

Wiltshire Police and Crime Commissioner Record of Decision

Decision Detail	Melksham Refurbishment – Budget Increase
Business Area	Estates
Decision No:	031 - 2023
Date	25/07/2023
Protection marker	Official

Executive Summary

The proposal requests permission to increase the budget and programme for the refurbishment of Melksham custody suites and the first-floor offices. New Fire Regs and Building Safety Act enacted late 2022, alongside amendments to the Home Office (HO) Design guidelines, brought in Feb 2023 mean further fire safety measures now need to be introduced to the refurbishment.

The Building Safety Act was principally a reaction to the Grenfell fire in 2017 and some of the principles of these findings have been considered in the latest HO Design Guide changes.

The PCC and Chief Constable have a duty of care to all users of the facility and as such to carry on with the refurbishment plans without implementing the legislated fire safety improvements is not considered a viable option.

Decision:

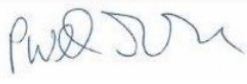
The Commissioner is asked to authorise the increase in budget and programme for the refurbishment of the custody and the first-floor offices in Melksham

Implications

Please read appendix A in regard to this supporting information

Has considerations been taken following:	Yes	No
Financial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Equality and Diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Additional comments

Police and Crime commissioner comments	
I have read the documents and I confirm the decision to proceed as recommended.	
Signed: 	Date: 25/07/2023

Financial Implications: (Must include comments of the PCC’s Chief Finance Officer where the decision has financial implications)
Comments: The new budget will include over £0.350m of contingency and it is suggested that this is maintained due to the complexity of the project, with an intention that a proportion can be returned at the end of the project.


Legal Implications: (Must include comments of the Monitoring Officer where the decision has legal implication)
Comments: There are no legal implications. The initial contract with the primary contractor, Beards, allows for additional sub-contractors to be appointed under the JCT contract.

Equality and Diversity Implications
Comments: There are no equality and diversity implications.

Sustainability Implications
Comments: There are no sustainability implications. The water misting system is water based and does not include any refrigerants or other greenhouse or CFC’s and will not adversely affect the Forces carbon footprint.

Risk Management
Comments: Do nothing means Melksham will not be complaint with HO custody guidance relating to fire regulations and not receive health and safety sign-off. Custody provision cannot be provided until this has been addressed. The proposal agreed will slow down any fire / smoke spread, satisfy the current HO guide and allow safe controlled fire evacuation of the unit.

Monitoring Officer Approval

Signed: 	Dated: 25/07/2023

Public Access to Information: APPENDIX A

Information in this form is subject to the Freedom of Information Act 2000 (FOIA) and other legislation. Part 1 of this form will be made available on the Commissioner's website within 2 working days of approval. Any facts / advice / recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form.

Is there a Part 2 form?

If yes, for what reason: Disclosure of information in Part 2 Commercial sensitivity and may be a breach of terms of the Lease

Appendix A:

PURPOSE OF REPORT

1. This paper requests approval to agree an increase in budget and programme for the refurbishment of the custody and the first-floor offices in Melksham. The increased requirement relates to the new Fire Regs and Building Safety Act enacted late 2022, and the latest amendments to the Home Office (HO) Design guideline up-dates of February 2023, which now set out the need for more onerous fire risk assessments and fire strategies to be set out for both new build custody suites and refurbishment works. The Building Safety Act was principally a reaction to the Grenfell fire in 2017 and some of the principles of these findings have been considered in the latest HO Design Guide changes.
2. The PCC and Chief Constable have a duty of care to all users of the facility and as such to carry on and make no changes to fire safety improvements is not considered a viable option.

BACKGROUND

3. In September 2022 a plan was approved to undertake a full refurbishment of Melksham Custody and improve office facilities. The budget agreed was £3.451million which included contingency of £0.256m. This is included in the current capital plan with £3.154m of the budget remaining on 31 March 2023. This paper suggested that the Custody would be closed in March 2023 and handed back to operations in October 2023. At this stage the revised HO Guidelines (amendments included the new Fire Regs) was not in existence.
4. With the change in the Building Safety Act the Estates team had identified the need for Fire Risk Assessments to be undertaken on our largest buildings. The assessment for HQ took place in December 2022 and Melksham March 2023, these were the

earliest dates that skilled assessors could undertake these noting the increase in demand for their time. The report was used in tandem with the HO Guidelines and the early works of the project to understand what changes were needed.

