established with officers from the Property Maintenance & Construction Division invited to a working group. The provision of Mechanical & Electrical Services was identified as a potential tender opportunity but this is yet to materialise in both content and delivery.

This service is currently being delivered by several providers (see attached Appendix 1)

As far as can be determined the existing arrangements ceased on 30<sup>th</sup> September 2015.

### **Description of Goods/Service**

Undertake periodic servicing and remedial maintenance to fixed Mechanical and Electrical plant and equipment within Authority owned premises as outlined in Appendix 1

The periodic servicing of these appliances is a Legislative Requirement under Health and Safety Legislation/Approved Codes of Practice and compliance with our insurers' requirements to ensure the safety and wellbeing of our residents, service users, pupils and staff.

This service has been delivered via a value for money exercise undertaken by Property Services officers in October 2010 for 3 years, with an optional 2 year extension which was taken up in 2013. Property Services have electronic evidence

to support the existence of the Tender exercise, albeit without the support of the Corporate Procurement Unit.

### Aims of Goods/Service

To meet the requirements of current legislation as outlined above and to preserve and extend the life of the asset and usage of same.

### Reasons

To comply with current UK Legislation and Industry Approved Codes of Practice and insurers' requirement.

### Alternative Contract/Frameworks

Whilst recognising that some of these services will not be delivered by in-house provision, we will be exploring opportunities for insourcing elements of the work e.g. fixed electrical testing (domestic premises) and Portable Appliance Testing.

A business case is currently being prepared.

There are no existing alternative contracts/frameworks which deliver this service.

Having consulted with the authority's Procurement section the National Procurement Service (NPS) approach is unclear in relation to this type of service.

### Legal Requirements

This is a statutory requirement as landlords/owners of premises under the Health & Safety at Work Act 1974 and Health & Safety Executive Approved Codes of Practice which have the consent of the Secretary of State

### Costs

Based on this financial year's spend to date projected for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 anticipated spend is estimated at £640,000.

Based on this estimate the total spend during the life of the contract, including the 9 month extension, has been approximately £4.9 million.

### Efficiencies

Efficiencies have not yet been identified but will be tested during the procurement exercise. Potential for future efficiency savings with the introduction of e-commerce and opportunities for insourcing

### TUPE

The Transfer of Undertakings (Protection of Employment) Regulations 2006 will be considered under the new tender arrangements.

### Request to Proceed

**I therefore seek approval to extend the current arrangements for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 and request an Exception and Waiver to the Requirements of Competition – Contract Procedure Rules 5.3 as follows:-**

Any other exceptions to these Contract Procedure Rules shall only be given in exceptional circumstances and will be authorised by the relevant Executive Board Member following consideration of a report from the Lead Officer which details the reasons for the exception and which is supported by the Section 151 Officer and the Monitoring Officer.

Conclusion

This servicing of mechanical & electrical plant and equipment is a statutory requirement and the Authority would render itself open to prosecution by the Health & Safety Executive if it failed in its duties.

Name

Mark Davies

Position

Interim Head of Property Maintenance and Construction

## EXCEPTION REPORT 3

**This is a Request for an Exception and Waiver to the Requirement of Competition - Contract Procedure Rules/Quotation Procedure Rules – (Condition 5.3) in relation to:-**

**An extension of the existing Mechanical & Electrical Repair, Maintenance & Installation Upgrade (Commercial) arrangements for a period of 9 months from 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 to establish a compliant procurement exercise**

### **Background**

The Property Maintenance and Construction Division, acting on behalf of the Authority, undertakes repair, maintenance and improvement works to fixed mechanical and electrical installations, plant, equipment and components within its property portfolio which includes 9,300 domestic residential and over 450 non-domestic premises including schools, care homes and administrative buildings.

