

# LANDLORD SERVICES ADVISORY BOARD

Thursday, 20 July 2023 - 10.00 am

Council Chamber, Council Offices, The Burys, Godalming

## A G E N D A

### **Circulation:**

Members:

Cllr Paul Rivers (Chair)

Terry Daubney, Waverley Tenants' Panel  
(Vice Chair)

Cllr Jacquie Keen

Cllr Alan Morrison

Cllr John Robini

Cllr Jerry Hyman

Chris Austin, Lucas Field Residents Group

Robert Stratford, Waverley Tenants Panel

Sally Purcell, Waverley Tenants Panel

### **1 Apologies for absence**

To receive apologies for absence.

### **2 Notes of the previous meeting (Pages 3 - 6)**

To agree the notes of the meeting held on 29<sup>th</sup> June 2023 and published on the Council's website.

### **3 Declarations of interest**

To receive any declarations of interests under the Waverley Members' Code of Conduct.

### **4 Questions from Members of Public**

### **5 Questions from Members**

### **6 Housing Services Damp and Mould Policy (Pages 7 - 22)**

Board to receive the Damp and Mould policy for note and comment. Executive Co-PFH for Housing, Cllr Paul Rivers, to make formal decision on the Policy in the meeting to follow.

### **7 Housing Services Fire Safety policy (Pages 23 - 48)**

The Board to receive updated Housing Fire Safety Policy 2023 for note and comment. Executive Co-PFH for Housing to consult with Executive Head of

Housing and make a formal decision on the Policy in the meeting to follow.

8 **HRA Buy Back - Shamley Green** (Pages 49 - 56)

The Board to look at proposal to buy back an ex-local authority property in Shamley Green using the buy back reserve built into the HRA fund. Executive Co-PFH for Housing, Cllr Rivers to make formal decision in the meeting to follow.

9 **Fire equipment servicing procurement** (Pages 57 - 66)

Board to receive report detailing the Fire Equipment Servicing Procurement contract. Co-PFH for Housing, Cllr Rivers to make formal decision on awarding Fire Equipment Servicing contract with Sureserve Fire and Electrical Ltd for the period 2023 to 2026 in the meeting to follow.

10 **Feedback from CIH Manchester Conference**

Annalisa Howson to report key feedback from the CIH Conference, Manchester, including update on Social Housing Regulation Bill.

11 **Executive Head of Housing Update**

Executive Head of Housing, Andrew Smith, to provide housing update.

12 **Work Programme**

Work Programme to follow.

13 **Date of next meeting**

## LANDLORD SERVICES ADVISORY BOARD

29 June 2023

### NOTES

Present:

Cllr Paul Rivers (Chair)  
Terry Daubney, Waverley Tenants' Panel  
(Vice Chair)  
Cllr Jacquie Keen  
Chris Austin, Lucas Field Residents Group  
Robert Stratford, Waverley Tenants Panel  
Cllr Alan Morrison  
Cllr John Ward (Substitute)

Apologies:

Councillor John Robini and Sally Purcell, Waverley Tenants Panel

In attendance:

Danielle Sleightholme, Waverley Tenants' Panel Co-optee  
Cllr Paul Follows

#### 1 Apologies for absence

Apologies have been received from Cllr Robini. Cllr Ward joined the meeting as a substitute to fill the vacant position.

#### 2 Notes of the previous meeting

Terry Daubney, Vice Chair, submitted the following questions based on the minutes of the previous meeting and read them out to the Group:

i. In the Q3 performance report there is a mention of the Relet Review, is there an update on this review, particularly around finding and will there be any tenant involvement in this review?

Andrew Smith, Executive Head of Housing, explained that the re-let review process is continuing and is in process. He noted that the Council was looking into recruiting a dedicated officer for re-lets and to facilitate easy moving for tenants. He explained that the tenant's panel will have involvement over the summer period and the plan is to bring a report to the Sept-Oct Landlord Services meeting. Andrew Smith clarified that the re-let time frame is currently 25 days. He also agreed to confirm when the re-let period starts, in response to Chris Austin's query.

ii. The Board agreed to defer this item for further discussions & review? Could we have an update on any progress made.

Andrew Smith, Executive Head of Housing, confirmed that an update on the Decant Policy can be provided in the upcoming meeting. Danielle Sleightholme suggested that feedback and involvement should be utilised from tenants involved in the Milford fire incident. Andrew Smith explained that this would be an emergency decant response situation and the Group queried the Council's plan for emergency

situations. Louisa Blundell noted that there were tenants from the Ockford Ridge refurbishment who could give feedback and input on the decant policy. **The Chair suggested that officers report back on the emergency procedure for tenants and bring back an update on the Decant Policy.**

Cllr Keen queried the situation on Damp and Mould. Andrew Smith noted that the Damp and Mould Policy will be coming to the next meeting and is to be signed off by the Co-PFH for Housing. He noted that the Housing team are looking into recruiting a dedicated resource for Damp and Mould as it is a specialised field, it was also noted that 39 out of 1000 responses from the Stock Condition Survey indicated issues with Damp and Mould.

Cllr Rivers, Co-PFH for Housing and Chair of the Group, also noted that the work programme would be attached to the agenda for the July meeting.

### **3 Declarations of interest**

None received.

### **4 Terms of Reference**

The Group were in unanimous agreement that they would like to retain the title 'Landlord Services Advisory Board'.

The Group agreed to remove the word 'co-optee' from agendas, minutes and other correspondence to ensure the Tenants Panel Members are recognized as Members of the Group.

### **5 Q4 Performance Report**

Members raised concerns about the 4 red KPIs and the performance of the responsive repairs contractors, Ian Williams. Andrew Smith noted that a meeting was held with Ian Williams to discuss this; he noted that Ian Williams were taking action on this including a change in recruitment and structure of the company. Officers are to meet with Ian Williams again next week to discuss the action plan. Members suggested a representative should attend a meeting of the Board to update them on the progress and plans to avoid issues in the future. Chris Austin, Tenant's Panel Member, questioned the progress of Smith and Byford and whether they should be involved in the meetings with Ian Williams; to which Andrew Smith explained that Smith & Byford and Ian Williams were separate and have contractually different responsibilities. He noted that Smith and Byford had been performing satisfactorily.

Chris Austin, Tenants Panel Member, suggested that housing officers should undertake regular visits to tenants' homes. However, Members recognized that shortage of staff and resources would hinder this. Andrew Smith suggested that Neal Davis attends a meeting of the LSAB in Autumn to talk about the Housing Management Service, staff structure and training and how this aim could become achievable.

#### **Actions from the discussion:**

- *Officers to report back on gas certificate software*

- *Officers to report back to Board regarding the gas cap mentioned in the report*
- *Chair requested information on how many items from the stock condition surveys had resulted in a call out to Ian Williams – officers to report back*
- *Representative from EM Ian Williams to attend the Board in Sept/Oct to update*
- *Officers to report back to Board at a later date regarding the H7 suspended data.*

## **6 Housing Delivery Presentation**

Louisa Blundell gave a presentation on housing delivery to the Board. A number of key updates were presented including;

- Stock condition surveys may deliver opportunities for regeneration
- Ockford Ridge Deep Retrofit was approved by Members and set to begin in August 2023
- There will be a viewing home on Site C; Members may choose to have a site visit in the future
- 150 homes have been delivered and action plan aims to elevate this to 200 new homes in the next 4 years
- 26 new homes to be built in Chiddingfold; construction will commence within the next month
- All homes will be at a net zero position/ A-rated properties
- Air source heat pump provider to visit Board at a later date to provide demonstration

## **7 Executive Head of Service Update**

Andrew Smith, Executive Head of Housing confirmed that there were no more updates to report.

## **8 Work programme**

The Chair noted that Annalisa Howson, Housing Improvement Manager, would provide the Board with an updated work program at the next meeting.

## **9 Date of next meeting**

The Board agreed that the date of the next meeting will be Thursday 20<sup>th</sup> July 2023 at 10am.

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## Waverley Borough Council

**Report to:** Landlord Services EWG; Co Portfolio Holder for Housing (Operations & Services)

**Date:** 20 July 2023

**Ward(s) affected:** All wards affected

**Report of Director:** Community Wellbeing

**Author:** Steph Aves, Special Projects Officer, Housing Operations

**Tel:** 01483 523 515

**Email:** [steph.aves@waverley.gov.uk](mailto:steph.aves@waverley.gov.uk)

**Executive Portfolio Holder:** Cllr Paul Rivers

**Email:** [paul.rivers@waverley.gov.uk](mailto:paul.rivers@waverley.gov.uk)

**Report Status:** Open

## Housing Service: Damp and mould Policy

### 1. Executive Summary

The Council does not currently have a policy on the management of damp and mould within tenant homes. It is recommended by the Regulator for Social Housing and the Housing Ombudsman Service to have a specific damp and mould policy to ensure cases are managed and dealt with in a timely manner with an understanding of the urgency and importance. The purpose of this damp and mould policy is to direct the management and delivery of a damp and mould service to all Waverley Borough Council properties enabling the Council to provide and maintain, warm and dry healthy homes for tenants.

