

To: All Members (for Information)

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Date: 5 June 2024

Executive Co-Portfolio Holder for Housing Decisions

Cllr Paul Rivers

Cllr Janet Crowe

Dear Councillors

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

DATE: THURSDAY, 13 JUNE 2024

TIME: 10.00 AM

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

Joint Director 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 - 10)

To approve the minutes of the meeting on 2 May 2024.

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 Thursday 6 June 2024.

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 Thursday 6 June 2024.

5. **AWARD OF DOMESTIC AND COMMERCIAL HEATING CONTRACT** (Pages 11 - 18)

[Portfolio Holder: Co-Portfolio Holder for Housing (Operations and Services)]
[Wards Affected: All Wards]

Recommendation

That the Executive Co-Portfolio Holder for Housing (Delivery) or Housing (Operations and Services) approves:

1. The appointment of Smith & Byford Limited for Gas Services Inspection, testing and repairs and replacements for a term of 36 months tendered.

Reason for recommendation:

1. Waverley Borough Council have a moral and legal duty of care to keep our properties safe and compliant for our residents to live without fear of accidents that could arise from not carrying out gas services inspections, testing and repairs and replacements.

6. 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.

7. 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
Leila Manzoor, 01483523224, on or by email at
committees@waverley.gov.uk**

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE CO-PORTFOLIO HOLDER FOR HOUSING DECISIONS - 2 MAY 2024

Present

Cllr Paul Rivers

Cllr Janet Crowe

7 MINUTES (Agenda item 1)

The Executive Co-Portfolio Holder for Housing (Operations & Services) approved the minutes of the meeting held on 29 February 2024.

8 DECLARATIONS OF INTERESTS (Agenda item 2)

There were none declared.

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

There were no questions received.

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

There were no questions received.

11 CONTRACT EXTENSION: HSL WATER HYGIENE CONTRACTORS (Agenda item 5)

Having considered the comments of the Landlord Services Advisory Board (Executive Working Group), the Executive Co-Portfolio Holder for Housing (Operations & Services) **RESOLVED** to approve:

1. An extension to the current HSL contract by 12 Months (terms and conditions to remain the same) for Water Hygiene Compliance: risk assessment, monitoring, sampling, testing and remedial works Services.

Reason for decision:

1. Waverly Borough Council has a moral and legal duty of care to keep its properties safe and compliant for its tenants to live in without fear of any accidents that could arise due to Water hygiene non-compliance.
2. Waverley are in the process of reviewing and upgrading the services provided, An extension to the contract will facilitate implementation of an improvement plan to reflect the upgraded services required.

12 CONTRACT EXTENSION: PCM GAS AND ELECTRICAL AUDITORS (Agenda item 6)

Having considered the comments of the Landlord Services Advisory Board (Executive Working Group), the Executive Co-Portfolio Holder for Housing (Operations & Services) **RESOLVED** to approve:

1. An extension to the current PCM contract by 36 Months (terms and conditions to remain the same) for Gas and Electrical Auditing Services.

Reason for decision:

1. Waverly Borough Council has a moral and legal duty of care to keep its properties safe and compliant for its tenants to live in without fear of any accidents that could arise from Gas and Electrical non-compliance.

13 EXCLUSION OF THE PRESS AND PUBLIC (Agenda item 7)

14 ANY OTHER ISSUES TO BE CONSIDERED IN EXEMPT SESSION (Agenda item 8)

There were no exempt items of business.

The meeting commenced at 10.00 am and concluded at 10.14 am)

Chairman

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Waverley Borough Council

Report to: Executive Portfolio Holder for Housing

Date: 13 June 24

Ward(s) affected: ALL

Report of Director: Community Wellbeing

Author: Hugh Wagstaff

Email: hugh.wastaff@waverley.gov.uk

Executive Portfolio Holder: Cllr Paul Rivers

Email: paul.rivers@waverley.gov.uk

Report Status: Open

Key Decision: Yes

Award of Domestic and Commercial Heating Contract to Smith & Byford Limited

1. Executive Summary

1.1. This report outlines the request to enter into a contract for 36 months (+ 24 months) with Smith & Byford limited for the gas servicing, inspection, repairs and replacement programme for the 4277 council homes that have gas boilers.

1.2. The contract has two main work streams – heating upgrade (£2.6m capital expenditure p.a.) and boiler servicing (£700K revenue expenditure p.a.) with a total contract value of c. £3.3 million per annum, totalling c. £10m assuming a three-year term.

2. Recommendation

2.1 That the Executive Co-Portfolio Holder for Housing (Delivery) or Housing (Operations and Services) approves:

- the appointment of Smith & Byford Limited for Gas Services Inspection, testing and repairs and replacements for a term of 36 months tendered.

3. Reason(s) for Recommendation:

3.1 Waverley Borough Council have a moral and legal duty of care to keep our properties safe and compliant for our residents to live without fear of accidents that could arise from not carrying out gas services inspections, testing and repairs and replacements.

4. Exemption from publication - No

5. Purpose of Report

5.1 The current gas services contract will come to an end on 31 July 2024 and a new contractor needs to be appointed to keep the service of our LGSR/boilers current and up to date.