The current arrangement with our providers is procured by various means in order to achieve best value:

- Schedule of Rates based on the Residential Contractor Framework commenced in May 2012
- Agreed hourly rates
- Competitive quotation exercises
- Limited National provision

Some 18 months prior to the cessation of the original arrangement efforts were made to develop a Regional Framework Partnership for the provision Mechanical & Electrical Services (CCC, Pembrokeshire, Ceredigion, Neath & Port Talbot and Swansea). It became clear that the other Authorities were unwilling to engage in the process.

Following this exercise, the National Procurement Service was established with officers from the Property Maintenance & Construction Division invited to a working group. The provision of Mechanical & Electrical Services was identified as a potential tender opportunity but this is yet to materialise in both content and delivery.

This service is currently being delivered by several providers (see Appendix 2)

### **Description of Goods/Service**

Undertake repair, maintenance and improvement works to fixed mechanical and electrical installations, plant, equipment and components within Authority owned premises as outlined in Appendix 2

The repair, maintenance and improvement works of these appliances is a Legislative Requirement under Health and Safety Legislation/Approved Codes of Practice and compliance with our insurers' requirements to ensure the safety and wellbeing of our residents, service users, pupils and staff.

Examples of work types governed by legislation include upgrading of Fire Alarms, Electrical Upgrades, RADON and Water Management Remedial Work.

#### Aims of Goods/Service

To meet the requirements of current legislation as outlined above and to preserve and extend the life of the asset and usage of same.

#### Reasons

To comply with current UK Legislation and Industry Approved Codes of Practice and insurers' requirement.

#### Alternative Contract/Frameworks

The existing Responsive, Minor Works and Disabled Adaptations Contractors Framework which commenced in September 2014 does not allow for this type of commercial work to be procured through that Framework.

There are no existing alternative contracts/frameworks which deliver this service. Having consulted with the authority's Procurement section the National Procurement Service (NPS) approach is unclear in relation to this type of service.

Whilst recognising that some of these services will not be delivered by in-house provision, we will be exploring opportunities for insourcing elements of the work

#### Legal Requirements

Elements of the work is a statutory requirement as landlords/owners of premises under the Health & Safety at Work Act 1974 and Health & Safety Executive Approved Codes of Practice which have the consent of the Secretary of State

#### Costs

Based on this financial year's spend to date projected for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 anticipated spend is estimated at £1,200,000.

Based on this estimate the total spend during the life of the contract, including the 9 month extension, has been £8.8 million.

## Efficiencies

Efficiencies have not yet been identified but will be tested during the procurement exercise. Potential for future efficiency savings with the introduction of e-commerce and opportunities for insourcing

## TUPE

The Transfer of Undertakings (Protection of Employment) Regulations 2006 will be considered under the new tender arrangements.

## Request to Proceed

**I therefore seek approval to extend the current arrangements for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 2016 and request an Exception and Waiver to the Requirements of Competition – Contract Procedure Rules 5.3 as follows:-**

Any other exceptions to these Contract Procedure Rules shall only be given in exceptional circumstances and will be authorised by the relevant Executive Board Member following consideration of a report from the Lead Officer which details the reasons for the exception and which is supported by the Section 151 Officer and the Monitoring Officer.

## Conclusion

The repair, maintenance, and installation upgrade of mechanical & electrical plant and equipment is a statutory requirement and the Authority would render itself open to prosecution by the Health & Safety Executive and other statutory bodies if it failed in its duties.

## Name

Mark Davies

## Position

Interim Head of Property Maintenance and Construction

## EXCEPTION REPORT 4

**This is a Request for an Exception and Waiver to the Requirement of Competition - Contract Procedure Rules/Quotation Procedure Rules – (Condition 5.3) in relation to:-**

**An extension of the existing Sewage Treatment Works, Pumping Stations Maintenance and Foul Drain Clearance arrangement for a period of 6 months from 1<sup>st</sup> April 2016 to 30<sup>th</sup> September 2016 to establish a compliant procurement exercise**

### **Background**

The function to maintain various Housing Sewage Treatment Works, Pumping Stations Tankering Services and undertake emergency Foul Drain Clearance was, up until October 2014, undertaken by the Authority's Hydrology Section. In October 2014 all staff employed within Hydrology were subject to a TUPE transfer to Welsh Water and the function became the responsibility of Property Services (now the Property Maintenance and Construction Division). The Division now maintains and undertakes tankering services to 15 treatment works, 13 commercial septic tanks and 29 pumping stations as well as providing a reactive foul drainage clearance service to 9,300 domestic residential and over 450 non-domestic premises including schools, care homes and administrative buildings.

