

EAST RENFREWSHIRE COUNCILCABINET1 September 2016Report by Director of EnvironmentURGENT WORKS AT GILMOUR STREET AND STRATHAVEN ROAD, EAGLESHAM**PURPOSE OF REPORT**

1. This report asks Cabinet to note the action taken by the Director of the Environment under Clause 15(i) of the Council's *Standing Orders Relating to Contracts* in relation to works required in connection with properties at Gilmour Street and Strathaven Road, Eaglesham.
2. The works affect numbers 9 to 21 Gilmour Street, Eaglesham and the Montgomery Court Sheltered Housing complex in Strathaven Street, Eaglesham. There is one owned property and the remainder are Council tenanted properties or Council operated sheltered accommodation.

RECOMMENDATIONS

3. It is recommended that the Cabinet notes the action taken by the Director of the Environment under Clause 15(i) of the Council's *Standing Orders Relating to Contracts* in relation to works required in connection with properties at Gilmour Street and Strathaven Road, Eaglesham.

BACKGROUND

4. On the 11 July a cope stone (a cope stone is a traditional detail which closes the top of the gable wall cavity, protecting it from the elements) spontaneously fell from the right-hand cope at the front of the 15 – 21 Gilmour Street property that our Roofing and Rendering Contractor, Ailsa Building Contractors Ltd, was working on.
5. Whilst the scaffolding was damaged the cope did not reach the ground level coming to rest on a lower level of the scaffolding, and no one was hurt. The project consulting (structural) engineer, Charles Scott and Partners, were contacted and asked to examine this and other copes along the same row of housing in Gilmore Street (as far as the crossroads) and into Strathaven Road. Whilst doing so it became apparent that adjacent properties' copes were in a similarly questionable condition and the remit was expanded to report on the condition of all similar Council properties in the street.
6. The following day (12 July) another cope fell off the rear of the adjacent building - fortunately onto a (chipped) garden area and did not cause any damage.

7. Examination of the fallen stones appears to indicate that some were poorly installed when initially constructed (more than 25 years ago), their retaining dowels not being sufficiently long to hold the stones in place.

REPORT

8. Following consultation with all Council parties involved Property and Technical Services asked the contractor and consultant to work together to take any measures they deemed necessary to make safe any copes they thought immediately at risk. With the co-operation of Roads and Transportation Service colleagues a road constriction was also put in place to divert pedestrian traffic away from possible danger zones. Clause 15(i) of the Council's Standing Orders Relating to Contracts was utilised for this action. A copy is attached (Appendix 1).

9. By 15 July 2016 all critical areas had been made safe and any imminent danger of the copes falling was mitigated (resulting in an immediate cost which is estimated at £30,000).

10. The copes have been propped in place for now but will require work to be carried out to permanently eliminate the risk. A decision was required as to whether this work should immediately be progressed or whether the actions undertaken to remove the immediate risks would remain safe for the period required to appoint a contractor via the normal tender process. If a traditional route were to be taken the works would have to be competitively tendered and awarded in accordance with the Council's standing orders – a process that would take a minimum of 8 weeks.

11. Given the fact that two substantial stones have spontaneously fallen the threat was deemed urgent enough and serious enough to warrant immediate resolution.

12. It was therefore felt prudent to immediately instruct this work, again utilising the provision of Clause 15(i) of the Council's Standing Orders Relating to Contracts.

13. In addition to the safety concerns there were further benefits with this proposed course of action.

14. The exemption from the normal procurement processes allows Property and Technical Services to take advantage of the contractor's presence at numbers 15 to 21 Gilmour Street and employ them to make safe the other properties' copes. Likewise we intend to utilise the structural engineer already familiar with the issue to design a solution, and oversee the design and structural aspects of the works. Doing so will help contain repair costs. Other external consultants will be appointed, if appropriate, to allow the speediest resolution of the issue. Their employment will be continued until the copes are removed and replaced with a safer detail.

