

London Borough of Hammersmith & Fulham

Report to: Cabinet Member Decision

Date: 10/06/2020

Subject: Contract Award Report: Asbestos Removal

Responsible Director: Jo Rowlands, Strategic Director for Economy

Report author: William Shanks, Governance and Commissioning Manager, The Economy

Appendix A is not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

Summary

A Cabinet report of 7th October 2019 approved a procurement strategy to procure long term contracts for the repairs and maintenance of the Council's housing stock. These are the contracts that will replace the 'interim model' repairs and maintenance contracts that were put in place following the termination of the Mitie contract, and that were to last for 15 months.

The Cabinet report delegated authority for awarding any contracts resulting from the procurement strategy to the Cabinet Member for Housing.

The Economy department have followed the approved procurement strategy and this report now recommends the appointment of a contractor to deliver Asbestos removal works to the Council, across the whole borough. The contract is for a period of 5 years with the option to make two 1-year extensions.

Separate reports recommending the appointment of contractors to carry out responsive Repairs and Voids, and specialist contractors to carry out Gas and Electrical services, have already been approved.

Recommendations

It is recommended that the Cabinet Member for Housing:

1. Notes that Appendix A is not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

2. Approves the award of the Asbestos removal contract for five years to 31st July 2025 with a provision to extend for up to two 12-month periods, to Erith Contractors Limited for the value of £1,000,000 (consisting of estimated spend for variable volume work, priced against bespoke prices).
3. agrees the award of a reserve contract to European Asbestos Services.
4. notes that the award of the contract cannot be made until the conclusion of the S.20 consultation referred to in section 5 of the report.
5. agrees that for 2020/21, the part-year costs of this contract of £133,000 are funded from existing revenue budgets within the Housing Revenue Account (£133,000).
6. agrees that from 2021/22 onwards, the full-year costs of this contract of £200,000 are funded from existing revenue budgets within the Housing Revenue Account (£200,000).

Wards Affected: All

H&F Priorities

Our Priorities	Summary of how this report aligns to the H&F Priorities
<ul style="list-style-type: none"> • Building shared prosperity 	<p>Well maintained and safe homes are an important foundation for our tenants' prosperity. The new contractors have made social value commitments relevant to this priority – around apprenticeships, training and employability schemes.</p>
<ul style="list-style-type: none"> • Creating a compassionate council 	<p>The Asbestos removal contractor has been chosen partly on the basis of qualitative questions including those that focus on customer experience. The contract sets high standards around customer experience, dignity and respect, and equality, that the contractor must abide by.</p>
<ul style="list-style-type: none"> • Doing things with local residents, not to them 	<p>Residents' forums and Tenants Associations have been involved in the design of the long-term repairs model since the summer of 2018, through workshops and consultations. Two tenant/leaseholder representatives took part in the evaluation of initial tenders – scoring a question on</p>

	customer experience.
<ul style="list-style-type: none"> • Being ruthlessly financially efficient 	The Asbestos removal contractor has been chosen partly on the basis of their price (a 60:40 quality to price ratio was applied). The procurement process involved a five week negotiation period to ensure there was absolute clarity about the commercial model and payment terms in the contract, to ensure bidders priced correctly and the risk of future disputes are minimised. The commercial model in the long term Asbestos removal contract has been carefully designed to reflect lessons learned from the interim model and ensure greater value for money for LBHF.
<ul style="list-style-type: none"> • Taking pride in H&F 	The new Asbestos removal contract has a focus on IT integration, data analysis and data-driven decision making that is innovative and is intended to help LBHF achieve an exemplary Asbestos removal service.

Financial Impact

Summary

A summary of the financial costs and funding of the contract, and associated repairs contracts, is set out below. Further detail and explanation is provided following the table.

Expenditure Category	Annual Costs	Funded by:			One-off Costs	Funded by:
	Estimated Annual Contract Cost £000s	Existing HRA Revenue Budgets' £000s	Existing Housing Capital Programme Budgets* £000s	Additional HRA Savings Plan / Drawdown from HRA General Reserve £000s	One-off Mobilisation Costs £000s	HRA General Reserve £000s
General repairs and voids	8,549	6,472	200	1,877	295	295
Gas servicing and maintenance	5,896	2,682	2,469	745	190	190
Electrical servicing and works	2,968	1,108	1,860	0	0	0
Asbestos	200	200	TBC	0	0	0
Asbestos - surveys and other costs	TBC	520	TBC	0	0	0
Out of hours support	TBC	70	TBC	TBC	TBC	TBC
LTRM contracts being procured	17,613	11,052	4,529	2,622	485	485
Other contracts		1,616				
In-house costs		10,131				
Total Funding		22,799	4,529	2,622		485
Total Funding over 5 years		113,995	22,645	13,110		485
Part-year effect	11,742	6,975	3,019	1,748	485	485

The part-year effect savings requirement is £1.633m. A drawdown from the HRA General Reserve of £0.115m will also be required. However, if the savings target cannot be met this year, up to £1.748m will need to be drawn from the HRA General Reserve.