This service is currently being delivered by 2 providers:

- Siddell Environmental Services (Tankering/Foul Drain Clearance/Camera Surveys)
- IWEK International (Maintenance of Electrically Operated Equipment)

The work is currently procured by means of agreed hourly rates for labour, materials plant & equipment.

### **Description of Goods/Service**

Undertake repair, maintenance and improvement works to various treatment works, commercial septic tanks and pumping stations including tankering services and the provision of a reactive foul drainage clearance service to properties as previously described. Undertake drain camera surveys when required and carry out any necessary remedial work to collapsed drains.

This service is provided on a 24/7 basis with both providers on standby to react to any incidents.



Failure to maintain these assets and react to any incident in a timely manner could ultimately lead to prosecution by Natural Resources Wales if it is found that we have negligently contaminated water courses, streams, rivers or land with sewage. Failure to provide a reactive foul drainage clearance service in a timely manner could prejudice the safety and wellbeing of our residents, service users, pupils and staff.

### Aims of Goods/Service

To meet the requirements of current legislation as outlined above and to preserve and extend the life of the asset and usage of same.

### Reasons

To comply with current UK Legislation and indemnify the Authority against potential prosecution through negligence by Natural Resources Wales. The risk is retained by the Authority due to delays in Asset Transfer of Pumping Stations to Welsh Water.

### Alternative Contract/Frameworks

There are no existing alternative contracts/frameworks which deliver this service. Having consulted with the Corporate Procurement section this service will be incorporated into the new Environment Department Framework for Gully Emptying and Hire of Road Sweepers (with Drivers) .The Corporate Procurement Unit is actively preparing tender documents.

### Legal Requirements

Elements of the work is a statutory requirement as landlords/owners of premises under the Health & Safety at Work Act 1974 .

### Costs

Based on this financial year's spend to date projected for the period 1<sup>st</sup> April 2016 to 30<sup>th</sup> September 2016 anticipated spend is estimated at £150,000.

### Efficiencies

Efficiencies have not yet been identified but will be tested during the procurement exercise.

### TUPE

The Transfer of Undertakings (Protection of Employment) Regulations 2006 will be considered under the new tender arrangements.

### Request to Proceed

**I therefore seek approval to extend the current arrangements for the period 1<sup>st</sup> April 2016 to 30<sup>th</sup> September 2016 and request an Exception and Waiver to the Requirements of Competition – Contract Procedure Rules 5.3 as follows:-**

Any other exceptions to these Contract Procedure Rules shall only be given in exceptional circumstances and will be authorised by the relevant Executive Board Member following consideration of a report from the Lead Officer which details the reasons for the exception and which is supported by the Section 151 Officer and the Monitoring Officer.

### Conclusion

Whilst this service has continued to be delivered successfully under the current arrangement, the Authority remains at risk from prosecution should the service fail. Whilst Welsh Water have made a commitment to adopt specific elements (Heol Stanllyd Cross Hands pumping station being one) the Authority will retain responsibility for others until the end of 2016. However not all the pumping stations will be adopted and the remaining assets and risks will remain with the Authority.