5. The latest HO Design Guide (published Feb 2023) states that each cell is treated as if a separate compartment for fire considerations, what this means is the fire is contained in these compartments for a certain time to allow others to escape if a fire takes hold. When the building was originally constructed in 2002, the whole of custody unit was split into 3 compartments, however the new guidance will result in 30+ compartments having to be protected. Considering our tender for the refurb went to the market in June 2022 it is unrealistic to expect that all these new legislative requirements would have been included in the scope at that time.
6. In March 2023, we received our first Type 2 Fire Risk Assessment by a third-party consultant (to supplement the Force H & S Team who complete the annual Type 1 fire risk assessments) for the building, including custody, and with the project in progress on site at this stage, this identified several fire related issues that needed to be urgently addressed. These issues have been considered in line with the HO design guide changes in February 2023.
7. In addition to the 3rd party Fire Risk Assessment, a third-party consultant (Ridge) has also been appointed to prepare a Fire Strategy complete with graphic floor plans. This piece of work is in progress and dependent on the final solution.

PROGRESS

8. Work on the refurbishment has progressed to the stage that the ceiling and service voids are now opened up, and much of the clearance and strip out work has taken place. This has enabled professionals to see the work required to make the custody compliant in line with the recommendations included in the type 2 Fire risk assessment, Fire Strategy, HO Design guide and Building Regulations. The Fire Strategy considers the use, occupation, and layout of the building. Based on these options which reduce and mitigate risks to an acceptable level have been considered, including systems such as automatic high pressure water misting, manual fire hoses and enhanced compartmentation. Fire management procedures have also been considered. The Fire Risk Assessment and Fire Strategy will be amended to reflect the final design when agreed.
9. These fire related matters have delayed the original contract completion date. The completion at handover of the custody unit will be further delayed due to extensive lead in times for specialist equipment and installation schedules, etc. The new estimated contract completion date is reported later in this paper.

OPTIONS

10. The Estates team utilising expertise from the Ridge Fire Advisor and with full involvement from the Force Health and Safety Team have considered 5 options. 2 options have been discounted by the team as they do not address the primary fire risks. The 3 remaining options are summarised in the table below.

Option	1	2	3
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Solution	Custody - Misting System and Manual Hoses (in all areas except low-risk areas)	Custody - Misting System (in all areas except low-risk areas)	Custody - Misting System (excl. Boiler Room and Charge Desk)
Cost	£1.577m	£1.490m	£1.370m
Programme	32 weeks	30 weeks	26 weeks
Advantages	Most comprehensive solution, exceeds HO design guide	Meets HO design guide. Is automated and does not rely on manual intervention.	Quickest, cheapest viable solution that addresses the majority of the high-risk areas
Disadvantages	Relies heavily on custody staff being trained/available to use secondary manual firefighting equipment	Not the most comprehensive solution but is fully automated, addresses the higher risk areas and includes the provision of a new protected secondary evacuation route out of custody.	Does not address all risk areas, incl. the charge desk area, which will impact on the provision of a new protected secondary evacuation route out of custody.

11. The recommendation from the team is Option 2. It is felt that reliance on staff to undertake a significant manual firefighting role set out in Option 1, is a concern. Staff would need to be trained (annual refresher) and there would also be a conflict in the event of a fire between dealing with the fire and safely evacuating detainees.

FINANCIALS

12. A cost plan has been drawn up for all options, the table below details Option 2.

Misting solution (payment to subcontractor)	£0.340m
Payment to Primary Contractor to manage (8%)	£0.043m
Works required to facilitate Misting solution (electrical supply, building controls, increased containment works, provision of water store for solution and site impact)	£0.201m
Building changes required to meet Fire Strategy including fire compartmentation works, new fire doors, etc.	£0.185m
Overheads/Profit to Primary Contractor for changes	£0.015m
Primary Contractor extension of time in line with contract	£0.250m
Fees involved with Fire solution design	£0.045m
Ridge Fees due to additional work undertaken / extension of the contract period.	£0.045m
Works to 1 st First Floor to meet Fire Strategy	£0.229m
Overheads/Profit to Primary Contractor for changes (1 st Floor)	£0.018m
Fees involved with Fire Strategy work (1 st Floor)	£0.020m
Sub Total	£1.391m
Contingency for Custody works	£0.077m