## **2. Recommendation to Executive Co Portfolio Holder for Housing**

- 2.1 That the Executive Co Portfolio Holder for Housing approves the adoption of the new damp and mould policy for social housing tenants, with immediate effect.

## **3. Reason(s) for Recommendation:**

- 3.1. The Housing Ombudsman Service has recommended all Councils have a damp and mould policy in place.
- 3.2. Waverley Borough Council does not currently have a specific damp and mould policy approved.

## **4. Purpose of Report**

- 4.1. To approve and adopt this new damp and mould policy with immediate effect to ensure clear direction of the management and delivery of a damp and mould service to all Waverley Borough Council homes enabling the Council to provide and maintain, warm and dry healthy homes for tenants.

## **5. Strategic Priorities**

- 5.1. The report supports the Council's Corporate commitment to promote *"Good quality housing for all income levels and age groups"* and aim to *"be the best council landlord in the South East and to be acknowledged so by our tenants."*

## **6. Background**

- 6.1. In May 2022 Waverley commenced a damp and mould management review, in response to a Housing Ombudsman Service Spotlight



report in October 2021. This report in conjunction with the tragic death of Awaab Ishak in 2020 highlights the need for landlords to recognise the ongoing detrimental impact on the health and well-being of the resident living with damp and mould in their homes.

- 6.2. Landlords must take responsibility and must meet their statutory and regulatory obligations, responding within appropriate timescales to reflect the urgency of the case. The ombudsman report has provided useful, achievable recommendations and best-practice examples which we must aim to achieve through the use of this policy development.

## **7. Consultations**

- 7.1. The Co portfolio holder for Housing, Cllr Paul Rivers along with members of the Tenants Panel have been consulted on this policy and were involved with its development. The Landlord Service Advisory Board received a Damp and Mould update report in February 2023, feedback was incorporated in the policy development.

## **8. Key Risks**

- 8.1. There are a number of key risks that could arise should this policy not be adopted:
  - The Council could breach its statutory and regulatory obligations as a landlord
  - Risk to tenants health or worst case threat to life, and
  - Reputation and compensation costs.

## **9. Financial Implications**

- 9.1. There are no direct financial implications from this report. Any costs associated with meeting the requirements of this policy have been

considered and the budgets included when setting the 2023/24 HRA and Capital budgets.

## **10. Legal Implications (drafted by Jayne La Grua, Interim Deputy Borough Solicitor)**

- 10.1 Maintaining homes that are safe and in good condition is a core function of all social landlords.
- 10.2 The Homes (Fitness for Human Habitation) Act 2018 amended the Landlord and Tenant Act 1985 with the aim of ensuring that all rented accommodation is fit for human habitation. While it did not create new obligations for landlords, it required landlords to ensure their properties are fit for human habitation at the beginning of, and throughout, the tenancy. The Landlord and Tenant Act does not define “fit for human habitation” but consideration should clearly be given to freedom from damp. The Act also strengthened tenants’ means of redress where landlords do not fulfil their obligations and gives tenants the right to take their landlord to court. Council tenants may also complain to the Housing Ombudsman, who may make findings of maladministration if there has been a failure to investigate and resolve complaints about damp and mould.
- 10.3 The Housing Ombudsman Service, in a report entitled Spotlight on Damp and Mould, October 2021, recommended that, as a matter of good practice, all councils with housing stock should have in place a policy to address damp and mould, which should include any proactive interventions, its approach to diagnosis, actions it considers appropriate in different circumstances, effective communication and aftercare.
- 10.4 Similarly, the Regulator of Social Housing, in a report entitled Damp and Mould in Social Housing: Learning the Lessons, 28 June 2023, made clear what good governance looks like, with effective organisations having in place a damp and mould policy with effective processes for tenants to raise concerns about damp and mould, and landlords taking clear ownership of the issue.

10.5 This report seeks approval and adoption of a Damp and Mould Policy in respect of Waverley Borough Council homes.

## **11. Human Resource Implications**

11.1. There are no HR implications from this report.

## **12. Equality and Diversity Implications**

12.1. There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010. This policy is aimed at staff and contractors and does not require a full EqIA.

## **13. Climate Change/ Sustainability Implications**

13.1. There are no direct negative Climate change/ sustainability implications in this report. The Council must use a holistic, whole-house approach, focussing on the fabric of the home when undertaking inspections or considering remedial works. Any reasonable and cost-effective solutions (in line with the Tenancy Agreement see section 8) will be actioned to tackle damp, condensation and mould. Adopting a proactive data led approach and regular monitoring will help to identify property types that are prone to damp and mould. This will enable the Council to better target and direct resources where they are most in need to improve energy efficiency and thermal comfort within homes.

## **14. Summary of Options**

14.1. To adopt this policy with immediate effect.

14.2. To do nothing and be at risk of breaching our statutory and regulatory obligations as a landlord, putting tenants health and lives at risk.

## **15. Conclusion**

- 15.1. Since damp and mould are such important and damaging aspects for tenants, staff and the property asset itself, it is fundamental that the Council has a clear and strict policy specifically directing how damp and mould will be managed and resolved. This will ensure clarity for all staff, stakeholders and tenants as well as managing expectations and meeting best practice.

## **16. Background Papers**

- 16.1. Regulator of Social Housing: Damp and mould in Social Housing: Initial findings (2023)
- 16.2. Housing Ombudsman Report: Spotlight on Damp and mould – It's not lifestyle (2021)
- 16.3. Housing Ombudsman Report: One Year on follow up (2023)

## **17. Appendices**

- 17.1 Damp and Mould Policy

Please ensure the following service areas have signed off your report.  
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<b>Service</b>	<b>Sign off date</b>
Finance / S.151 Officer	21/06/2023
Legal / Governance	12/07/23
HR	n/a
Equalities	14/04/2023
Lead Councillor	22/06/2023
CMB	27/06/24
Executive Briefing/Liaison	11/07/2023
Committee Services	12/07/2023

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Waverley Borough Council  
**Damp and Mould Policy**

**Latest version number: V0.3**

**Latest publication date: June 2023**

**Lead Officer / Team: Property Services, Housing Operations**

## Document Information & Governance

### 1.1 Approval & Publication:

Approving Body	Approval route requirement	Publication Type	Publication requirement	Review frequency	Document owner	Next Review Date
<i>Executive Co Portfolio Holder for Housing Decision</i>	<i>CMB, LS EGW and EB</i>	<i>Internal/ external</i>	<i>Required by HOS and RSH</i>	<i>Annual</i>	Property Services Manager	September 2024

### 1.2 Version Control Information:

Version	Version Status (Draft, Approved /Published Internally or Externally)	Date	Version Comment	Version Author
V0.1	Working Draft	17/04/2023	Creation of the document	
V0.2	Approval Draft		Approved by JCC	
V0.3	Approval Draft	27/06/2023	Approved by Management Board	
V0.4	Final Approval Draft		Approved by the Executive	
V1	Final version / Published		1 <sup>st</sup> Publication	
V1.1	Working Draft		In year corrections	
V1.2	Final Approved & Re-Publication		In year correction approval by Management Board	
V2			Full Annual review	

### 1.3 Impact Assessments and Consideration:

Impact Assessment Type	Required / Not Required	Date Completed	Impact Assessments and Considerations Comment	Assessment Owner
Equality Impact Assessment	Not Required	14/04/2023	There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.	
Data Protection Impact Assessment				
Climate Change				



## Scope and Purpose

The purpose of this policy is to direct the management and delivery of a damp and mould service to all Waverley Borough Council homes enabling the Council to provide and maintain, warm and dry healthy homes for tenants.

This policy applies to all employees and contractors of Waverley Borough Council.

This policy does not cover or apply to:

- Private rented properties.
- Internal repairs, maintenance or compensation for damaged fixtures or fittings to Leasehold properties. Only the external fabric of the building falls under the Councils responsibility and therefore covered by this policy.

## Policy statement

Council officers must take damp and mould seriously and take responsibility as the landlord. The Council must meet its statutory and regulatory obligations. This applies to all occupied homes, including those identified for disposal or demolition.

Council officers must proactively manage damp and mould within council homes and will work in partnership with tenants as specified in the damp and mould procedure. Strong landlord-tenant relationships are crucial for maintaining safe and healthy internal environments and to prevent deterioration of the building fabric. The Council must ensure all tenants are treated fairly and in a consistent way - with respect and empathy in line with the procedure.