*This includes an assumption that some of the unallocated budget within the Housing Capital Programme will be utilised to provide sufficient capital funding for the gas contract to deliver 1,000 boilers. The current estimate is that £0.797m per annum will be required for this.

†This includes an adjustment to existing budgets to include a virement of £0.332m of budget from Electrical servicing and works to General repairs and voids. Also, this includes a virement of £0.130m from the Asbestos budget to the General repairs and voids budget to cover the £0.130m of estimated costs relating to asbestos removal on voids.

As the contract is expected to commence in August 2020, the table above shows there will be a part-year effect associated with the costs and funding of the new procurements during 2020/21. It has been assumed that the contract costs will be incurred on a pro-rata basis with the exception of the one-off mobilisation costs (not relevant in the case of this contract for asbestos removal) which will be wholly incurred within 2020/21.

The table also shows that there will need to be a further savings plan as a direct result of these long-term repairs model procurements in addition to the existing plan agreed at Cabinet in February 2020. An initial part-year additional saving of £1.633m will be required in this financial year and in subsequent years this will rise to £2.622m per annum (in addition to the existing savings plan of £0.5m in 20/21 rising to £4m per annum from 23/24 onwards and any other net savings currently in development such as those arising from the Coronavirus pandemic). The acting Strategic Director for The Economy Department and the Chief Housing Officer are leading on the development of the savings plan.

The current projected level of HRA cashable reserves following the budgeted appropriation from the HRA General Reserve of £7.924m for 2020/21 is £16.481m. A drawdown of £0.485m for known estimated mobilisation costs and £0.115m for the part-year effect of the new general repairs and voids, gas servicing and electrical servicing contracts would reduce this balance to £7.957m. Further annual recurring drawdowns for the next four / five years, taking into account the budgeted appropriations from and transfers to the HRA General Reserve planned within the latest approved HRA business plan, will need to be offset by further savings, as outlined above.

If these savings are not achieved, the table above shows that a total of £13.110m will be needed from HRA General Reserves. Given the projected HRA General Reserve balance for the end of 2020/21, is £7.957m, this would not be a financially sustainable scenario and so it is imperative savings are identified and delivered.

Costs of the asbestos removals contract

The estimated annual value of the contract is £0.200m. There are no associated mobilisation costs. Of these costs, it is not expected that any of the asbestos removals works will be capital in nature.

Funding

Following Cabinet approval of a one-off annual revenue budget of £22.2m for the interim repairs model for 2019/20 in March 2019, this budget was made permanent for 2020/21 to fund the long term repairs model following Cabinet approval of the “Financial Plan for Council Homes: The Housing Revenue Account (HRA) Financial Strategy, 2020/21 HRA Budget, 2020/21 Rent Increase and HRA 40 Year Financial Business Plan” on 3 February 2020. The revised budget for 2020/21 is slightly higher than the original £22.2m (as a result of adjustments undertaken as part of the budget setting process) and is separated out below into the following categories of spend:

Division	Expenditure Category	20/21 Budget (£000s)
	Customer Service Centre	2,223
	Out of Hours support	70
Place		2,293
	Gas	2,782
	Staffing	2,414
	Electrical / Security	1,740
	Asbestos	850
	Lifts	678
	Professional fees	537
	Water	438
	Legal costs	233
	Compensation payments	140
Property & Compliance		9,811
	General repairs	4,962
	H&F Maintenance	3,123
	Staffing	1,462
	Voids	1,048
	Drainage	100
Void & Repairs Total		10,695
Total Revenue Budget		22,799

Of the £22.8m set out in the table above, the funding available to fund the costs of the asbestos removal contracts of £0.200m is included within the £0.850m asbestos budget. This budget also covers the costs of asbestos surveys, asbestos void removals and other asbestos related costs.

Assuming that revenue costs are incurred in line with the estimated contract costs outlined above, this means that the available budget is sufficient to cover the annual costs.