Contingency for 1 st Floor works	£0.022m
Total	£1.490m

13. These costs are based on high level estimates and will change as the project progresses. It is based on a 30-week programme extension from the original completion date. The objective will be to design, implement and complete works as soon as possible. When added to the additional project the budget requirement is

	Sept Agreed	Fire Strategy works	New Requirement
Cost forecast	£3.195m	£1.391m	£4.586m
Contingency	£0.256m	£0.099m	£0.355m
Melksham Total Budget	£3.451m	£1.490m	£4.941m

14. It is recognised that this is a significant increase in budget but seems unavoidable noting the need to comply with the change in Fire Regulations and the latest Building Regulations
15. It is currently considered that this increase in budget, if approved, will be financed via capital. The impact of this on borrowing etc. will be considered in the Autumn when the capital financing plan is refreshed with options provided.

LEGALS

16. The initial contract with the primary contractor, Beards, allows for additional sub-contractors to be appointed under the JCT contract. This identifies the cost for contract extensions of time, therefore new legal procurement issues are mitigated. The cost is based on high level estimates and will change as the project progresses. It is based on a 30-week programme extension. The objective will be to complete as soon as possible, each week earlier will reduce costs by £8,500 per week on primary contractor preliminaries. Adversely any extension in programme will cost an additional £8,500 per week.
17. This plan is based upon the award of the misting system (£0.340m) to a single supplier (Fire Works). With high demand for fire suppression systems, we have been fortunate to get engagement from the HO accredited misting supplier and they have visited site now and drafted out a number of possible solutions. The demand for misting solutions post the new Fire Regulations is exceptionally high, and there are only limited suppliers with custodial experience – no other suppliers have engaged with us or our primary contractor. A single source supplier route is therefore recommended due to lack of other credible HO accredited custodial products and installers available and the impact of further delays if we have to procure another supplier.

TIMESCALES

18. The plan drawn up is based on the following estimated completion dates.
- Instruction to proceed from PCC – 4 August 2023
 - Design of M&E interaction and Fire Strategy Finalised – 29 Sept 2023
 - New Fire approved Cell doors received post lead in time – 24 Nov 2023
 - Misting system received post 12-week lead in time – 22 Dec 2023
 - First fix and misting system installed – 9 February 2024

- 4 weeks to complete final fix – 8 March 2024
 - 3 weeks testing training handed back for operational use – 29 March 2024.
19. The previous comments surrounding the plans being based on best estimates should be noted. There are several unknowns and a number of issues outside our control (i.e. lead in times / specialist resource availability), based on this it is advisable to allow some time contingency especially noting the overrun from the original project. It is therefore advised that 1 month contingency is allowed in any communications – so a go live date of 1 May 2024 is recommended.

RISK ASSESSMENT

20. The delay in the project is all related to risk surrounding fire. The investment will bring the facility up to date surrounding all the new fire regulations, reducing the chance that a fire will develop, and the consequences should it do so. This fire suppression system will slow down any fire / smoke spread, satisfy the current HO guide and allow safe controlled fire evacuation of the unit. The appointment of Fire Advisors in consultation with the Force Health and Safety team, has provided us the necessary “risk based” professional position. Considering the occupants of the custody (detainees unfamiliar with the building, possibly drug/alcohol reliant, mental issues etc..), the “risk profile” of a custody is high and needs serious consideration. Melksham custody also has a higher risk profile due to their being no immediate police officer support on site out of hours, compared to Swindon.
21. The new budget will include over £0.350m of contingency. Whilst this seems a substantial sum, this can be expended very quickly on works of this complex nature. It is therefore suggested that this is left at this level with an intention that a proportion can be returned at the end of the project.

ENVIRONMENTAL IMPACT

22. The water misting system is water based and does not include any refrigerants or other greenhouse or CFC’s and will not adversely affect the Forces carbon footprint.

RECOMENDATION

23. It is recommended that the PCC.
- a) agrees that Option 2 is the preferred solution, approving the increase in budget to £4.941m; and
 - b) agrees the letting of the misting contract to Fire Works as a single supplier procurement; and
 - c) notes the impact on the timescales which the Chief Constable will communicate more widely to stakeholders and staff.