All staff and contractors visiting tenants' homes must report any concerns they find. This includes signs of damp and mould. All cases of damp and mould must be brought to the relevant officers' attention (Housing Maintenance Inspectors).

All tenants must look after their home in a reasonable and responsible way, reporting to the Housing Repairs Service, immediately any repairs that need carrying out (that the Council is responsible for as per the Tenancy Agreement)

All tenants are responsible for managing condensation levels inside the property by properly ventilating and heating it however the Council will provide ongoing support, education and advice on ways to reduce and manage condensation levels in the home.

All reports of damp and/or mould must be investigated by the Council, and involve at least an initial inspection as per the procedure. Accurate and complete records must be kept throughout the process. In addition, the damp and mould tracker must be used as the definitive case management tool, the primary source for recording, monitoring, and following up cases.

## Focus on fabric of homes

Thorough inspections using a holistic, whole-house approach must be undertaken, focussing on the fabric of the home. Any reasonable and cost-effective solutions (in line with the Tenancy Agreement see section 8) will be actioned to tackle damp, condensation and mould within timescales specified in the procedure document.

Causes of damp and mould will be considered throughout the Council's Net Zero Carbon decision making process to prevent potential unintended consequences.

### **Communication**

The Council's proactive Communication and Engagement Strategy promotes regular correspondence with tenants, while the damp and mould procedure outlines specific communications throughout the repairs process, from initial notification, to investigations and remedial works, through to the aftercare phase once works are complete.

### **Complaints**

Use of the corporate complaints handling procedure must continue to be promoted and lessons learned will be analysed routinely to help improve our services.

The Council will continue to use the complaints procedure regardless of whether the pre-action protocol has commenced and until legal proceedings have been issued. This is to maximise the opportunities to resolve disputes outside of court.

### **Redecoration**

Once the Council has carried out remedial works, mould treatments and made good any damage caused by water stains, the surfaces will be left ready for decoration. Tenants are responsible for redecorating. Use of anti-fungal paints are recommended to be used.

On a case-by-case basis, in certain circumstances the Council may carry out redecoration works and will consider how best to assist vulnerable or disabled tenants with redecoration.

Where there is damage due to disrepair, the obligation is on the landlord to both repair and make good including any redecoration.

### **Proactive, data-led approach**

The Council recognises the value of knowing its stock, its tenants, and their needs. The Council will continue to take a joined up, cross-service approach, sharing knowledge and expertise. The Stock Condition Survey programme running from April 2023 - April 2025, along with plans to explore the use of monitoring technology will all assist in achieving a proactive data-led approach. Data analysis and monitoring will help to identify types of properties that are prone to damp and mould. Once identified, this will enable the Council to better target and direct resources where they are most in need.

### **Implementation and monitoring**

The Executive Head of Housing has overall responsibility for the policy, ensuring that it is fully implemented.

The Housing Operations Manager is responsible for:

- The effective implementation and delivery of the policy.
- Monitoring the performance and delivery.
- Reviewing the policy.

The Contracts Manager is responsible for:

- Developing the processes and procedures that are in line with the policy.
- Ensure that the policy aims and terms are adhered to.
- Monitoring the effectiveness of the policy on a quarterly basis.

## Review

The Policy will be reviewed annually by the Housing Operations Manager, in response to:

- Legislative changes.
- Council strategy or policy changes; or
- Ineffective policy terms.
- Policy adherence.

In addition, the Council will undertake regular lessons learned exercises using Waverley Complaints and disrepair claims, as well as wider learning from the Ombudsman cases / learnings.

## Related information

### Other Related Council Policies / Information

#### Tenancy Agreement (September 2022)

### Other Documents

- [Housing Act 1985\(opens in new window\)](#)
- [Homes \(Fitness for Human habitation\) Act 2018](#)
- [Landlord and Tenant Act 1985 Section 11 - Repairs and Maintenance](#)
- [Housing Act 2004 - Housing Health and Safety Rating](#)
- [Decent Homes standards](#)
- [Environmental Protection Act \(EPA\) \(1990\)](#)
- [Defective Premises Act \(DPA\) \(1972\)](#)
- [Regulator of Social Housing: Damp and Mould in Social Housing: initial findings \(2023\)](#)
- [Housing Ombudsman Report: Spotlight on Damp and mould – Its not lifestyle \(2021\)](#)
- [Housing Ombudsman Report: One Year on follow up \(2023\)](#)

## Annexe

### Types of Damp

Damp occurs when a fault in the building's basic structure lets in water from outside. There are three main categories of damp: -

- 1. Penetrating damp** - This occurs if water is coming into the home through the external fabric of the building e.g., walls or roof or from within the building from water leaks resulting from defective pipework.
- 2. Rising damp** – This occurs when the ‘Damp proof course’ (DPC) is missing or defective. Moisture rises from the ground, up the brickwork and into the building structure, transferring moisture from wet bricks to dry ones.

Rising damp usually leaves a horizontal tide mark across affected walls.

- 3. Condensation** - This occurs when the moisture in warm air hits cooler surfaces. Tiny water droplets appear on surfaces.

The risk of condensation is increased when there is:

- High humidity levels indoors e.g., too much moisture being produced.
- Low surface temperatures e.g., ineffective heating (undersized system or under use)
- Poor ventilation e.g., regular opening of windows, use of trickle vents and mechanical extraction fans. Air needs to be able to circulate.
- Poor thermal insulation e.g., insufficient loft and cavity insulation
- Poor construction / design / materials

Condensation usually happens during cold weather and appears on cold surfaces and places where there is little movement of air. For example, in corners of rooms, on or near windows, in or behind furniture. If the moisture is not removed through ventilation and if droplets on surfaces are not wiped away, mould will begin to grow.

## **Mould**

Mould requires damp conditions to grow. Mould will not grow on dry surfaces. It is a natural organic compound and is easily treated using the right method.

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## Waverley Borough Council

**Report to:** Landlord Services Advisory EWG

**Date:** 20 July 2023

**Ward(s) affected:** All wards affected

**Report of Director:** Community Wellbeing

**Author:** Drew Roberts, Compliance Officer (Fire Safety)

**Tel:** 01483 523 563

**Email:** drew.robert@waverley.gov.uk

**Executive Portfolio Holder:** Cllr Paul Rivers

**Email:** paul.rivers@waverley.gov.uk

**Report Status:** Open

## Housing Service:

# HOUSING FIRE SAFETY POLICY 2023

### 1. Executive Summary

Waverley Borough Council has statutory requirements to ensure it meets its fire safety obligations and maintain the safety of tenants and properties.

The existing policy was last reviewed in 2021 and is subject to three yearly reviews, however due to changes in legislation the review was brought forward to ensure the policy continues to be relevant to the Councils new obligations.

## **2. Recommendation to Executive Co Portfolio Holder for Housing**

- 2.1 That the Executive Co Portfolio Holder for Housing consults with Executive Head of Housing to approve the Fire Safety Policy.

## **3. Reason(s) for Recommendation:**

- 3.1. Waverley Borough Council has statutory requirements to ensure it meets fire safety obligations. This policy sets out the framework for decision making on fire safety matters in the Council's housing stock.
- 3.2. The existing policy does was last reviewed in 2021 and is subject to 3 yearly reviews, however due to changes in legislation the review was brought forward to ensure the policy continues to be relevant to the Councils new obligations

## **4. Purpose of Report**

- 4.1. To approve and adopt the policy. To promote fire safety and give clear direction of the management to provide and maintain safe homes for tenants.

## **5. Strategic Priorities**

- 5.1. The report supports the Council's Corporate commitment to promote *"Good quality housing for all income levels and age groups"* and aim to *"be the best council landlord in the South East and to be acknowledged so by our tenants."*

## **6. Background**

- 6.1 The existing Fire Safety Policy was first published in August 2017, as a joint policy with between the Compliance Manager for housing assets and the Emergency Planning, Resilience and Safety Officer for



corporate assets. Setting a framework for managing fire safety across all Council owned buildings.

6.2 The policy has been subject to periodic review, however given the introduction of the Building Safety Act 2022 and the Fire Safety Act 2021, which introduced new obligations for buildings owners, it was deemed prudent to complete a full review of the policy ahead of its periodic review.

6.3 Due to the additional obligations put on the Council as a landlord, which generally don't impact the corporate assets, it was deemed that splitting the policy so that the housing and corporate obligations are clearly defined. In consultation with the Emergency Planning, Resilience and Safety Officer, it was confirmed that a Corporate Fire Safety Policy was published last year.