Risks

Section 3 of Appendix A explains that estimates of volume were used to create an indicative price for the purposes of evaluation. This means that annual spend may differ from the estimated annual value of the contract and could lead to either an underspend or an overspend against the budget.

There are a number of other contracts due to be awarded to successful tenderers under the Long-Term Repairs Model and the relevant decision maker has already approved contract awards for gas and electrical testing and general repairs and voids contracts and this contract for asbestos removals is due to be approved shortly. In the following weeks, a further report for out of hours call handling will be brought to the appropriate decision maker. Although these procurements are mostly sufficiently progressed to determine the estimated costs compared to the budget

available, there is a risk that it may be necessary to drawdown from the HRA general reserves until compensating savings can be delivered elsewhere in the HRA.

Reserves and Financial Sustainability

The plans set out in this report indicate that the shortfall against the revenue budgets for the LTRM contracts as a whole of £2.622m (part year impact £1.748m) will need to be funded by a recurring drawdown from the HRA General Reserve.

The “Financial Plan for Council Homes: The Housing Revenue Account (HRA) Financial Strategy, 2020/21 HRA Budget, 2020/21 Rent Increase and HRA 40 Year Financial Business Plan” approved by Cabinet on 3 February 2020 included an expanded £22.799m revenue budget for the combined elements of the Long-Term Repairs Model. This represented an increase of £4.7m from the previous established revenue budget of £18.1m. To accommodate the increased Long-Term Repairs Model costs and to ensure the HRA’s overall financial viability (with limited reserves), a 4-year phased £4m savings plan from base costs was approved.

The Coronavirus pandemic has resulted in the loss of income and increases in costs for the HRA. The latest modelling indicates that during 2020/21, the HRA will suffer a net loss of income of c£6m. The long-term financial impact of operating in the “new normal” has not been fully understood and further time is needed to assess the impact. However, it is clear that this will result in the need to make further savings in addition to the existing savings plans to deliver £4m of revenue savings.

There is a currently unquantified risk from the out of hours support contract which is yet to be financially evaluated.

Although there are no mobilisation costs for the asbestos removal contract, there are one-off mobilisation costs associated with the contract awards for gas and general repairs which need to be funded from the HRA General Reserve.

Given the costs of the general repairs and voids contract award and the known and unknown costs of other contracts under the Long-Term Repairs Model based on current information, there is a significant risk that the current £22.799m revenue budget envelope will be insufficient.

Without additional savings or income this will have an adverse impact on the overall viability of the HRA business plan and the long-term financial sustainability of the HRA. The service has advised that there will be an annual contract review process, one outcome of which will be to ensure the delivery of savings on repairs costs.

The Acting Strategic Director of The Economy and the Chief Housing Officer have advised that any shortfall against the existing budgets is expected to be funded from other HRA efficiencies and these are being developed currently. The expected financial impact of the award of the general repairs and voids, gas, electrical testing and asbestos removal contracts will mean increasing the annual budgeted drawdown from the HRA General Reserve for each of the next 5 years at least unless savings can be delivered to offset this.

Financial status of the contractors

As part of the tender process, a credit check was carried out on 20th May on Erith Contractors Limited. This has indicated a low risk credit rating of 93% and the suggested contract limit of £86,369,435 and turnover of £154,783,934 is more than sufficient for the value of the proposed contract. Further, finance officers have reviewed key accounting ratios within the contractors' financial statements and found these to be satisfactory.

Other risks and mitigations

The risk of commercial disputes arising has been mitigated by including within the negotiation process the need for the tenderers to understand payment terms and the commercial model.

Contractual inflation of CPI (Consumer Prices Index) is included within the contracts which will mean future inflationary increases in the budget will be required for each of the five initial years of these contracts. However, the service have advised that there will be an annual contract review process, one outcome of which will be to ensure the delivery of savings on repairs costs.

Once this contract is in place, Finance officers will work closely with the service to ensure costs are closely monitored and reported. It will be necessary to seek additional approval should any costs exceed the approved budgets.

There is also a risk that there may be other unexpected costs which will result in further pressure on the available budgets. For example, it will be necessary to ensure adequate controls are in place to ensure only approved contracts are used. This could also include any overspends on existing contracts this year which will be reported through the Council's revenue monitoring regime.

