

To: All Members (for Information)

When calling please ask for:

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Calls may be recorded for training or monitoring

Date: 12 July 2023

Executive Co-Portfolio Holder for Housing Decisions

Cllr Paul Rivers

Dear Councillors

The EXECUTIVE CO-PORTFOLIO HOLDER FOR HOUSING will sit to consider the reports and recommendations set out in the attached Agenda, as follows:

DATE: THURSDAY, 20 JULY 2023

TIME: 11.30 AM (or at the conclusion of the Landlord Services Executive Working Group meeting scheduled for 10am on the same day, if later)

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the Meeting is set out below.

The meeting can be viewed remotely via [Waverley Borough Council's YouTube channel](#) or by visiting www.waverley.gov.uk/webcast.

Yours sincerely

Susan Sale
Executive Head of Legal & Democratic Services & Monitoring Officer

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NOTES FOR MEMBERS

Contact Officers are shown at the end of each report and members are welcome to raise questions, make observations etc. in advance of the meeting with the appropriate officer.

AGENDA

1. **MINUTES** (Pages 5 - 6)

To agree the Minutes of the meeting held on 23 February 2023.

2. **DECLARATIONS OF INTERESTS**

To receive from members, declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

3. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Co-Portfolio Holder for Housing to respond to any questions received from members of the public for which notice has been given in accordance with Procedure Rule 10.

The deadline for receipt of questions is 5pm on Thursday 13 July 2023..

4. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

The Co-Portfolio Holder for Housing to respond to any questions received from Members in accordance with Procedure Rule 11.

The deadline for receipt of questions is 5pm on Thursday 13 July 2023.

5. **HOUSING SERVICE: DAMP AND MOULD POLICY** (Pages 7 - 22)
[Portfolio Holder: Co-Portfolio Holder for Housing (Operations and Services)]

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.

Recommendation

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.

6. FIRE EQUIPMENT SERVICING CONTRACT PROCUREMENT (Pages 23 - 32)
[Portfolio Holder: Co-Portfolio Holder for Housing (Operations and Services)]

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.

Approval is sought to complete this procurement exercise and award the contract.

Recommendation

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.

7. HOUSING REVENUE ACCOUNT BUY BACK OF EX-LOCAL AUTHORITY PROPERTY, SHAMLEY GREEN (Pages 33 - 40)
[Portfolio Holder: Co-Portfolio Holder for Housing (Operations and Services)]

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.

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.
Recommendation

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

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. Delegates authority to the Executive Head of Housing to approve the final terms of the purchase.
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.

8. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following recommendation on the motion of the Co-Portfolio Holder for Housing:

Recommendation

That, pursuant to Procedure Rule 20, and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item(s) on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified at the meeting in the revised Part 1 of Schedule 12A to the Local Government Act 1972.

9. ANY OTHER ISSUES TO BE CONSIDERED IN EXEMPT SESSION

To consider matters (if any) relating to aspects of any reports on this agenda which, it is felt, may need to be considered in Exempt session.

**For further information or assistance, please telephone
Fiona Cameron, Interim Democratic Services Manager, on 01483
523226 or by email at fiona.cameron@waverley.gov.uk**

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE CO-PORTFOLIO HOLDER FOR HOUSING DECISIONS - 23 FEBRUARY 2023

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Paul Rivers

Also Present

Chris Austin (Lucas Field Residents Group), Councillor Jackie Keen and
Councillor John Robini

14 MINUTES (Agenda item 1)

The Minutes of the meeting held on 26 January 2023 were confirmed and signed as a correct record.

15 DECLARATIONS OF INTERESTS (Agenda item 2)

There were no declarations of interests raised under this heading.

16 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 3)

There were no questions received from members of the public.

17 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 4)

There were no questions received from Members of the Council.

18 HOUSING SERVICE FIRE REMEDIATION AND FIRE DOOR INSTALLATION CONTRACT (Agenda item 5)

Having considered the comments of the Landlord Services Advisory Board, the Executive Co-Portfolio Holder for Housing, Cllr Paul Rivers,

RESOLVED to endorse the signing of the Fire Remediation and Fire Door Installation contract with Ian Williams Ltd, maximum contract duration of 2023 to 2028.

Reason for the decision:

Waverley Borough Council has a statutory requirement to ensure buildings are maintained in a manner that will reduce the spread of smoke or fire, in the event a fire starts in a flat managed by Waverley.

Waverley Borough Council also has a statutory requirement to ensure all fire door sets installed in the buildings they manage, are maintained and repaired in a manner that maintains the fire integrity of the door. This is 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

The meeting commenced at 11.30 am and concluded at 11.35 am

Chairman

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

Executive Portfolio Holder: Cllr Paul Rivers

Email: 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.
Please complete this box, and do not delete.

Service	Sign off date
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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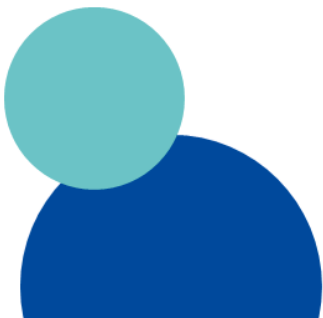


Waverley Borough Council
Damp and Mould Policy

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 st 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 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)

Tel: 01483 523563

Email: drew.roberts@waverley.gov.uk

Executive Portfolio Holder: Cllr Paul Rivers

Email: 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

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

Service	Sign off date
Finance / S.151 Officer	CK
Legal / Governance	AO
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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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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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

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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.

Service	Sign off date
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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of the Local Government Act 1972.

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