### Name

Mark Davies

### Position

Interim Head of Property Maintenance and Construction

## EXCEPTION REPORT 5

**This is a Request for an Exception and Waiver to the Requirement of Competition - Contract Procedure Rules/Quotation Procedure Rules – (Condition 5.3) in relation to:-**

**An extension of the existing Arboricultural Works Framework for a period of 12 months from 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017 to establish an in-house solution**

### **Background**

The Grounds Maintenance function is located within the Property Maintenance and Construction Division of Environment Department. The Service is provided to a variety of clients within the authority which include parks and open spaces, countryside division, cultural services, schools, housing and social care. The Grounds Maintenance section undertakes grass cutting to open areas and highway verges, sports pitches, maintenance of bowling greens & cricket squares in addition to arboricultural works which includes tree felling and pruning.

This service is currently being delivered by the following providers on a rota call-off basis:

- Topper Wales Ltd.
- Arb Wales
- Spencer Environmental Care and Construction
- WT Rees Landscaping.

The current arrangement with our providers is procured by various means of a Schedule of Rates based on the Arboricultural and Associated Works Tender which commenced in April 1<sup>st</sup> 2015, and includes full day and half day rates for day works.

The National Procurement Service has established the requirement for a Soft Facility Maintenance Services Tender, with officers from the Property Maintenance & Construction Division (Grounds) invited to a working group. The provision of Arboricultural Services was identified as a potential tender opportunity but this is yet to materialise in both content and delivery.

### **Description of Goods/Service**

Undertake tree felling and associated works on all Authority owned land in Carmarthenshire.

The requirement to undertake risk assessments and subsequent felling/pruning Legislative Requirement under Health and Safety Legislation and compliance with our insurers' requirements to ensure the safety and wellbeing of our residents, service users, pupils and staff.

### **Aims of Goods/Service**

To meet the requirements of existing current legislation as outlined above and to ensure the safety and wellbeing of our residents, service users, visitors, pupils and staff.

## Reasons

To comply with current UK Legislation and insurers' requirements .The Authority has a duty of care to ensure the safety and wellbeing of our residents, service users, visitors, pupils and staff.

## Alternative Contract/Frameworks

The existing Arboricultural Works Framework will cease on March 31<sup>st</sup> 2016. There are no existing alternative contracts/frameworks which deliver this service. Having consulted with the authority's Procurement section the National Procurement Service (NPS) approach is unclear in relation to this type of service. Whilst recognising that some of these services will not be delivered by in-house provision initially, we will be exploring opportunities for in-sourcing through re-training our own operatives.

## Legal Requirements

Elements of the work are a statutory requirement as landlords/owners of premises under the Health & Safety at Work Act 1974 and the Occupiers Liability Act 1984.

## Costs

Based on this financial year's spend to date projected for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017 anticipated spend is estimated at £80,000.

## Efficiencies

There are potential efficiencies through in-sourcing of service

## TUPE

The Transfer of Undertakings (Protection of Employment) Regulations 2006 will be considered under the new tender arrangements.

## Request to Proceed

**I therefore seek approval to extend the current arrangements for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017 and request an Exception and Waiver to the Requirements of Competition – Contract Procedure Rules 5.3 as follows:-**

Any other exceptions to these Contract Procedure Rules shall only be given in exceptional circumstances and will be authorised by the relevant Executive Board Member following consideration of a report from the Lead Officer which details the reasons for the exception and which is supported by the Section 151 Officer and the Monitoring Officer.

## Conclusion

The arboricultural and associated works to trees and is a statutory requirement and the Authority would render itself open to prosecution by the Health & Safety Executive and potential future insurance claims if it failed in its duty of care.

