

## Decision Report – Lead Member Decision

Forward Plan Reference: FP/23/09/24

Decision Date – 13 November 2023

Key Decision – yes

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### Bathroom replacement programme 2023-27

Executive Member(s): Lead Member for Communities, Housing and Culture

Local Member(s) and Division: N/A

Lead Officer: Ian Candlish

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### Summary / Background

1. Somerset Council owns and manages approximately 6000 social rented homes in the Taunton area (prior to April 2023, Somerset West and Taunton District) and under the capital maintenance programme needs to ensure continued compliance with the Decent Homes Regulatory Standard. The Council has a need to implement a long-term programme to install replacement bathrooms to its domestic properties. The Council has a specific need to replace 210 bathrooms in the 2023/24 financial year (ending 31/03/2024). The annual demand thereafter is forecast to be at a similar level. The annual value of the contracts will be c£870,000 across all of the three contracts and the potential total spend over four years is expected to be approximately £3.5m.
2. The requirement was divided into three Lots based on geographic postcode and split to provide approximately equal volumes of work for each contractor on commencement of the contract. The contract will be a separate JCT Measured Term Contract for each contractor. Approval is sought for the award of three contracts to three different contractors following a procurement procedure carried out in accordance with the authority's Contract Procedure Rules and Standing Orders, and Public Contracts Regulations 2015.

### Recommendations

3. The Lead Member for Communities, Housing and Culture agrees:
  - a. To approve the award of three contracts for an initial period of 12 months, with an option to extend by mutual agreement for up to a further 12 months, followed by a

further extension option of 24 months by mutual agreement, providing for a potential four-year contract term in total.

- b. To approve the delegation of authority to the Service Director for Housing, in conjunction with the Service Director for Finance and Procurement, to approve the further extensions of the contracts subject to mutual agreement.

### **Reasons for recommendations**

4. The appointment of three contractors will provide the Council with a more resilient supply chain for the installation of bathrooms and support the Council in meeting its obligations under the Decent Homes Regulatory Standard. It will also improve the Council's assets.
5. This programme is discrete and will only affect Somerset Council's social housing tenants. Improved delivery of the programme should help to support tenant satisfaction with their home.

### **Other options considered**

6. These contracts support the Council in meeting its obligations under the Decent Homes Regulatory Standard, not to install new bathrooms would result in a breach of the Regulatory Standard.
7. The provision of these works, following a competitive procedure via the Westworks Dynamic Purchasing System (DPS) that resulted in nine bids received from external contractors, means that the market has been well-engaged and value for money fully tested. To have run an open competition may have increased the number of contractors expressing an interest, but these may not necessarily have been competent contractors and this approach would have increased the procurement timeline.

### **Links to Council Plan and Medium-Term Financial Plan**

8. The costs are accounted for fully within the Housing Revenue Account (HRA), with funding for work included in the approved HRA budget for 2023/24 and projected forward within the HRA Medium Term Financial Plan and 30-Year Business Plan.
9. The provision of good housing supports the Council Plan and is a particularly key element in delivering the 'A Healthy and Caring Somerset' and 'A Fairer, Ambitious Somerset' priorities.

### **Financial and Risk Implications**

10. Refer to paragraph 8 with regard to financial implications.
11. These contracts are essential in supporting the management of the following corporate risks.

CMSH0030 HRA: Failure to maintain housing stock through robust repairs and capital works leading to deterioration of housing stock and customer dissatisfaction.					
<b>Current</b>					
Likelihood	4 Likely	Impact	4 Major	Risk Score	16 Very high
<b>Projected</b>					
Likelihood	2 Slight	Impact	2 Minor	Risk Score	4 Very low
CMS0065 HRA: Decent Homes Compliance – Failure to deliver decent homes capital programme and inability to report overall decency to RSH leading to breach of statutory reporting requirements and reputational damage.					
<b>Current</b>					
Likelihood	3 Feasible	Impact	3 Significant	Risk Score	9 Medium
<b>Projected</b>					
Likelihood	1 Very unlikely	Impact	2 Minor	Risk Score	2 Very low

### Legal Implications

12. Detail any legal implications of the recommendations. Legal Services have also reviewed the JCT Form of Contract and the Somerset Schedule of Amendments. Proposed additions to the Schedule of Amendments will be incorporated into the final agreements.
13. The Head of Commercial and Procurement has reviewed the procurement evaluation report and is satisfied to proceed.

### HR Implications

14. This work will be carried out by third party contractors and existing Somerset Council staff will be unaffected by the works. The contractors were required to provide a Resident Liaison Officer under the Specification of requirements and in accordance with the Equality Impact Assessment, and this is costed into their proposals - there is no

impact on Somerset Council's HRA funded staff structure. Any TUPE implications arising from the transition from the existing contract to new contracts is a matter for the third-party contractors to have considered as part of the procurement process.