6.4 Approval of this revised policy will also enable the revision of existing fire safety procedures, in line with the objectives outlined in section 5 of the policy.

## **7. Consultations**

### **7.1.**

In updating this policy, the following individuals were consulted.

- Ibiyemi Akoto, Compliance Officer
- Matt Alexander, Operations Manager
- Terry Daubney, Representative from the Tenants Panel
- Anthony James, Emergency Planning, Resilience and Safety Officer
- Councillor Paul Rivers, Co-Portfolio Holder for Housing
- Timothy Tyler, Compliance Officer
- Hugh Wagstaff, Strategic Asset Manager

- 7.2. Following approval of the policy, training will be provided to housing officers, relevant to their responsibilities.

## **8. Key Risks**

- 8.1. The existing version of the Fire Safety Policy sets a framework for the Councils existing obligations, prior to the introduction of the Building Safety Act 2022 and Fire Safety Act 2021. However, it doesn't fully address the Councils new obligations introduced by these acts.
- 8.2. Processes are in place to manage new obligations, however, this new version of the policy is needed to formalise the Councils approach.

## **9. Financial Implications**

Drafted by: Candice Keet (Senior Accountant)

- 9.1. There are no direct financial implications from this report. Any costs associated with meeting the requirements of this policy have been considered and the budgets included when setting the 2023/24 HRA and Capital budgets.

## **10. Legal Implications**

Drafted by: Ian Hunt Interim Deputy Borough Solicitor

10.1 The Council has a duty as landlord and employer to ensure appropriate measures for the management and control of fire safety and associated risk of fire. The report sets out the basis of the duty. In determining a policy the council has the right to consider the risk profile of its stock and residents in order to produce a balanced response which considers the risk and mitigation. The council having adopted a framework will have to follow this approach unless it determines the policy is to be deviated from with the appropriate reasoning set out in the subsequent decision.

## **11. Human Resource Implications**

11.1. There are no HR implications from this report.

## **12. Equality and Diversity Implications**

12.1. There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010. This policy is aimed at staff and contractors and does not require a full EqIA.

## **13. Climate Change/ Sustainability Implications**

13.1. There are no direct negative Climate change/ sustainability implications in this report.

## **14. Summary of Options**

14.1. To adopt this policy with immediate effect.

14.2. To do nothing and be at risk of breaching our statutory and regulatory obligations as a landlord, putting tenants health and lives at risk.

## **15. Conclusion**

The policy has been updated to reflect new requirements and maintain the safety of tenants and homes.

## **16. Background Papers**

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

### **Annexes:**

Annexe 1 – Housing Service Fire Safety Policy

**Please ensure the following service areas have signed off your report. Please complete this box, and do not delete.**

<b>Service</b>	<b>Sign off date</b>
Finance / S.151 Officer	19/06/2023
Legal / Governance	22/06/2023
HR	N/A
Equalities	N/A
Lead Councillor	
CMB	27/06/2023
Executive Briefing/Liaison	11/07/2023
Committee Services	

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Waverley Borough Council  
**Fire Safety Policy and Plan  
(Council Homes)**

**Latest version number: v3**  
**Latest publication date: June 2023**  
**Lead Officer / Team: Compliance**

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## 2. Document Information & Governance

### 2.1 Approval & Publication:

Approving Body	Approval route requirement	Publication Type	Publication requirement	Review frequency	Document owner	Next Review Date
Landlord Service Advisory Board	There are no legal or constitutional requirements for approval	Internal	There are no legal or constitutional requirements for publication	3 years	Drew Roberts	October 2024

### 2.2 Version Control Information:

Version	Version Status (Draft, Approved /Published Internally or Externally)	Date	Version Comment	Version Author
V0.1	Draft	August 2017	Creation of the document	
V0.3	Approved Draft	August 2017	Approved by Management Board	
V1	Published	August 2017	1 <sup>st</sup> Publication	
V1.1	Draft	October 2021	Full Annual Review	
V2	Published	February 2022	2 <sup>nd</sup> Publication	
V2.1	Draft	March 2023	Full Review Following Legislative and Organisational Changes	Drew Roberts
V3.0	Published	June 2023	3 <sup>rd</sup> Publication	Drew Roberts

### 2.3 Impact Assessments and Consideration:

Impact Assessment Type	Required / Not Required	Date Completed	Impact Assessments and Considerations Comment	Assessment Owner
Equality Impact Assessment	Required	22/06/2023	This policy aims to have a positive impact for those with physical or sensory impairments or for whom English isn't their first language, by setting a framework that ensures all occupants are protected from the effects of smoke and fire.	Drew Roberts
Data Protection Impact Assessment	Not Required			

<b>Impact Assessment Type</b>	<b>Required / Not Required</b>	<b>Date Completed</b>	<b>Impact Assessments and Considerations Comment</b>	<b>Assessment Owner</b>
Climate Change	Not Required			

### 3. Policy Statement

It is the policy of Waverley Borough Council (the Council) to recognise, accept and promote its health and safety duties to provide a safe and healthy working environment, as far as reasonably practicable<sup>1</sup>, for the safety of residents, contractors, and visitors to the Council's housing premises.

This policy and associated procedures (as listed under 8.1) aim to clarify the Council's approach to fire safety management. It is not the intention that this policy will address fire safety in all scenarios and in all property types but will set a decision making framework for addressing fire safety requirements at individual properties. Fire safety in individual properties will ultimately be dictated by the Fire Risk Assessment process, and application of the relevant guidance current at the time of the assessment.

This policy aims to demonstrate how the Council intends to fulfill its obligations under the fire safety statutory regulations. The Council is required to report fire safety compliance to the Regulator of Social Housing, under new obligations introduced by the Building Safety Act 2022 and Fire Safety Act 2021.

This policy and associated procedures will act to ensure the Council continues to keep all stakeholders, inclusive of residents and officers, safe and informed of their responsibilities.

The policies and procedures put in place by the Council can have a significant impact upon the safety of its residents, officers and contractors. The Council is committed to reducing the risk of fire in its housing stock to the lowest reasonably practicable levels.

#### 3.1 Legislative/Regulatory Context

The Council's undertaking in respect of fire safety is governed by the following statutory requirements:

- Health & Safety at Work Act 1974 (HASAW)
- Management of Health & Safety at Work Regulations 1999
- Regulatory Reform (Fire Safety) Order 2005 – applicable to commercial properties and the communal parts of housing stock
- Fire Safety Act 2021
- Building Safety Act 2022
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022
- Specialised Housing Guidance - National Fire Chiefs Council
- Housing Act 2004 – fire safety
- Regulator of Social Housing's Home Standard
- PAS 79-1:2020 Fire risk assessment. Premises other than housing. Code of practice
- PAS 79-2:2020 Fire risk assessment. Housing. Code of practice
- Workplace (Health, Safety and Welfare) Regulations 1992
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Smoke-free (Premises and Enforcement) Regulations 2006
- Control of Substances Hazardous to Health Regulations (COSHH) 2002

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<sup>1</sup> The term "so far as is reasonably practicable" is vital to the understanding of the Councils approach to managing fire safety. The HSE defines the term as a process to "...weighing a risk against the trouble, time and money needed to control it". The higher the risk, the lower the cost threshold for managing that risk.

The Council will ensure that consultants adhere to the relevant guidance documents and that these are given consideration in the fire risk assessment of its purpose-built and converted housing stock. In collaboration with employed consultants and contractors, nominated officers will monitor best practice and innovation to ensure that its fire safety arrangements remain current and up to date with developing technical standards.

### **3.2 Roles and Responsibilities**

The statutory role of Responsible Person<sup>2</sup> is held by the Council's Chief Executive.

Associated duties and actions are delegated via the Joint Strategic Director to the Executive Head of Housing who then delegates duties.

These duties sit with the Compliance Manager, as directed by the Operations Manager.

The Compliance Manager is the "Responsible Person" for the Housing Service, with the purpose of implementing Fire Safety Management.

The Responsible Persons hold managerial responsibility and provide monitoring and supervision of the implementation of control measures and will ensure that all operational procedures are carried out in a timely and effective manner.

For further detail regarding the Responsible Person's roles and responsibilities, as well as the responsibilities of officers and other stakeholders, please refer to 8.3.

The Council will employ external Contractors to carry out certain risk assessments and control tasks as well as competent and suitably accredited Consultants to advise the Council and to provide additional competence in this area. The Council will also employ external contractors to undertake remedial actions and testing.

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<sup>2</sup> The Regulatory Reform (Fire Safety) Order 2005 and Fire Safety Act 2021, employers and building owners must identify a responsible person. This is defined as the person with ultimate responsibility for health and safety for the building and occupants.