## Name

Mark Davies

## Position

Interim Head of Property Maintenance and Construction

## Appendix 1

Work Category	Service Provided - Service/Maintenance	Current Provider	£ Estimated Spend 1 <sup>st</sup> April to 30 <sup>th</sup> September 2016
Catering	Kitchen Equipment	JLA	60,000
Hygiene	Integral Washroom Equipment	Wallgate	7,500
Hygiene	Thermostatic Mixing Valves	Lorne Stewart	25,000
Hygiene	Clos-o-mat Units	Total Hygiene	1,250
Hygiene	Bedpan Washers	Stanbridge	1,250
Hygiene	Disinfectors	Arjo	5,000
Hygiene	Cisternmisers	D&C Controls	850
Hygiene	Sterilisers	Newsmith	500
Building Protection	Fall Arrest Systems	Access Testing	4,000
Lifts & Access	Passenger Lifts	Cardiff Lifts	50,000
Lifts & Access	Stair Lifts/Domestic Floor Lifts	TJ Services	3,250
Lifts & Access	Fixed Track Ceiling Hoists	TJ Services	300
Lifts & Access	Automatic Entrance Doors	Thomas Stained Glass	15,000
Lifts & Access	Medic Baths/Hoists	Arjo	5,000
Lifts & Access	Car Park Barriers	Frontier Pitts	7,500
Lifts & Access	Stage Lifts	Chase	650
Lifts & Access	Lifting Block Tackle	Lloyds British	400
Electrical Services	Fixed Electrical Testing/Remedials	Phillips Services	130,000
Electrical Services	PAT (Portable Appliance Testing)	Phillips Services	20,000
Electrical Services	Economy 7	Phillips Services	2,000
Electrical Services	Standby Generators	AM Power Solutions	4,250
HVAC*	LPG Testing (Commercial)	Lorne Stewart	5,000
HVAC	Oil Tank Risk Assessments (Commercial)	Lorne Stewart	5,000
HVAC	Gas Alarms	Lorne Stewart	350
HVAC	Overhead Heaters	Lorne Stewart	1,200
HVAC	Energy Controls	Lorne Stewart	10,000
HVAC	General Ventilation	Lorne Stewart	5,500
HVAC	Air Conditioning Systems	Lorne Stewart	9,000
HVAC	Pressure Systems	Lorne Stewart	4,000
HVAC	Fume Cupboards	Lorne Stewart	800
HVAC	Air Handling Units	Lorne Stewart	9,500
HVAC	Gas Tumble Driers	Lorne Stewart	500
Combined Heat & Power	CHP Ground Source	WDS Energy	300
Combined Heat & Power	CHP Carmarthen Leisure Centre	Ener-G	7,000
Sewerage	Bio Treatment Plant (Dylan Thomas Boathouse)	Pims Services	1,000
Fire Services	Fire Suppression Systems	Tyco	6,000
Fire Services	Water Sprinkler Systems	Tyco	15,000
Fire Services	Smoke Ventilation	Air Vent Systems	2,400
			<b>425,000</b>

\*HVAC = Heating, Ventilation, Air Conditioning

## Appendix 2

<b>Work Category</b>	<b>Service Provided - Repair/Maintenance/Upgrades/Installation</b>	<b>Current Provider</b>	<b>£ Estimated Spend 1<sup>st</sup> April to 30<sup>th</sup> September 2016</b>
Electrical	Electrical Installations	Charles Sams	60,000
Electrical	Electrical Installations	Iwec International	180,000
Electrical	Electrical Installations	RT Electrics	36,000
Electrical	Fire & Security	FAS	17,000
Electrical	Fire & Security	Security Centre	7,000
Electrical	Door Entry Systems/Maglocks/Roller Shutter Doors	Thomas Stained Glass	75,000
Mechanical	Mechanical Installations	FP Hurley	20,000
Mechanical	Mechanical Installations	JW & E Morris	20,000
Mechanical	Mechanical Installations	Lorne Stewart	250,000
Mechanical	Mechanical Installations	GD Thomas	30,000
Mechanical	Mechanical Installations	Hertel	30,000
Mechanical	Mechanical Installations	J&D Water Management	30,000
Mechanical	Refrigeration	Coldpoint	14,000
Mechanical	Ventilation	Pontardawe Air Movements	23,000
Radon	Monitoring/Remedial Work	RPW Radon Wales	8,000
			<b>800,000</b>

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# Commercial Roofing – Repair, Maintenance & Installation Upgrades to the Property Portfolio

March 2016

## Contents

Background  
Description of the Goods/Service  
Alternative Contracts/Frameworks  
Financial Implications  
Decision Required

## Background

The Property Maintenance and Construction Division, acting on behalf of the Authority, undertakes repair, maintenance and improvement works to Commercial Roofing within its property portfolio which includes 9,300 domestic residential and over 450 non-domestic premises including schools, care homes industrial estates and administrative buildings.

