

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4689

Author:

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Department:

Growth and City Development

Contact:

Paul Flowers

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Subject:

Bird Proofing for existing Photovoltaic (PV) solar panels

Total Value:

£362,664.00 (Type: Capital)

Decision Being Taken:

1. To approve the expenditure of £383,688 via the Housing Revenue Account (HRA) Capital Programme to install Pigeon protection to existing HRA Solar PV's. Works here relate to panels funded and owned by the HRA. To note that in line with the Section 114 notice, this proposal has been considered by the Council's Section 151 officer and is agreed to be legitimate spend of HRA resources.
2. To award the contract for the pigeon protection works for Nottingham City Homes (NCH).

Reasons for the Decision(s)

There are currently over 3000 properties across the City that have solar panel installations on their roof space. These installations are split between ones that are managed by NCH and ones that are managed by NCC.

A common issue that has come to light with these solar panels is birds nesting under the array. This has led to many issues including resident complaints, blocked gutters, damaged tiles, leaking roofs, unwanted noise nuisance and the build-up of guano that is classed as hazardous to people's health.

Alongside the known issues, there is also a loss of Feed In Tarif (FIT) income to both NCC and NCH, due to the build up of guano on the solar panels, which makes them less effective and reduces the panels exposure to natural daylight. Based on national research the efficiency of a panel will reduce by up to 30% over their lifetime due to this, which will affect the overall yield in the original business case.

So far over 300 calls have been received and up to 5 emails a day from both the customer service team and tenants asking what our solution is to this problem.

The plan is to carry out the works on a needs must basis, due to the fact that not all panels are affected due to their location and the fact that we fit this protection to all new installations going forward.

NCH manages the Council's housing stock and therefore it is considered that they are best placed to arrange and manage the installation of the protection works.

Other Options Considered:

Not to carry out the works - this option was rejected, as it would leave a Health and Safety issue, which would need to be dealt with every few years, which would come at a greater cost overall due to the fact multiple scaffolds would need to be erected, plus the labour costs associated with undertaking the clearing of the guano.

Remove the PV panels completely - this option was rejected, as the cost to do this work would be in the same region as the installation of the protection, with no return after. This is due to the fact that work would still require the same access equipment with the addition of the removal of the inverter within the property and disposal costs of the equipment. This will also have a negative impact on NCC's carbon reduction target, which would reduce to zero for these properties.

Background Papers:

None

Published Works:

None

Affected Wards:

Citywide

**Colleague / Councillor
Interests:**

None known

Consultations:

Tenants will be informed as part of the works to install. Those not consulted are not directly affected by the decision.

**Crime and Disorder
Implications:**

The installations will enhance the safety of the residents in our homes.

Equality:

Please login to the system to view the EIA document: Final EIA Pigeon Protection.docx

**Relates to Council Property
Assets:**

Yes

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

12/08/2022

Advice Sought:

Legal, Finance, Procurement, Equality and Diversity, Property

Legal Advice:

There are no significant legal issues arising from this decision. The report is asking that a budget be allocated for the necessary pigeon protection works and that the work be contracted to NCH as it will fit with the wider housing management functions they carry out on behalf of the Council.

With regard to the contract to NCH this is permitted under the Council's Contract Procedure Rules and specifically CPR 18.28-18.29 being a 'Teckal' exempt company for the purpose of public procurement legislation.

It will be necessary to have clear contractual obligations with the regard to the work to be undertaken, together with a scope of the remit of the work to be undertaken. Legal Services should be consulted with for such arrangements.

Advice provided by Naomi Vass (Senior Solicitor) on 13/05/2022.

Finance Advice:

The Public Sector Housing Capital Programme approved at February Executive Board included the Bird proofing project within the Planned section of the programme. Following the approval of this decision the project will be moved into the approved programme and is to be funded by capital receipts.

This project has been endorsed by the Capital Board in January 2022, and does not require further endorsement prior to formal approval.

The S151 Officer has been informed of this decision and is satisfied that the decision is a legitimate cost to the HRA.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 17/03/2022. Confirmed 30/07/22.

Property Advice:

This decision does not raise any issues for Property Services. Advice provided by Beverley Gouveia (Disposals & Development Manager) on 21/03/2022.

Procurement Advice:

It is permissible under the Council's Contract Procedure Rules to award a contract to Nottingham City Homes (NCH) as a "Teckal" company as per the Public Contract Regulations. So there are no concerns with the proposal to award a contract to Nottingham City Homes.

In any contract with NCH any provisions for sub-contracting will need to ensure such arrangements are made by NCH in line with Public Contract Regulations 2015.

Advice provided by Steve Oakley (Head of Contracting and Procurement) on 31/05/2022.

Equality and Diversity Advice:

See attached EIA.

Advice provided by Rosey Donovan (Equality and Employability Consultant) on 22/06/2022. Advice provided by Rosey Donovan (Equality and Employability Consultant) on 22/06/2022.

Advice documents: Final EIA Pigeon Protection.docx

Signatures

Toby Neal (Portfolio Holder for Housing and HR)

SIGNED and Dated: 05/08/2022

Sajeeda Rose (Corporate Director of Growth & City Development)

SIGNED and Dated: 25/07/2022