

Officer Executive Decision Form – Urgent key decision



DECISION DETAILS:

1. **Subject:** Emergency expenditure required to support tenants in a crisis situation at Barton House.

2. **Full details of the decision taken:**

Authorise:

- a) the Executive Director, Growth and Regeneration to enter into a contract with Holiday Inn in respect of accommodation to be provided and any other contracts required to support and progress the situation.
- b) cumulative spend of up to £2.6m for which there is no budgetary provision in relation to the emergency evacuation of Barton House and the elements of spend set out above.

To note:

- c) that reprioritisation of HRA budgets will be required to accommodate the spend.
- d) over the next month work will be undertaken to determine more accurately the spend required, and the likely period of time over which it is required, once further surveys have been conducted on the building affected.
- e) further Cabinet authority will be sought if required

3. **Monetary value involved (if any):** up to £2.6 million

4. **Contract number (if applicable):**

5. **Reason for identifying as an Urgent Key Officer Executive decision:**

Decisions need to be taken immediately and cannot wait until the next Cabinet meeting. Further information will be provided on spend at the next Cabinet meeting.

6. **Date of decision:** 23 November 2023



7. Reasons for the decision:

Barton House is a tower block of 14 storeys, having been constructed in 1958. The block had previously been identified as requiring fire safety remedial works to replace the external cladding and to add fire sprinklers. A waking watch has also been deployed in the block since May 2022.

A peer review of an earlier structural survey, undertaken by Arup in November 2023, highlighted a risk of a fire, explosion or impact having the capability to cause progressive collapse within the building due to structural failure.

As a result of this risk, the decision was taken on 14/11/2023 to undertake an emergency evacuation of the building.

The emergency evacuation requires the provision of emergency accommodation for the tenants, including the use of hotels, void sheltered accommodation, guest houses and private sector landlords. In addition to this, there are costs associated with providing hot meals and transportation to those affected during the initial move out as well as additional security measures around the building.

Further costs around home loss payments, void loss from the units affected, and any other compensation may also arise.

The decision is to spend on the above items up to a cumulative total of £2.6m.

Consultees:

Mayor Marvin Rees

Cllr Craig Cheney, Deputy Mayor and Cabinet Member, City Economy, Finance & Performance

Cllr Geoffrey Gollop, Chair, Resources Scrutiny Committee

Denise Murray, Director of Finance/S151 Officer

Tim O’Gara, Monitoring Officer

John Smith, Executive Director of Growth and Regeneration

8. Details of alternative options considered and rejected:

Option 1 – not proceed with emergency spend – would not address urgent need to evacuate and rehouse residents.

Option 2 – reduced spend – not considered appropriate given the impact on residents of being evacuated.

9. Financial implications:

There is currently no budgetary provision within the HRA to fund the costs identified above, and any as yet unidentified costs arising.



During discussions with the council's insurers, Zurich, it was confirmed by them that as no insurable event had actually occurred, then the Business Continuity Material Damage Proviso within the policy will not be activated. We are therefore unable to recover any such costs through our insurers. We are currently exploring whether or not the council could make a claim through the Bellwin Scheme.

Any capital costs incurred to, for example, accelerated void works to house tenants, are unlikely to be covered under either option due to the fact that:-

- 1) an incident has not actually occurred requiring capital spend, so insurers will not cover this;
- 2) capital provision already exists within the council's spend plans to bring void properties back into use, and as per the Bellwin Scheme guidance, expenditure that is not additional to what the authority would normally expect to incur will not be eligible.

In addition, per the Bellwin Guidance, expenditure will not be eligible ... *in an area for which there is already a government expenditure programme, such as maintenance of law and order or housing safety and maintenance...* If any such costs do arise, we would need to ascertain if they could be covered by any available grant funding.

A cost centre has been created within the HRA ledger to record these costs. Where practicable, a PO will need to be raised and approved before spend occurs.

Given the fluid and emerging nature of this issue, it has not yet been possible to accurately determine cost estimates for each of the identified areas of spend. Over the coming month as the position becomes clearer, detailed and robust cost estimates will be collated so that a budget requirement can be calculated. This process has already started.

Once the budget position is known, if necessary further key decisions in line with the decision pathway will be taken.

Reprioritisation of HRA budgets will be required to accommodate any spend. Forecast underspends within the HRA will be reviewed, and where appropriate virements requested. Should the expected costs of the emergency evacuation exceed expected savings during the remainder of the financial year, a drawdown from reserves will be required. There are currently sufficient reserves to absorb this, however over the longer term should this be required, then the necessary adjustments will need to be made within the 2024/25 HRA business plan to protect the reserves position.

10. Legal powers and implications:

There are no direct legal implications in respect of the decision that is requested. Any contracts that are entered in to will need to be compliant with procurement rules and regulations. Legal advice has been and will be provided separately as needed.

Nancy Rollason
Head of Legal Services
18th November 2023



11. Climate change and environmental implications:

None

12. Risk management:

The risk management unit will advise and assist officers regarding necessary risk improvement initiatives and processes to keep the council's exposures as low as possible.

13. Equality implications:

Due to the emergency nature of the incident, assessment of equality impacts have been dynamic and a regular consideration for the Incident Management Team and Strategic Coordinating Group. From data and experience we know that there are specific needs relating to age, disability, pregnancy and maternity, race, and religion or belief. This has informed tactical decisions including health and social care referrals, the regular provision of translated communications, direct resident engagement by Community Development Officers, the provision of appropriate food and more.

There is a risk of disproportionate impact on certain groups and mitigations are already in place and continue to be developed as part of a formal Equalities Impact Assessment. However, the potential harm of such impacts is considered to be outweighed by the increased risk to life presented had the block not been evacuated.

Ongoing regard is being given to:

- i) Eliminating discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) Advancing equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to:
 - i. Remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - ii. Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - iii. Encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Fostering good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice; and promote understanding.

14. Corporate implications:

Tenants have already been decanted from the building and are currently residing in a mix of hotel, bed and breakfast, rented accommodation, as well as some being accommodated by friends and family. These costs will need to continue until such time as tenants are either rehomed on a more permanent basis or are allowed to return to their homes in Barton House.



Priority will be given to re-homing tenants on a more permanent basis in order to avoid as much as possible the use of expensive short term accommodation.

15. Any conflict of interest declared by a Cabinet Member consulted by the officer taking the decision, together with a note of any dispensation granted by Audit Committee in relation to the conflict of interest (if applicable):

None

Name: Stephen Peacock, Chief Executive

Signed: 

Date: 23 November 2023

Consultees

Name: Mayor Marvin Rees

Signed: 

Date: 24 November 2023

Name: Cllr Craig Cheney, Deputy Mayor and Cabinet Member, City Economy Finance & Performance

Signed: 

Date: 22 November 2023

Name: Cllr Geoffrey Gollop, Chair, Resources Scrutiny Committee

Signed: Approved via email

Date: 22 November 2023

Name: Denise Murray, Director of Finance/S151 Officer

Signed: 

Date: 22 November 2023

Name: Tim O’Gara, Monitoring Officer

Signed: 

Date: 22 November 2023

Name: John Smith, Executive Director of Growth and Regeneration

Signed: 

Signed:

Date: 23 November 2023