## 4. Scope of Policy

### 4.1 Introduction

This policy details the Council's arrangements for meeting its fire safety statutory and regulatory compliance under relevant legislation. The Council recognises its obligations as "the Responsible Person" as defined by the Regulatory Reform (Fire Safety) Order 2005. It is the Council's aim to take fire precautions as directed by the fire risk assessments, within its housing stock that will, so far as is reasonably practicable, to preserve and protect life in the event of a fire and take reasonable measures to prevent fires from occurring.

The scope of this policy focuses on the Housing property portfolio.

It should be noted that, under the definitions set under The Fire Safety (England) Regulations 2022, none of the Council's blocks of flats are classified as exceeding 11m in height and therefore by extension none exceed 18m; with the tallest blocks measuring 10.1m (Chantry's Court and 103 to 117 The Chantrys) based on the method outlined in Building Regulations Approved Document B-2 (Volume 2 Fire safety in dwellings) Appendix D. , however, the Council will treat these two sites as if they fell within the 11-18m category, as identified in The Fire Safety (England) Regulations 2022.

Where premises are mixed use and responsibility is shared between the corporate and housing teams, the Senior Building Surveyor (Corporate Assets) and Compliance Manager (Housing Assets), or whosoever they delegate to, will coordinate to jointly manage fire safety at the affected buildings.

The housing portfolio include the following property types:

- Houses
- Low-Rise flat blocks not exceeding 11m
- Senior Living flat blocks
- Maisonettes
- Bungalows
- Bedsits
- Community rooms
- Garages

## 5. Strategy and Management Objectives

The **strategic objectives** are:

**Prevention** of Fire,  
**Protection** of Life - in the event of a fire  
**Intervention** - if a fire occurs and  
**Communication** on fire safety

### 5.1 Prevention Objectives:

- Maintaining a suitable and sufficient Fire Risk Assessment process in line with PAS 79 (Fire Risk Assessment - Guidance and a recommended methodology)
- We aim to maintain building records, in relation to fire, in line with BS 9997 (Fire Risk Management Systems)
- We aim to design, manage and use buildings in line with BS 9999 (Fire safety in the design, management and use of buildings – Code of practice)
- Providing relevant fire safety information and training to persons occupying Council premises
- Ensuring all fire safety, electrical and mechanical equipment on the Council's estate is regularly maintained, and records kept in line with relevant legislation and HSE guidance. Including cyclical servicing and inspections of gas and electrical installations within flats
- Endeavour to ensure all leaseholders provide a current gas safety servicing certificate, taking enforcement action where necessary under the terms of their lease.
- Ensure that leaseholders who sublet their properties provide a copy of a valid satisfactory electrical installation condition report (EICR) without C1 or C2<sup>3</sup> works being required.
- Using processes to ensure flammable products are substituted for less flammable products where appropriate
- Ensure that where any hot works, such as soldering, take place in Council owned properties, the necessary Risk Assessment Method Statement (RAMS) and hot work permits are completed and provided by contractors. Where work has commenced without necessary documentation being provided, operatives to be told to stop work
- Ensure capacity for mobility scooter charging away from tenant accommodation meets tenant demand and where practicable develop a programme for future proofing capacity. Work with tenants to ensure best practice on use of mobility scooters is followed
- Prohibit smoking within internal communal areas or near entrances, ensuring signage is clear and working with tenants to ensure restrictions are adhered to.
- Prohibit the storage of belongings in common areas, including but not limited to: furniture; rubbish; flammable liquids; bicycles and scooters

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<sup>3</sup> An EICR is an inspection undertaken by a competent electrician, to assess an electrical installations condition and safety, listing deficiencies to be addressed. C1 pose an immediate threat to health and safety, typically being addressed before electrician leaves site, C2 pose a potential risk to health and safety and are typically addressed within 30 days.

## 5.2 Protection objectives:

- Providing and maintaining a fully automatic fire alarm system, where appropriate, to detect fire
- Install and maintain smoke alarms in all Council homes, ensuring a minimum of one smoke detector per habitable floor and heat alarm in kitchens
- Providing and maintaining sufficient means for giving warning to building occupants that a fire is occurring and the requirement to evacuate the premises safely, where appropriate
- Completing periodic inspection of fire doors where required and undertaking any cyclical repairs to ensure fire doors continue to perform at an optimum standard
- Providing fire escape and fire notice signs which comply with relevant regulations in order to assist occupants to find a safe route from the building or temporary refuge within it
- Providing and maintaining emergency lighting, which will operate in the event of a circuit or sub-circuit failure, to facilitate safe evacuation and effective fire response, where appropriate
- Providing and maintaining primary compartmentation to limit spread of fire through buildings and secondary compartmentation to protect escape routes, and ensuring that this is adequately maintained
- Providing first aid fire-fighting equipment in higher-risk areas, where appropriate to enable trained staff and contractors to secure their means of escape by first-aid firefighting if required.
- Where first aid fire-fighting equipment is provided, ensure staff receive appropriate training and that communication is clear that untrained people should not attempt to use. Whilst tenants are advised not to use fire extinguishers located in high-risk areas, we recognize their right to buy their own fire extinguishers or blanket to keep within their flat
- Implementing and maintaining management procedures to provide a plan for a stay-put approach, or safe evacuation of the occupants of the building, as appropriate, and monitoring these plans to ensure their effectiveness
- Conducting audits of emergency routes and exits by the appropriate on-site staff, including bin store areas where they exist
- Taking action to remove items left along escape route and by fire exits
- Where appropriate, maintain a signing in/out process for all visitors to Council owned premises

## 5.3 Intervention Objectives:

- Providing assistance and guidance to occupants from buildings, where appropriate, including anyone who may require assistance.
- Assist Senior Living Officers, in developing Personal Emergency Evacuation Plans and keeping property information packs up to date, ensuring significant hazards such as oxygen cylinders have been clearly identified
- Where appropriate, meeting, guiding and liaising with the responding staff from Surrey Fire & Rescue Service. Ensuring causes of fires are understood, to steer any measures to be implemented
- Provide and maintain wayfinding signage in complex buildings, to aid emergency services in responding to fires
- In line with Corporate emergency plan, in the event of a fire ensure information is cascaded to housing officers involved with supporting residents or remediating fire, smoke

or water damage, and ensuring any information collected by attending officers is shared with internal stakeholders and emergency services as appropriate

#### **5.4 Communication Objectives**

- Provide all residents living in communal blocks of flats managed by the Council, an annual letter outlining the fire safety arrangements in the building in which they reside and informs residents on the purpose and importance of fire doors
- In sign up packs, provide all new residents to communal blocks of flats managed by the Council the information as outlined in the bullet point above
- Maintain a suitable number of fire action signs on each floor of a communal area, stating what residents should do in the event a fire starts
- Display a poster outlining fire safety matters relevant to the flat block on all communal notice boards
- Keep the Fire Safety Section of the Council's website up to date and relevant
- Work closely with Surrey Fire and Rescue Service (SFRS) on communicating fire safety, inviting SFRS to resident meetings and sign posting tenants to the Safe and Well Visit service
- Communicate to all building occupants, any changes for fire safety arrangements within a building

#### **5.5 Competence**

- The council will ensure all consultants and contractors possess suitable and sufficient experience and qualifications, relevant to the fire safety work they undertake on the Council's behalf. Specific details are contained in the procedures listed in 8.1.

#### **5.6 Audit**

- The Council will ensure all activities undertaken in relation to fire safety is audited in line with industry best practice. Auditing approach for specific areas of fire safety can be found in the procedures listed in 8.1.

### **6. Policy Review**

This policy will be reviewed every 3 years from the original date of adoption, or sooner if a related incident occurs or circumstances suggest that the policy, either in whole or part, is or is likely to become, no longer valid.

Compliance Manager, in collaboration with the Compliance Officer (Fire Safety), to monitor regulatory changes and assess whether changes require changes to this policy and associated procedures.



## 7. Author and Feedback

The Council welcomes comments and feedback on its policies and procedures. Please contact the Compliance Manager, Housing Services if you have any comments.