FINANCE AND EFFICIENCY

15. The final cost of the work is not currently available and the nature of the work means that until commenced the full nature and extent of the repairs necessary will not be known however estimated costs have been provided below:

Initial Prevention Works – propping and scaffolding costs (already committed)	£	19,200
Temporary Road Closure Costs (partially committed)	£	15,000
Initial Structural Engineers Fees (already committed)	£	800

Structural Engineering Fees re: design solutions, supervision, etc. (partially committed)	£ 7,000
Estimate of cost of cope removal and replacement with zinc cap	£ 96,000
Estimate of associated repair works to walls, roofs, etc.	£ 110,000
Other Fees and Costs, including contingency (partially committed)	£ 48,500
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Total Estimated Cost (exclusive of VAT)	£ 296,500
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16. The above cost will be met from the External Structural Works HRA Capital 2016/2017 budget. This may result in some other projects originally programmed for inclusion in the 2016/2017 external structural works programme having to be postponed until a future year, although it may also be possible to offset some of these costs from tender savings made on other projects.

CONSULTATION

17. The Council's Corporate Health and Safety Section, Procurement Team, Planning, Building Control, Roads and Transportation Service have all been consulted. Housing Services are taking appropriate steps to inform all residents affected by the works. Education have also been alerted to the traffic control measures which are opposite Eaglesham Primary School.

PARTNERSHIP WORKING

18. As referred to in paragraph 17 the Council's Corporate Health and Safety section, Procurement Team, Planning and Building Control, and Roads and Transportation service have all been informed.

IMPLICATIONS OF THE PROPOSAL

19. The Council meets its public duty to protect its residents and the general public as well as its duty as landlord and factor to ensure its tenants and customers have a safe property to live in. There are no implications in terms of staffing, property, legal, IT, equalities and sustainability There are no other implications to the Council in terms of service provision.

CONCLUSION

20. Given the potential implication of the further falling stones it was felt appropriate to utilise the provision of Clause 15(i) of the Council's *Standing Orders Relating to Contracts*.

RECOMMENDATIONS

21. It is recommended that the Cabinet notes the action taken by the Director of the Environment under Clause 15(i) of the Council's *Standing Orders Relating to Contracts* in relation to works required in connection with properties at Gilmour Street and Strathaven Road, Eaglesham.

Director of Environment

Report author: Alan Hook, Principal Officer, Technical Services
alan.hook@eastrenfrewshire.gov.uk

Cabinet Contact Details

Councillor Jim Fletcher
(Leader of the Council)

Home: 0141 639 0265
Office: 0141 577 5107/8

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KEY WORDS

This report provides the Cabinet with an update of the measures taken and proposed to prevent harm to residents and the general public from unsafe copes. Copes, Unsafe, Prevent, Gilmour Street, Strathaven Road, Montgomerie Court, Action, Cost.

15. EXEMPTIONS FROM COMPETITION

Prior to the award of a contract, and provided best value is obtained, exemption from competition may be sought:-

- i. where the Director of the procuring department considers that the contract is urgently required to minimise risk of personal injury or damage to property. A report will be submitted by the Director to the next meeting of the Cabinet or appropriate Committee detailing the risks identified and the action taken.
- ii. where the Director of the procuring department is satisfied that special circumstances apply (such as an urgent need to fulfil an ongoing Council function otherwise incapable of performance).
- iii. where the Director can establish that the contract relates to proprietary works, goods or services.

The Chief Procurement Officer will decide all exemption requests under ii and iii above for contracts valued within the Quick Quote thresholds.

The Chief Officer Legal and Procurement will decide all exemption requests under ii and iii above when the value of the contract is £50,000 and above but less than £100,000 (goods and services) or £150,000 and above but less than £200,000 (works).

The Director shall complete the exemption form (embed link) outlining the basis on which the exemption is sought and e-mail it to the relevant approving officer.

Exemption requests under ii and iii above relating to contracts with a value of £100,000 or more (goods and services) and £200,000 or more (works) must be reported to the Cabinet or appropriate committee for approval prior to entering into the contract. The report must outline the circumstances justifying use of this provision and a copy must be retained by the procuring department for audit purposes.

These exemptions do not apply where the contract value exceeds the EU threshold.