Legal Implications

This report is recommending the award of a contract for one of the lots that were tendered in relation to the long term housing repairs and maintenance contracts – asbestos removal works. The aggregate value of the contracts across the lots exceeds the EU Threshold for works (which is £4,733,252) and therefore it was necessary to comply with the full requirements of the Public Contracts Regulations 2015 ("PCR"). In accordance with the procurement strategy a competitive procedure with negotiation was used to procure the works. Details of the procurement process followed is set out in this report. The procurement was run in stages with selection stage, initial tender stage and final tender stage.

The tender documentation included award criteria which were applied at each stage. At the Final Tender Stage the evaluation criteria were applied to determine the most economically advantageous tenderer. It is recommended that the Contract is awarded to the highest scoring tenderer and a reserve contract is awarded to the second placed tenderer in accordance with the tender documentation.

The decision-maker needs be satisfied that the recommended award of contract is to the tenderer submitting the most economically advantageous tender on the basis of the award criteria set out in the Council's tender documentation. This will secure compliance with the PCR requirements and the Council's Contract Standing Orders.

A contract award notice must be published in the Official Journal of the European Union within 30 days of award of the contract and Contracts Finder 24 hours thereafter.

The Council's Legal Service will assist with preparing a formal contract. The tender was issued with a draft contract and will be entered into on those terms.

Implications verified/completed by: Sally Stock, partner, Sharpe Pritchard Solicitors on secondment to the Council sstock@sharpepritchard.co.uk

Contact Officer(s):

Name: William Shanks

Position: Governance and Commissioning Manager, The Economy

Telephone: 0781 858 1911

Email: william.shanks@lbhf.gov.uk

Name: Danny Rochford

Position: Head of Finance (The Economy)

Telephone: 020 8753 4023

Email: danny.rochford@lbhf.gov.uk

Verified by: Emily Hill, Director of Finance

Background Papers Used in Preparing This Report

Cabinet report: 'Procuring and delivering a long-term Repairs and Maintenance model for Hammersmith and Fulham', 7th October 2019.

DETAILED ANALYSIS

Proposals and Analysis of Options

- 1 Following the Cabinet report of 7th October 2019, a fully compliant procurement process was initiated to put into practice the Procurement Strategy as set out in that report.
- 2 In order to draw the attention of the market to the new contracts before the procurement commenced, a 'Meet the Buyer' day was advertised and took place at St Paul's Centre on 26th September 2019. This provided the opportunity for contractors to learn about the Long Term Repairs Model and the contracts that would be put out to tender. The event was attended by more than 50 suppliers and was well received.
- 3 In line with the Procurement Strategy approved by Cabinet, a Competitive Procedure with Negotiation (CPN) was launched with a Contract Notice in the Official Journal. The Council's preferred online procurement portal Capital Esourcing was used for the procurement.
- 4 Leaseholder consultation was carried out from 13th September 2019 to 18th October 2019, presenting the suggested lot structure and approach to procurement. No issues were raised by leaseholders and so the tender documentation and advert were prepared ready for publication.
- 5 A notice was submitted to Contracts Finder and the Official Journal of the European Union (OJEU) via the Capital Esourcing portal in accordance with the Council's Contract Standing Orders on 1st November 2019 (contract reference number 524676-2019).
- 6 The tender process then proceeded in four stages
- 7 Selection Questionnaire (SQ) stage:
Economic Operators were required to complete the SQ which required them to provide information to satisfy certain legal and financial requirements (for example passing certain mandatory criteria and evidencing their economic and financial standing). Economic Operators were also required to respond to certain questions to evidence their technical and professional ability primarily concerning their IT capacity and holding the relevant licences to carry out required works. The ability for contractors to interface with the Council's Housing Management system (Northgate) in real time is a key requirement of many of the long-term repairs and maintenance contracts.
- 8 Lot 6 (Asbestos removal) received 11 SQ submissions before the deadline of 4th December 2019. Following evaluation of the response 6 suppliers subsequently passed the SQ stage and were invited to tender.
- 9 Initial tender:
The shortlisted economic operators invited to tender were required to submit a formal bid featuring answers to Qualitative/Technical questions set by LBHF,

and a set of prices that would constitute their Commercial Offer.