## 8. Related Information

### 8.1 Other Documents

Corporate Fire Safety Policy

Communal Area Management Procedure

Electrical Safety Policy

Emergency Lighting Procedure

Fire Detection Equipment Procedure

Fire Risk Assessment Procedure

Gas, LPG and Solid Fuel Policy

Works To Passive Fire Protection Procedure

Corporate Emergency Plan

### 8.2 Legislation, Codes of Practice and Guidance

The Regulatory Reform (Fire Safety) Order 2005:

[http://www.legislation.gov.uk/ukxi/2005/1541/pdfs/ukxi\\_20051541\\_en.pdf](http://www.legislation.gov.uk/ukxi/2005/1541/pdfs/ukxi_20051541_en.pdf)

Fire Safety Act 2021:

<https://www.legislation.gov.uk/ukpga/2021/24/contents>

Building Safety Act 2022:

<https://www.legislation.gov.uk/ukpga/2022/30/contents/enacted>

Fire Safety in Purpose Built Flats – Guidance from National Fire Chiefs Council

<https://www.local.gov.uk/fire-safety-purpose-built-flats>

Health and Safety at Work Act 1974 (HASAW)

<http://www.legislation.gov.uk/ukpga/1974/37>

Specialised Housing Guidance - National Fire Chiefs Council

<https://www.nationalfirechiefs.org.uk/Higher-Risk-Accommodation>

Management of Health and Safety at Work Regulations 1999 (MHSW)

<http://www.legislation.gov.uk/ukxi/1999/3242/contents/made>

The Health & Safety (Safety Signs and Safety Signals) Regulations 1996

[http://www.legislation.gov.uk/ukxi/1996/341/pdfs/ukxi\\_19960341\\_en.pdf](http://www.legislation.gov.uk/ukxi/1996/341/pdfs/ukxi_19960341_en.pdf)

Construction (Design and Management) Regulations 2015 (CDM 2015)

<http://www.legislation.gov.uk/ukxi/2015/51/contents/made>

Control of Substances Hazardous to Health Regulations 2002 (COSHH)

<http://www.legislation.gov.uk/ukxi/2002/2677/regulation/7/made>

Local Authorities Coordinators of Regulatory Services (LACORS) Housing Fire Safety Guidance:

<https://www.rla.org.uk/docs/LACORSFSguideApril62009.PDF>

Assorted detailed and specific technical guidance is available, see

<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

<http://www.legislation.gov.uk/ukxi/2013/1471/contents/made>

Current Building Regulations and associated Approved Codes of Practice

### **8.3 Duty Holder Roles and Responsibilities**

In order to ensure the Council adheres to its legal duties, it has appointed the Chief Executive as the Responsible Person who will ensure the following through delegating to other officers (also known as Responsible Persons):

- Identify buildings, components, installations and conditions that present a foreseeable risk;
- Take all reasonable steps to prevent and control the risk from fire in the properties that it owns;
- Ensure that tenants, visitors and staff remain safe from the spread of smoke and fire and ensuring they can be evacuated safely from the building if required;
- Develop and implement its management policy by empowering designated operational staff with the appropriate training, skills and resources needed to effectively manage fire safety;
- Ensure that co-operation between the Council, its employees, contractors and consultants takes place to ensure correct delivery of all policies and procedures;
- Communicate tenants' responsibilities in relation to fire safety and provide advice on what they must do in the event of a fire;
- Maintain in good condition all fire management and fire detection equipment in accordance with manufacturers' guidelines and regulatory framework;
- Maintain up-to-date records of all testing, servicing and maintenance of equipment;
- Undertake Fire Risk Assessments of all communal areas and public buildings (as appropriate) by a competent person (including periodic reviews) and implement recommendations to reduce risks;
- Keep adequate records of risks and management actions;
- Implement procedures for management of fire safety and audit our procedures regularly to make sure they are meeting our needs;
- Review this Policy every 3 Years or sooner if a significant fire incident occurs or circumstances suggest that all or part of it has become invalid.

Role	Responsibilities	Processes and Verification
<b>Chief Executive Responsible Person</b>	<p>Overall and final accountability for fire safety across the Council, specifically responsible for:</p> <ul style="list-style-type: none"> <li>Ensuring the implementation of this policy at all levels within the organisation and the provision of adequate resources to meet the requirements of that policy</li> <li>Ensuring that suitable levels of insurance are maintained</li> </ul>	<ul style="list-style-type: none"> <li>Periodic audit of all fire safety compliance policy, processes and procedures. Ensuring adherence at all levels of the Council</li> <li>Periodic assessment of housing stock by Estates &amp; Valuation team, to ensure asset values are up-to-date and suitable level of insurance held</li> </ul>
<b>Joint Strategic Director</b>	<ul style="list-style-type: none"> <li>Monitoring and reviewing the effectiveness of the Council's fire safety policy and procedures</li> <li>Ensuring fire safety arrangements are addressed in the Council's health and safety plans</li> <li>Ensuring that the installation, maintenance and assessment of fire safety precautions is suitably addressed in budgets submitted for full Council approval</li> <li>Ensuring that statutory duties in relation to CDM are met by the Housing Team and that all refurbishment, planned or new build projects comply</li> </ul>	<ul style="list-style-type: none"> <li>All health and safety policies and procedures to go through internal governance, ensuring Joint Strategic Director forms part of process to review and sign off these documents</li> <li>Involved with approval of budgets in line with the Councils Financial Regulations</li> </ul>
<b>Executive Head of Housing Housing Portfolio Devolved Duty Holder Responsibilities</b>	<ul style="list-style-type: none"> <li>The implementation of this policy within their Service</li> <li>Monitoring the adherence of this policy and is required to report any non-compliance to the Corporate Management Team</li> <li>Ensuring that all obligations of the Council with regard to Housing properties are met</li> <li>Ensuring that the installation, maintenance and assessment of fire safety precautions is suitably addressed in budgets submitted for full Council approval</li> <li>Ensuring all statutory reporting of compliance statistics is completed by the Housing Service</li> <li>Ensure housing services have access to appropriate software to record and demonstrate compliance with relevant fire safety legislation</li> </ul>	<ul style="list-style-type: none"> <li>Submission of fire safety compliance statistics to the Regulator of Social Housing on an annual basis</li> </ul>
<b>Operations Manager Housing Portfolio Key Role Devolved Duty Holder Responsibilities</b>	<ul style="list-style-type: none"> <li>The implementation and adherence to this policy within their Team and reporting non-compliance to the Head of Service</li> <li>To provide oversight of Health &amp; Safety issues for the Housing Portfolio to ensure</li> </ul>	<ul style="list-style-type: none"> <li>Include compliancy levels for fire safety in monthly one-to-one meetings with Compliance Manager</li> </ul>

	<p>that this policy and associated procedures are robustly followed</p> <ul style="list-style-type: none"> <li>• Nominating a member of the Property Services Team to be responsible for the implementation and monitoring of the Council's Fire Safety Policy, and monthly performance reporting in relation to Housing properties</li> <li>• Ensuring that a programme of fire risk assessments and re-inspections are undertaken and remedial works completed</li> <li>• Ensuring that all fire management and fire detection equipment is tested, serviced and maintained</li> <li>• Inputting into the management of the fire risk assessment and fire equipment maintenance contractors, attending the contract meetings as necessary</li> <li>• Monitoring best practice and innovation in order to ensure that fire safety arrangements remain current and up to date with developing technical standards</li> </ul>	<ul style="list-style-type: none"> <li>• Review monthly and annual fire safety compliance statistics, challenging and questioning any non-compliance with the Compliance Manager and Compliance Officer (Fire Safety)</li> </ul>
<p><b>Appointed Person for a building (Senior Living Officer)</b></p>	<ul style="list-style-type: none"> <li>• The implementation of this policy within their premises</li> <li>• Ensuring they carry out any actions attributed to the Appointed Person within the plan</li> <li>• Ensuring that any fire risks they become aware of are suitably reported</li> <li>• Reporting any concerns with the management of fire safety in the premises to their Head of Service</li> </ul>	<ul style="list-style-type: none"> <li>• Joint bi-annual inspection of senior living sites by Senior Living and Careline Services Manager, Compliance Officer (Fire Safety) and Senior Living Officer</li> </ul>
<p><b>Surveyors, Inspectors, building maintenance workers and other contractors who work on the fabric of the building</b></p>	<ul style="list-style-type: none"> <li>• Ensure CDM regulations are adhered to and sufficient fire safety information is included within construction project Health &amp; Safety files</li> <li>• Ensuring that replacement materials used in refurbishment works meet current fire safety standards</li> <li>• Ensuring that any major works or planned maintenance project takes into account fire safety risks and resultant measures required to mitigate risks</li> <li>• Reporting any concerns relating to the building to the appropriate Responsible Person or their council contact in the relevant property team</li> <li>• Adhering to/acting in accordance with this policy and associated procedures</li> </ul>	<ul style="list-style-type: none"> <li>• Discussion around personal health and safety included in annual performance agreement meetings and monthly one-to-one meetings. Ensuring employees are observing their health and safety obligations and raising concerns they may have</li> <li>• Compliance Officer (Fire Safety) to monitor works raised in housing systems, ensuring they have been completed by appropriate contractor and that information has been recorded correctly</li> </ul>