### **Other Implications:**

#### **Equalities Implications**

15. The Council's Public Health Promotion Manager – Equalities was consulted before issuing the procurement documents and the Equality Impact Assessment includes their recommendations for mitigation. The Equalities Impact Assessment is attached.

#### **Community Safety Implications**

16. N/A

#### **Climate Change and Sustainability Implications**

17. Contractors have made specific proposals on the Social Value Theme 'Environment: Decarbonising and safeguarding our world'.

#### **Health and Safety Implications**

18. Using the Westworks Dynamic Purchasing System means that all contractors have met Westwork's Health & Safety requirements in addition to Somerset's own evaluation of the contractor's approach to health and safety, particularly in resident's homes.

#### **Health and Wellbeing Implications**

19. All new installations will consider the specific needs of individual households and are designed and installed accordingly. This is likely to provide a positive impact on the health and wellbeing of households.

#### **Social Value**

20. Social Value offers have been required as part of the procurement exercise (weighted at 10%) using the Somerset Social Value Calculator and supporting guidance. This required all contractors to submit proposals on the following themes:

- Jobs: Promote Local Skills and Employment
- Growth: Supporting Growth of responsible regional business
- Social: Healthy, Safer and more resilient communities
- Environment: Decarbonising and safeguarding our world

The combined commitment from the three contractors over the potential full contract term of four years includes the following:

- £340k spent in local supply chain
- 12 Local direct employees for at least 1 year
- 256 weeks of apprenticeships on the contracts
- 44 hours of staff visits to local schools and colleges (careers talks)
- 28 hours dedicated to support young people into work (CV advice, mock interviews)
- 63 hours volunteering to support local community projects
- 9000 car miles driven using low or no emission staff vehicles
- £3000 donations to support local community projects.

The delivery of contractor commitments will be monitored as part of the contract management arrangements.

### **Scrutiny comments / recommendations:**

21. This report has not been considered by a Scrutiny Committee, The Chair of the Scrutiny Committee - Communities has confirmed they support the proposed programme.

### **Background**

22. The current bathroom contract ends in October 2023 and the Council's bathroom installation programme requires c210 additional bathrooms for 2023/24. The annual demand thereafter is forecast to be at a similar level. The expectation is that appointed contractors will be able to install a minimum of four bathrooms per week from the start of January 2024.
23. Contractors on the Westworks DPS were invited to bid for this opportunity based on the following weighted criteria:
  - Price 60%
  - Quality criteria (including mobilisation, customer liaison and health and safety) 30%
  - Social Value offer at 10%.
24. Ten contractors bid for this opportunity and the preferred contractor has been identified for each of the three Lots.

### **Background Papers**

25. Appendix A Tender Evaluation Report Bathroom Replacement Programme 2023-27

### **Appendices**

- Appendix A Tender Evaluation Report Bathroom Replacement Programme 2023-27
- Equality Impact Assessment (below)


## Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	19.10.23
Communications	Peter Elliot	29.9.23
Finance & Procurement	Nicola Hix	30.10.23
Strategy, Workforce and Localities	Alyn Jones	31.10.23
Asset Management	Oliver Woodhams	19.10.23
Executive Director / Senior Manager	Chris Hall / Chris Brown	20.10.23
Executive Lead Member	Federica Smith-Roberts	27.9.23
<b>Consulted:</b>	Councillor Name	
Local Division Members	N/A	On publication
Opposition Spokesperson	Councillor Andy Dingwall	3.11.23
Communities Committee - Scrutiny Chair	Councillor Gwil Wren	25.10.23



## Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or  
[www.somerset.gov.uk/impactassessment](http://www.somerset.gov.uk/impactassessment)

<b>Organisation prepared for (mark as appropriate)</b>						
<b>Version</b>	<b>V2</b>	<b>Date Completed</b>	<b>29/06/2023</b>			
<b>Description of what is being impact assessed</b>						
<p>Somerset Council own and manage approximately 6000 social rented homes in the Taunton area (prior to April 2023, Somerset West and Taunton District) and under the capital maintenance programme (HRA Capital contract) needs to ensure continued compliance with the Decent Homes Regulatory Standard. The Council has a need to implement a long-term programme to install replacement bathrooms and bathrooms to its domestic properties. The requirement extends to include the same works to void properties as instructed.</p> <p>The Council has a specific need to replace 438 bathrooms and 226 bathrooms in 2023/24. The annual demand thereafter is forecast to be at a similar level for both bathrooms and bathrooms.</p>						



## Evidence

**What data/information have you used to assess how this policy/service might impact on protected groups?** Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#), should be detailed here

Our residents will have a diverse range of needs and some may be vulnerable.

Our expectations around resident liaison will be an important part of the tender evaluation and on-going contract management.

Close liaison with the housing team during the contract/s will also enable the property team to manage specific resident requirements under the programme.

**Who have you consulted with to assess possible impact on protected groups and what have they told you?** If you have not consulted other people, please explain why?

The programming of properties has been developed by the Property Asset Team and reviewed by the Capital Programme Manager to prioritise properties appropriately within the programme.