- 10 For Lot 6 (Asbestos removal), one of the bidders invited to tender withdrew from the process before the submission deadline of 7th February 2020. Ultimately, 5 bids were submitted. These bids were evaluated on the basis of the published evaluation criteria which were a 60:40 quality to price weighting. The tender documents stipulated that the highest scoring 3 firms would be invited to negotiate, so 2 suppliers were rejected at initial tender stage.
- 11 Negotiation:
The 3 remaining bidders took part in a month-long negotiation process with LBHF officers. The aims of the negotiation were:
 - 1) To ensure the bidders fully understood the scope of the contract and LBHF's requirements, so as to be able to offer a service solution that would be of maximum value to LBHF. There was a particular objective to ensure bidders understood the commercial model and payment terms of the contract, to minimise the risk of future commercial disputes.
 - 2) Identify areas where bidders could offer additional value beyond the requirements of the contract, and where these aligned with LBHF objectives, to confirm that LBHF would welcome these offers in the final bids.
- 12 The format and guidelines for the negotiation were planned in advance with the input of the Council's legal advisors, Sharpe Pritchard. The officers leading the negotiation were trained in these guidelines.
- 13 The negotiation period lasted for five weeks in March 2020 and involved one meeting with each bidder. The meetings with each bidder were structured in the same way to ensure fair and equal treatment. The meeting focused on the bidders plans for managing contract mobilisation and transition to full capacity, for delivering Social Value, and for bringing innovation into the service. The meeting involved presentations from bidders and LBHF. Between the meetings, additional information was circulated online to all Bidders (via Capital Esourcing).
- 14 The negotiation period was judged a success by the LBHF officers involved because they felt it led to bidders gaining a fuller understanding of LBHF's priorities: effective mobilisation, customer experience, firm Social Value commitments, carbon reduction, and innovative use of data in order to manage future demand and deliver savings. It was felt that the quality of all bids would improve as a result LBHF would ultimately procure a higher quality service.
- 15 Final tender:
On 8th April 2020 the 3 bidders were invited to prepare their final bids. Final versions of the contract documents (specifications, pricing schedules) were published. The deadline for bids was 11th May 2020.
- 16 A team of six evaluators was put together to mark the bids. The team was

comprised of the Assistant Director for Operations, the Assistant Director for Property and Compliance, the Asbestos Manager, the department's Asbestos Consultant, Project Manager (Corporate ICT) and Project Manager (Economy Department ICT). The evaluators were trained by the procurement project team and by Corporate Procurement to ensure compliance with the Council's standards.

17 Tenders were opened virtually on the 11th May 2020 with representatives from Corporate Procurement in attendance.

18 Tenders comprised two sections. These were:

A) Qualitative / Technical Questions:

The weighting given to the qualitative section in the evaluation criteria was 60%. Bidders were required to submit a number of method statements which were then evaluated.

A moderation session was held on 15th May 2020 to agree on a single score for each method statement for each Bidder. The overall weighted quality score was then calculated.

B) Pricing / Commercial Offer:

The weighting given to the commercial section in the evaluation criteria, was 40%. The evaluated price was based on a variable volume work programmes, priced against bespoke prices, using indicative volumes. Scores were allocated on a comparative basis – with the contractor with the lowest price receiving 40% and all other contractors being scored relative to the lowest price.

19 Following moderation, the weighted pricing and qualitative scores for each Bidder were combined. An overall score was achieved for each Final Tender response. The Final Tenders were then ranked – highest first.

20 See Appendix A, section 1 for the combined final total scores.

21 The evaluation panel recommends that Erith Contractors Limited should be awarded the contract. It is recommended that European Asbestos Services should be appointed as the reserve contractor.

22 Next steps

23 All bidders will receive written confirmation of the Council's decisions to award the contracts. These letters are prepared in line with the Public Contracts Regulations 2015 and will provide reasons for the decision together with the characteristics and relative advantages of the successful Tenderer for each Lot.

- 24 After the letters have been issued via the Capital E Sourcing portal, a standstill period of 10 calendar days must be observed by the Council in accordance with the Regulations. No activity to engage with successful bidders or to advance progress with the process may be carried out during this time.
- 25 After the conclusion of the standstill period, Privacy Impact Assessments will be carried out for the new contractors. Corporate IT will carry out their standard checks, including a Security Questionnaire to ensure that new contractors have the right controls in place to gain access to our network.
- 26 At the same time, the final stage of leaseholder consultation will take place, with leaseholders being advised of the award decision, and an opportunity to ask questions and provide feedback provided to them. The minimum time for this consultation is 35 working days, and should run from mid-May 2020 to late-June 2020.
- 27 Once leaseholder consultation has concluded, the process of contract signing will start. Draft contracts were issued at the start of the procurement process in November 2019 and these will be engrossed prior to being executed as a deed. This process should take no more than two weeks.
- 28 Mobilisation of the new contractors will commence after the statutory standstill period following contract award has finished – expected to be in the week commencing 29th June 2020. There will be just over four weeks to mobilise the new contractors before the new contracts start on 1st August 2020. A shorter mobilisation period is required for the Asbestos removal contract as there is no IT integration required, and no TUPE transfer of staff to take place.
- 29 See Appendix A, section 2 for Social Value commitments.
- 30 See Appendix A, section 3 for the estimate of the cost of the contract.