<p><b>Compliance Manager (Responsible Person)</b></p>	<ul style="list-style-type: none"> <li>• Overseeing and monitoring fire safety arrangements</li> <li>• Developing and maintaining the Council's Fire Safety Policy</li> <li>• Monitoring effectiveness of the Management Plan, Policy and Procedures</li> <li>• Periodic reporting of performance to the Council's Chief Executive, Members and Executive</li> <li>• Advising the Council's Chief Executive, Directors and Managers on fire safety matters</li> <li>• Advising the Chief Executive of any shortcomings in the Council's fire safety arrangements and, where applicable, new mitigation measures that are required</li> <li>• Monitoring best practice and innovation in order to ensure that fire safety arrangements remain current and up to date with developing technical standards</li> <li>• Ensure CDM regulations are adhered to and sufficient fire safety information is included within construction project Health &amp; Safety files</li> <li>• Ensuring that replacement materials used in refurbishment works meet current fire safety standards</li> <li>• Fire-related discussions with enforcement agencies and stakeholders</li> <li>• Developing and maintaining a fire risk assessment programme and database</li> <li>• Tracking and reporting implementation of the fire risk assessment programme, risk mitigation measures and adherence to fire safety arrangements</li> <li>• Reviewing and monitoring the competence and performance of contractors engaged for the installation and/or maintenance of active/ passive fire precautions</li> <li>• Developing, publishing and distributing fire safety guidance for residents</li> <li>• Assisting in periodic fire safety inspections and where applicable, contractor compliance audits in conjunction with service area managers</li> </ul>	<ul style="list-style-type: none"> <li>• Include compliancy levels for fire safety in monthly one-to-one meetings with Compliance Officer (Fire Safety)</li> </ul>
<p><b>Compliance Officer (Fire Safety)</b></p>	<ul style="list-style-type: none"> <li>• Day to day management of fire equipment maintenance contractors to ensure compliance with policy and procedures</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly collation of statistics for all fire compliance levels, to be submitted to Service Improvement Officer for internal distribution</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensuring delivery of annual fire risk assessment review programme and arranging resultant remedial measures</li> <li>• Deputising for the Compliance Manager by undertaking duties as appropriate and upon delegation</li> <li>• Management of annual budget for maintaining passive fire protection</li> <li>• Ensuring periodic inspection of fire doors are completed and recorded where required</li> <li>• Undertaking periodic health and safety audits of senior living schemes in collaboration with the Senior Living &amp; Careline Services Manager and Senior Living Officers</li> <li>• Work with community and estates officers to address issues identified through quarterly block inspections</li> </ul>	<ul style="list-style-type: none"> <li>• Recording any inspections undertaken in appropriate form</li> <li>• Record all remedial works in appropriate housing systems, to maintain current record of fire compliance</li> <li>• Instructing consultants to undertake audits of fire safety works, ensuring work has been completed to appropriate standard</li> </ul>
<b>Tenants</b>	<ul style="list-style-type: none"> <li>• Provide access to Waverley Borough Council officers or operatives of nominated contractors, to complete statutory inspections and servicing</li> <li>• Ensuring belongings are kept within their flat or assigned storage facility, keeping communal walkways clear</li> <li>• Reporting any repairs required to passive and active fire protection</li> <li>• Ensuring their actions don't damage any passive or active fire protection</li> <li>• Ensure they have familiarized themselves with the buildings fire safety arrangements and evacuation strategy, as provided to them at sign up or through annual communication</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring of behaviour through bi-annual (senior living) or quarterly (general needs) inspections. Records of any issues recorded by Community and Estates Officers, referrals made to Housing Management Officers for persistent offenders</li> <li>• Record made in sign up pack to confirm fire safety information provided to new tenants</li> <li>• Tenancy audits completed by Housing Management officers include a review of health and safety in the home, to flag any concerns</li> </ul>

<b>Lessees</b>	<ul style="list-style-type: none"><li>• Maintaining their front door to a reasonable standard</li><li>• Ensuring belongings are kept within their flat or assigned storage facility, keeping communal walkways clear</li><li>• Reporting any repairs required to passive and active fire protection</li><li>• Ensuring their actions don't damage any passive or active fire protection</li><li>• Ensure they have familiarized themselves with the buildings fire safety arrangements and evacuation strategy</li><li>• Ensuring evidence of a current annual gas service is provided to Waverley Borough Council</li><li>• Where dwelling has been sub-let, providing evidence of a valid, satisfactory electrical testing to Waverley Borough Council, ensuring any C1 or C2 works have been addressed</li></ul>	<ul style="list-style-type: none"><li>• Monitoring of behaviour through bi-annual (senior living) or quarterly (general needs) inspections. Records of any issues recorded by Community and Estates Officers, referrals made to Housing Management Officers and Shared Ownership Officers for persistent offenders</li><li>• Monitoring by Homeownership Officer, to ensure lessees are meeting their obligations. Enforcing any non-compliance under the terms of their lease.</li></ul>
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## Waverley Borough Council

Report to: Landlord Services EWG; Co-Portfolio Holder for Housing  
(Operations & Services)

Date: 20 July 2023

Ward affected: Bramley & Womersley

Report of Director: Community Wellbeing

Author: Hugh Wagstaff, Strategic Asset Manager

Tel: 01483 523363

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Executive Portfolio Holder: Cllr Paul Rivers

Email: Paul.Rivers@waverley.gov.uk

Report Status: Part Exempt

## Housing Revenue Account Buy Back of Ex-local Authority Property, Shamley Green

### 1. Executive Summary

- 1.1 This report seeks approval to buy back an ex-council home in Shamley Green to provide quality housing in an area with high housing need. The property will be utilised through the Easy Move scheme to rehouse a tenant who is under occupying their home and who wishes to downsize, thereby releasing a three or four bed home.
- 1.2 The purchase of the home will be funded from the Housing Revenue Account Buy Back reserve. After two years from purchase the

property will start to make a net income contribution to the Housing Revenue Account.

## **2. Recommendation to the Co-Portfolio Holder for Housing (Operations & Services)**

That the Co-Portfolio Holder for Housing (Operations & Services):

- 2.1. Approves the principle of the buy back on the terms set out in the report, and the use of the Buy Back reserve for this, together with any related professional costs and Stamp Duty Land Tax, and further approves the property being appropriated for Housing Purposes as part of the Housing Revenue Account.
- 2.2. Delegates authority to the Executive Head of Housing to approve the final terms of the purchase.
- 2.3. Delegates authority to the Executive Head of Legal and Democratic Services to approve the final form of wording of any legal agreements related to the purchase.

## **3. Reason(s) for Recommendation:**

- 3.1. To support the Council's ability to meet housing needs in the borough.

## **4. Exemption from publication**

- 4.1. Appendix 1 of this report is to be treated as Exempt from the Access to Information publication rules by virtue of the following paragraphs of Part 1 of Schedule 12A to the Local Government Act 1972:

Paragraph 1: Information relating to an individual

Paragraph 2: Information which is likely to reveal the identity of an individual

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)

## **5. Purpose of Report**

- 5.1. To delegate authority to the Executive Head of Housing to purchase the property for a mutually agree sum.

## **6. Strategic Priorities**

- 6.1. The report supports the Councils Corporate commitment to promote *“Good quality housing for all income levels and age groups”* and aim to *“be the best council landlord in the South East and to be acknowledged so by our tenants”*

## **7. Background**

- 7.1. The home located in Shamley Green is a 1 bed detached bungalow property built within the 1960s. The property was purchased from the Council in May 2013, under the Right to Buy legislation.
- 7.2. The current owner has approached the Council with an opportunity to buy back the property.
- 7.3. Bungalows rarely become available to let, and are in high demand, especially with tenants who wish to downsize. Over the last 12 months only 4 bungalows in Shamley Green have become available to re-let and received over 220 bids through the choice-based allocation process.
- 7.4. In May 2023, the Council instructed an independent valuation of the property with Clarke Gammon. There is a reserve available specifically for buy back within the Housing Revenue Account.
- 7.5. A further estimated cost will be required to bring the property up to a lettable standard. The required budget for this has already been

secured with the Housing Operations planned works budget allocation for 2023/24

## **8. Consultations**

8.1. The Portfolio Holder for Housing has been consulted.

## **9. Key Risks**

9.1. The purchase of the home does not proceed because the seller withdraws. To mitigate the risk officers have been in regular contact with the seller.

## **10. Financial Implications**

10.1. There is a buy back reserve and the total available is £908,000. The purchase of this property will be funded from this reserve. Any revenue costs will be funded from existing revenue budget within the Housing Revenue Account (HRA). Once let, the rental income from this property will cover the costs of maintenance and any other running costs. From year 2 this property will start to make a net income which will contribute to the bottom line of the HRA business plan and support the long-term sustainability of the business plan.