Commercial Roofing work is mostly undertaken on the Authority's non-housing portfolio and includes flat roofs (traditional built-up felt and liquid plastic coated systems) to various schools/ public buildings and pitched sheet roofs to commercial industrial estate properties.

The main provider of this service is Central Roofing Ltd, and the service is procured by agreed hourly rates/charges for responsive work and competitive quotation exercise for planned work (revenue and capital) schemes.

Whilst the existing Responsive, Minor Works and Disabled Adaptations Contractors Framework which commenced in September 2014 caters for domestic roofing ,the Contractors on that Framework do not have the competencies or expertise for direct provision of Commercial Roofing.

## Description of the Goods/Services

Undertake repair, maintenance and improvement works to commercial roofing elements and components within Authority owned premises to preserve and extend the life of the asset and usage of the same.

The repair, maintenance and improvement works of these elements is key to protect the Authority against potential claims for damage/loss of earnings and continuity of income - particularly on the Industrial portfolio - and to ensure the overall safety and wellbeing of our residents, service users, tenants, pupils and staff. As landlords/owners of premises the Authority has a statutory duty to keep its premises in a reasonable state of repair.

## Alternative Contracts/Frameworks

The existing Responsive, Minor Works and Disabled Adaptations Contractors Framework which commenced in September 2014 does not allow for this type of commercial work to be procured through that Framework.

There are no other existing alternative contracts/frameworks which deliver this service.

Having consulted with the Corporate Procurement section the National Procurement Service (NPS) are not directly establishing a Framework which will deliver this type of service. The London Housing Consortium (LHC) has announced it will shortly commence the tender process for its new Pitched Roofing and Flat Roofing Framework with values of works between £5k and £250k across 20 Regional Lots including a South Wales region. NPS have announced that this Framework will be available to the Welsh Public Sector.

## Financial Implications

Based on this financial year's spend to date projected for the period 1st April 2016 to 30th September 2016 anticipated spend is estimated at £360,000.

## Decision Required

Approval is sought to extend the current arrangements for the period 1st April 2016 to 30th September 2016 and request an Exception and Waiver to the Requirements of Competition.

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# Decoration Allowances for Void Housing Properties

March 2016

## Contents

Background
Decoration Allowance Budget
Average Costs
New Homes Team Achievement
Suppliers
Recommendations

## Background

In April 2013 the New Homes Team was created to manage the Voids Process in a joint initiative between Housing and Building Services. The whole process of void management was reviewed at length and new processes were developed. One of the more significant changes was the move away from a set Void Standard to a more flexible approach of meeting the ingoing tenant's needs. Each tenant is dealt with on a case by case basis and the New Homes Team Officers are trusted to negotiate and order remedial works to meet the individual needs of the tenants. The Decoration Allowance forms an important part of this service as the decoration of, or the ability to decorate, their new home has proven to be very important to new tenants.

## Decoration Allowance Budget

The control of the Decoration Allowance Budget was only passed across from Housing Services management to the Property Maintenance and Construction Division in October 2015. The approved budget has risen over recent years from £50k in 2012/13 to £100k in the current financial year, driven by a large overspend in the last financial year

## Average Costs

As at the end of January 2016, 465 Decoration Allowance Vouchers had been processed at the cost of £64k. The average spend per property is therefore just over £135. Taking into account Vouchers in the system and the total number of properties let this year it would indicate that there are 150 properties that were let without decoration allowances.