Reasons for Decision

- 31 Hammersmith and Fulham Council has a legal obligation to ensure its properties are maintained and as a landlord it needs to safely carry out Asbestos removal when it is discovered.
- 32 The recommendations outlined are required to appoint a contractor to carry out these works as the two interim Asbestos removal contracts expire on 31st July 2020.
- 33 The recommendations outlined are the most effective way to ensure continuity of Asbestos removal provision and legal compliance.
- 34 The recommendations outlined are based on a competitive tendering process in line with the Public Contracts Regulations 2015. The Final Tenders received were evaluated by the Council's evaluation team against published

evaluation criteria. The Contractors recommended for appointment were identified as the most economically advantageous tenderers having applied the evaluation criteria.

Equality Implications

- 35 There are no direct negative implications for groups with protected characteristics, under the Equality Act 2010, associated with these proposals.
- 36 *Implications completed by: Fawad Bhatti, Policy & Strategy Officer, tel. 07500 103617*

Risk Management Implications

- 37 The Council requires a repairs service which meets its objectives, which provides flexibility in how it manages its housing asset to deliver a higher level of resident satisfaction in its repairs service, which ensures compliance with all statutory health and safety requirements and which delivers on a range of other policies including social value and use of local suppliers. In line with the ruthlessly financially efficient priority, the Council also needs to demonstrate that the repairs service demonstrates and delivers value for money in managing and maintaining its housing stock to an appropriate standard.
- 38 The Corporate Repairs Board should regularly review the appointed contractors' performance to ensure that the objectives of the contracts are being met and take appropriate action where there is poor performance.
- 39 Officers have set out in the report how the new contracts are being procured in line with the Public Contracts Regulations (PCR) 2015 and with the Council's Contracts Standing Orders. These actions will mitigate the risk of contract/procurement challenge.
- 39 *Implications verified/completed by: David Hughes, Director Audit, Fraud, Risk and Insurance Tel: 020 7361 2389*

Business Implications

- 40 The Economy department will work with the Business Development team to develop arrangements for monitoring these commitments and facilitating their realisation by, for example, connecting the contractor to initiatives that are already established.
- 41 Social value commitments will be managed throughout the full period of the contract, and reports provided to Corporate Procurement.
- 42 *Implications verified/completed by: Albena Karameros, Economic Development Team, tel. 020 7938 8583*

IT Implications

43. IT Implications: Digital Services is already working in partnership with the Economy on aspects of this proposal – with a Project Manager from Digital Services participating as a tender evaluator.
44. Digital Services must be consulted where proposals require new systems to be procured, existing systems to be modified, or IT enhancements to be considered. As such, if further requirements arise – such as the need for enhancement of the contractor portal - Digital Services must be advised as early as possible to ensure prompt service delivery and coordination of all necessary safeguards, permissions and budgets.
45. IM Implications: As noted in the report, a Privacy Impact Assessment will be required to ensure all potential data protection risks resulting from this proposal are properly assessed with mitigating actions agreed and implemented.
46. Suppliers will be expected to have a General Data Protection Regulation (GDPR) policy in place and all staff will be expected to have received GDPR training.
47. Contracts should include H&F's data protection and processing schedule, which is GDPR compliant.
48. *Implications completed by: Karen Barry, Strategic Relationship Manager – 020 8753 3481*

Consultation

49. In accordance with Section 20 of the Landlord and Tenant Act 1985 (as amended by Section 151 of the Commonhold and Leasehold Reform Act 2002) and the Service Charges (Consultation Requirements) (England) Regulations 2003, a Notice of Intention was served on 13th September 2019 and expired on 18th October 2019.
50. A second Notice (of Proposal) will need to be issued as the procurement process concludes. The regulations allow for leaseholders to comment on the suppliers being recommended for appointment. The Council, as Landlord, is required to 'have regard' to any comments but is not required to act on any suggestions from leaseholders. At the end of the 30-day period point the Council will be compliantly able to enter into contracts with suppliers and to then recharge leaseholders where contributions exceed £250 per property.

List of Appendices:

Appendix A – Exempt elements