## **11. Legal Implications**

11.1. The Council is empowered to acquire property in relation to providing social housing, this includes the repurchase of property previously sold under the Right to Buy. In undertaking such purchases the Council has to have regard to its duties of best value and ensure that any purchase represents fair value for money.

## **12. Human Resource Implications**

12.1. No HR implications

### **13. Equality and Diversity Implications**

13.1. This report supports both older people and families to be housed in homes that meet their housing needs.

### **14. Climate Change/Sustainability Implications**

14.1. Works undertaken to the home will ensure the home meets at least an EPC C standard when let.

### **15. Conclusion**

15.1 The purchase of the property will help the Council meet the housing need of its residents and provide a net income to the Housing Revenue Account after 2 years.

### **16. Appendices**

Exempt Appendix 1 – details of the property to be purchased and valuation

Please ensure the following service areas have signed off your report. Please complete this box, and do not delete.

<b>Service</b>	<b>Sign off date</b>
Finance / S.151 Officer	15.06.23
Legal / Governance	21.06.23
HR	N/A
Equalities	N/A
Lead Councillor	
CMB	27/06/2023
Executive Briefing/Liaison	11/07/2023
Committee Services	12/07/2023

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## Waverley Borough Council

Report to: Landlord Services EWG; Co-Portfolio for Housing (Operations & Services)

Date: 20 July 2023

Ward(s) affected: All

Report of Director: Community Wellbeing

Author: Drew Roberts, Compliance Officer (Fire Safety)

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Executive Portfolio Holder: Cllr Paul Rivers

Email: [paul.rivers@waverley.gov.uk](mailto:paul.rivers@waverley.gov.uk)

Report Status: Part Exempt

## Fire Equipment Servicing contract procurement

### 1. Executive Summary

- 1.1 In order to regularise the contract for Fire Equipment Servicing, the Council has been advised to direct award a new contract to the existing contractor, Sureserve Fire and Electrical Ltd, via a framework that has already been competitively tendered at the appropriate contract value.
- 1.2 Approval is sought to complete this procurement exercise and award the contract.

## **2. Recommendation to**

- 2.1 That the Co-Portfolio for Housing (Operations & Services) approves the signing of a Fire Equipment Servicing contract with Sureserve Fire and Electrical Ltd for the period 2023 to 2026.

## **3. Reason for Recommendation:**

- 3.1 Waverley Borough Council has statutory requirements to ensure all fire alarms, emergency lighting, fire extinguishers and automatic opening vents are regularly tested and maintained in line with industry standards, in order to protect residents and other visitors from the effects of smoke and fire, and to ensure escape routes are kept free of smoke and fire. This contract is required in order to facilitate the fulfilment of these obligations

## **4. Exemption from publication**

- 4.1. Appendix 1 of this report is to be treated as Exempt from the Access to Information publication rules by virtue of the following paragraph of Part 1 of Schedule 12A to the Local Government Act 1972:

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)

## **5. Purpose of Report**

- 5.1. To seek approval to enter into a contract for Fire Equipment Servicing.

## **6. Strategic Priorities**

- 6.1. The contract supports the Council's Corporate commitments to promote "Good quality housing for all income levels and age groups" and "Improving the health and wellbeing of our residents and communities", as well as the Council's aim to "be the best council

landlord in the South East and to be acknowledged so by our tenants.”

- 6.2. This contract also supports the Housing Asset Management Strategic Objective to ensure our properties are safe, secure and compliant, meeting all our landlord obligations.

## **7. Background**

- 7.1 During a request to amend the existing contract with Sureserve Fire and Electrical Ltd, it was noted by internal legal advice that actual spend on the contract would soon exceed the relevant EU threshold for goods and services contracts of £177,897 (excl. VAT). The original estimated contract value is £150,000 and will expire July 2024.
- 7.2 As such the original tender should have been given a higher estimated contract value, as this puts the Council at risk of challenge by unsuccessful bidders on the original tender, who may otherwise have submitted different returns given the higher contract value.
- 7.3 In consultation with the Procurement Officer, it was agreed that the preferred route to remedy this would be to directly award a new contract to Sureserve Fire and Electrical Ltd, under the same contract terms as before, via a framework that has already been competitively tendered at a higher contract value.
- 7.4 Several framework providers were reviewed and Lot 10 Active Fire Safety on the Fusion 21 framework was agreed as the best route to award this contract, as this covers the services the Council needs to procure.
- 7.5 This framework was procured in line with Public Contracts Regulations 2015, has a value of £880mill excluding VAT, therefore satisfying the EU threshold noted above and expires on 28th April 2025.
- 7.6 Fusion 21 were approached and Waverley Borough Council provided an outline of the requirements and background to this procurement exercise. Fusion 21 then reviewed the Councils requirements and

submitted their appraisal and recommendations which included confirming with the contractor that they have capacity for the contract.

- 7.7 Sureserve have confirmed their pricing under the framework, whilst there has been a 2% increase for the servicing, it is still comparable with the costs procured under the existing contract between Waverley and Sureserve and are still within budgets for this workstream. In addition, the schedule of rate items included in the Fusion 21 framework is more comprehensive than those included in the existing contract, this should make it easier for Waverley Borough Council to challenge pricing and ensure value for money.

## **8. Consultations**

- 8.1. N/a

## **9. Key Risks**

- 9.1 If the Council is unable to enter contracts formally, it would subsequently be putting at risk the ability to meet statutory requirements. The Council would also lack ability to endorse the terms of the contract should the contractors fail to deliver the respective services as required.
- 9.2 There are a number of risks that present themselves should we not be able to enter these contracts:
- Increased risk to residents, contractors and other visitors of HRA owned flat blocks
  - Should there be a significant incident requiring the notification of the HSE or Surrey Fire and Rescue Service, there is significant risk that the Council would be found liable for managing fire safety in an unsuitable manner.

## **10. Financial Implications (drafted by Candice Keet, Senior Accountant)**

10.1. The value of the contracts is (shown in Exempt Appendix 1) has been budgeted for within the HRA revenue and capital budgets and has been included in the 30 year Business Plan projections. An inflation provision has been budgeted for and taken into account in future year projections and can be used to mitigate the impact of inflation if required in future years.

## **11. Legal Implications (Drafted by: Andrew Ogalo, Senior Solicitor, Contracts & Procurement (Interim))**

11.1. The report is seeking authority to award a call off contract to Sureserve Fire and Electrical Limited. It is proposed that the contract be awarded via Fusion 21 Framework Agreement (the FA). The proposed contract is for supply and installation of goods. It is therefore, a mixture of works and services. The FA has been procured following publication of contract notice 2020/S 237-586 981 and can lawfully be used by the Council as long as, the Council has joined as a member. The FA is in place until 28 April 2025. type here

11.2. The value of the proposed contract places the proposed contract out of scope of Part 2 Public Contracts Regulations 2015 (PCR 2015). There is however, an obligation to comply with Chapter 8 PCR 2015. This obligation can be complied with by following the call off procedure set out in the FA and the Council's Contract Procurement Regulations. Officers must therefore, be satisfied that all due diligence is undertaken and that the award of contract is in accordance with the call off procure set out in the FA. Also, on award, the Council must publish certain information on Contracts Finder for compliance purposes.

11.3. The resultant contract must be in the form of call off terms as set out in the FA and legal must be consulted for the purposes of engrossment so that the contract can be properly executed as deed.

11.4. Finally, where there are any data protection issues, these can be properly addressed by way of special terms within the call off contract.

## **12. Human Resource Implications**

12.1. There are no direct human resources implications.

## **13. Equality and Diversity Implications**

13.1. There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

## **14. Climate Change/Sustainability Implications**

14.1 As part of the Sureserve Group, Sureserve Fire & Electrical is working towards a number of sustainability targets, these can be seen below. The organisation has also achieved PAS 2060 Carbon Neutrality certification across all operations.

- Work towards 100% renewable energy offices by 2030
- Work towards 100% zero emissions fleet by 2025
- Work towards zero waste-to-landfill by 2030
- 100% of workforce to complete mandatory environmental training annually

## **15. Conclusion**

15.1 Waverley's advisor, Fusion 21, has recommended that based on the Council's requirements and in accordance with the original Framework evaluation, Sureserve Fire and Electrical Ltd is the number one ranked supplier for this category of work (Active Fire Safety works).

## 16. Background Papers

16.1 Fusion 21 Direct Award Report (Ref.17116) June 2023

## 17. Appendices

17.1 Exempt Appendix 1 – contract value

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<b>Service</b>	<b>Sign off date</b>
Finance / S.151 Officer	CK
Legal / Governance	AO
HR	N/a
Equalities	N/a
Lead Councillor	
CMB	27/06/2023
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