6. Strategic Priorities

6.1 The report supports the Council's strategic priority for *“Good quality housing for all income levels and age groups”* and aim to be *“the best Council landlord in the Southeast and to be acknowledged so by our tenants”*.

7. Background

7.1 Housing Services ensure the effective maintenance and replacement of gas heating boilers within the Council's homes. The award of a new 36 months contract will support continuity of compliance and maintain our gas servicing programme for our residents.

7.2 In October 2023 a competitive closed tender process was followed.

7.3 The tender was published on INTEND by Guildford Borough Council on the Waverley BC's behalf.

7.4 Six bidders responded:

- BSW Heating Ltd
- BTU Installation & Maintenance
- Smith & Byford Ltd
- Robert Heath Services Ltd
- Smith & Byford Ltd
- SWALE Heating Ltd

7.5 In April 2024 following an evaluation and moderation exercise, in accordance with the evaluation criteria, **Smith & Byford Ltd** were identified as the preferred bidder. Smith & Byford currently deliver the service through an interim contract.

7.6 In accordance with the Public Contracts Regulations (PCR)2015, the tender evaluations are conducted under strict criteria adhering to the principles of fairness, transparency, and non-discrimination. Tenders were evaluated against a pre-specified quality/cost award criteria on a weighted score card only.

7.7 Tenants feedback, for example from the tenant satisfaction measures, and the lessons learnt from complaints were fed into the specification and the evaluation criteria.

7.8 The Council's new customer charter standards will be incorporated into the contract during the mobilisation period.

7.9 In 2023/2024, 24 service delivery complaints about Smith & Byford were upheld. Communication was a common theme for the complaints.

7.10 The biggest category of complaint was time taken to repair. As these are upheld complaints, the investigation found that the repair was not completed within the target timescales. The most common reason for this was that multiple appointments were needed to identify the cause of the issue. This was

worsened in some cases where follow up appointments were attended without the information that was identified in the previous visit leading to duplication of work and further delays.

7.11 These issues of communication and time taken to repair have been raised with Smith & Byford at contract meetings as areas of improvement.

7.12 The access rate for the Landlord Gas Safety Inspections is 98.4%.

7.13 The interim contract did not allow for an interface between the Council's IT system and the contractor's which hindered effective contract management. An interface specification for the new contract has already been agreed with Smith & Byford and it is planned it will be in place when the contract goes live.

7.14 The interface will provide the Council with timely and accurate performance information and details of individual work orders, to assist in preventing and swiftly addressing any complaints.

8. Consultations

8.1 Section 20 Consultation applies to Leaseholders' contribution to the cost of the services in accordance with Section 20 of the Landlord and Tenant Act 1985 (amended under section 151 of the Commonhold and Leasehold Reform Act 2002).

9. Key Risks

9.1 The current contract will end on 31 July 2024 and a new contract needs mobilisation to maintain continuity of servicing to ensure legal compliance of our gas appliances.

10. Financial Implications

10.1 The 2024/25 capital budget for heating is £2.6m and £700k for revenue. These values are in the Member approved business plan for the next three years.

11. Legal Implications

11.1 Under 7.5 (a) of the Constitution, the Executive will carry out all of the Council's functions which are within the policy framework and **budget** set by the Council and are not the responsibility of any other part of the local authority, whether by law or under this Constitution, as delegated by the Leader. In particular, under Part 3 - Appendix 1 - Committee Terms of Reference, section 4.1, the Executive Co-Portfolio Holders for Housing (Delivery) and Housing (Operations and Services) have delegated authority to approve all matters falling within the Housing Landlord Service and within the agreed Budget and Policy Framework, subject to certain exceptions which don't seem to apply here.

11.2 Finance have confirmed that the heating upgrade of £2.6m and £700k for the boiler servicing on the revenue side is clearly identified in the 2024/2025 budget, which was approved by Council on 20 February 2024. Finance have further approved that these values are then in the approved business plan over the next three years. For future years after the initial three-year term, further budget would be needed.

12. Human Resource Implications

12.1 There are no additional Human Resource requirements needed.

13. Equality and Diversity

13.1 The contract has appropriate clauses to ensure tenants with Protected Characteristics have equal access to the service.

14. Climate Change/Sustainability Implications

14.1 The Council has committed to be NetZero by 2030. Climate change and sustainability considerations have been considered in the recommendations.

15. Summary of Options

15.1 No other reasonable options are currently available or viable to ensure service continues to be delivered from 1 August 2024.

16. Conclusion

16.1 It is recommended that awarding of the domestic and commercial heating contract is approved.

17. Background Papers

17.1 [SE Shared Services eSourcing Portal Tender Pack.pdf](#)

18. Appendices

Service	Sign off date
Finance / S.151 Officer	25.04.24CK
Legal / Governance	17/05/24 KL
HR	N/A
Equalities	Completed by HW
Lead Councillor	25.04.24 and 31 May 2024
Executive director	May 2024
Executive Briefing/Liaison	14 May 2024
Committee Services	

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