Contracts will include the prioritisation of works required by vulnerable residents.

Contractors bidding for the work will need to confirm compliance with the Equalities Act 2010.

The number of contractors to be appointed aims to give the Council the capacity to deliver the programme as well as respond in a timely manner to specific and urgent resident needs that arise from time to time.

The Capital Programme Manager has also specified that a full time Resident Liaison Officer (RLO) must be provided by any successful contractor/s.

Contractors will be required to commit to the delivery of social value benefits as part of their proposals. The delivery for these will be monitored as part of the contracts management.

### Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> <li>Residents will benefit from a new kitchen or bathroom with the necessary adjustments to take account of their specific needs. This could be the requirement for a walk-in shower or high level oven due to limited mobility. The RLO role will be important in identifying and addressing these needs.</li> </ul>	☒	☐	☐
Disability	<ul style="list-style-type: none"> <li>Residents with specific needs due to disability will have adjustments made to take account of their needs. This could be the sound and light timers for those with a visual impairments, counter levels at a</li> </ul>	☒	☐	☐

	<p>lower height for wheelchair users, bathrooms with a shower/bath dependant on access requirements. The RLO role will be important in identifying and addressing these needs. We also recognise that the RLO role could be dealing with vulnerable people for a number of mental health or learning disabilities who are currently housed in our Social Housing offer.</p>			
<b>Gender reassignment</b>	<ul style="list-style-type: none"> <li>Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. We also recognise that the RLO role and contractors could be engaging with individuals from this community. We know this community is currently more likely to experience discrimination and this could potentially come from these staff.</li> </ul>	☒	☐	☐
<b>Marriage and civil partnership</b>	<ul style="list-style-type: none"> <li>Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs.</li> </ul>	☐	☒	☐
<b>Pregnancy and maternity</b>	<ul style="list-style-type: none"> <li>Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs.</li> </ul>	☐	☒	☐
<b>Race and ethnicity</b>	<ul style="list-style-type: none"> <li>Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. We also recognise that the RLO role and contractors could be engaging with individuals from this community. We know this community is currently more likely to experience discrimination and this could potentially come from these staff.</li> </ul>	☒	☐	☐

	<ul style="list-style-type: none"> <li>• There may also be cultural considerations around men being alone with women in their home. In some cultures this would not be acceptable.</li> <li>• It may be that those living in our properties don't have a good comprehension of English.</li> </ul>			
<b>Religion or belief</b>	<ul style="list-style-type: none"> <li>• Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. We also recognise that the RLO role and contractors could be engaging with individuals from this community. We know this community is currently more likely to experience discrimination and this could potentially come from these staff.</li> <li>• There may also be cultural considerations around men being alone with women in their home. In some cultures this would not be acceptable.</li> </ul>	☒	☐	☐
<b>Sex</b>	<ul style="list-style-type: none"> <li>• Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs.</li> </ul>	☒	☐	☐
<b>Sexual orientation</b>	<ul style="list-style-type: none"> <li>• Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs. We also recognise that the RLO role and contractors could be engaging with individuals from this community. We know this community is currently more likely to experience discrimination and this could potentially come from these staff.</li> </ul>	☒	☐	☐

<b>Armed Forces (including serving personnel, families and veterans)</b>	<ul style="list-style-type: none"> <li>Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Other, e.g. carers, low income, rurality/isolation, etc.</b>	<ul style="list-style-type: none"> <li>Residents will benefit from a new kitchen and/or bathroom. The RLO, working with the Property and Housing teams will identify and specify any specific needs.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Negative outcomes action plan</b> Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
<b>Action taken/to be taken</b>	<b>Date</b>	<b>Person responsible</b>	<b>How will it be monitored?</b>	<b>Action complete</b>
Reassurance that the RLO role will be skilled in engaging with people in different ways to meet their communication and cultural needs.	Contract start date	Appointed Contractor.	Contract management review meetings	<input type="checkbox"/>
A clearly defined feedback process identified should the RLO or contractors be discriminatory	Contract start date	Somerset Council Contract Manager	Via Customer Feedback process, Customer Satisfaction KPI monitoring and Contract management review meetings	<input type="checkbox"/>

Clear on who is providing translation and interpretation (if needed) and who is paying for it. Is this identified within the scope and costings asked for?	Contract start date	Somerset Council Contract Manager (to be confirmed) will co-ordinate and fund.	Contract management review meetings	<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
<b>If negative impacts remain, please provide an explanation below.</b>				
<b>Completed by:</b>	Ian Candlish			
<b>Date</b>	30/06/2023			
<b>Signed off by:</b>	Chris Brown			
<b>Date</b>	30/06/2023			
<b>Equality Lead sign off name:</b>	Tom Rutland			

<b>Equality Lead sign off date:</b>	<b>30/06/2023</b>
<b>To be reviewed by: (officer name)</b>	<b>Nigel Loxton</b>
<b>Review date:</b>	<b>01/11/2024</b>