In some cases decoration is carried out whilst the properties are void. This usually occurs because the property is in poor condition or occasionally when the ingoing tenant does not have the capacity to physically carry out redecoration works. The cost of redecorating a home, based on current Schedule of Rates elements would be in the region of £3,500.

The average void cost of a non-capital works void is estimated to be in the region of £2,700. The Decoration Allowance is a very useful tool in controlling the overall void cost.

## New Homes Team Achievements

Whilst keeping overall expenditure amounts comparable with pre 2013 spend, the New Homes Team has reduced Rent Loss through void periods by around £500k over three years. It has also seen customer satisfaction rise to a level where 99% of new tenants rate the service they received as good to excellent. 85% of new tenants have awarded the Team a 10 out of 10 rating.

## Suppliers

For several years, the only firm which Housing Services worked in partnership with were Wilko's (previously Wilkinsons). The incoming tenant is given an appropriate Allowance at the discretion of the New Homes Team Officer. The voucher can be used to purchase decorating materials (paint, brushes, wallpaper) at any Wilko's store within the County

During the 2013/14 financial year we also entered into an agreement with Dulux Decorating Centres but this has not proven to be popular with Tenants and take up on this particular scheme has been low. There has been some take up from people who have no transport as this scheme does have the option of a home delivery service.

We have now had the opportunity to investigate whether the Contractor Framework suppliers (LBS and Travis Perkins) are able to meet the demands of our Customers

An appraisal based on cost, customer choice and ease of access to our customers has been undertaken and the findings are outlined below

### Accessibility

Most of the framework suppliers' stores and depots are located out of town on industrial estates, therefore making it difficult for customers reliant on public transport.

The Wilko stores are predominantly located within Town Centres so have a greater accessibility for members of the public

### Customer Choice

Whereas the choices of paints and decorating equipment are comparable, there appears to be a far greater choice of wallpaper/wallcovering available within Wilko's. Bearing in mind the age of most of our homes it is often wall paper which is the most suitable choice for many of our customers.

Cost

Below is a comparison of a number of items that are regularly collected by our customers

Product	Wilko	Travis	LBS
9" paint tray	£1.50	£1.45	£3.73
Extending pole roller	£5.00	£7.95	£5.90
Paint roller kit	£3.00	£6.75	£3.06
White matt emulsion trade 5lt	£10.90	£21.16	£13.50
Dust mask pack of 3	£1.75	£7.38	£4.32
Sand paper sponges pack of 3	£2.00	£6.54	£2.61
Dulux matt coloured mix (CHIC SHADOW)	£16.40	£18.96	£22.67
4" Paint brush (no loss)	£5.00	£9.50	£5.95
Wall paper adhesive	£3.00	£4.50	£1.86
Painters caulk	£1.00	£1.29	£1.04
Dulux gloss per litre	£12.95	£8.95	£9.64
25 x 50 mm masking tape	£1.50	£1.55	£2.47
White spirit 750 ml	£1.50	£1.17	£1.99
Trade undercoat 2.5 lt	£6.75	£18.96	£18.08
Silk magnolia trade paint 5 lt	£12.00	£26.75	£14.99
	<b>£84.25</b>	<b>£142.86</b>	<b>£111.81</b>
<b>PLUS VAT 20% TOTAL</b>	<b>£101.10</b>	<b>£171.43</b>	<b>£134.13</b>

## Recommendations

This report clearly identifies the benefit of maintaining the services of Wilko's.

Approval is sought to:

- Continue with the current practice of providing decoration Vouchers, based on Officers discretion as part of the overall Void service
- Wilko's and the Dulux Decorating Centre to be formally added to list of authorised suppliers because of the options they offer our customers
- LBS and Travis Perkins be used to satisfy specific customer requirements if necessary via the existing Framework



# Agenda Item 5

By virtue of paragraph(s) 14 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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