

WAVERLEY BOROUGH COUNCIL

LANDLORD SERVICES ADVISORY BOARD

26 JANUARY 2023

CO-PORTFOLIO HOLDER FOR HOUSING DECISIONS MEETING

26 JANUARY 2023

Title:

ASBESTOS SURVEYING AND REMOVAL WITHIN COUNCIL HOUSING STOCK

Portfolio Holder: Cllr Paul Rivers, Co-Portfolio Holder for Housing (Operations)

Head of Service: Andrew Smith, Executive Head of Housing

Key decision: Yes

Access: Part Exempt

Note pursuant to Section 100B(5) of the Local Government Act 1972

Annexes to this report contain exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, namely: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

1. Purpose and summary

- 1.1 To share the proposal to enter into contracts for Asbestos Removal and Asbestos Surveying Services.

2. Recommendation

Having considered the comments of the Landlord Services Advisory Board, it is recommended that the Co-Portfolio Holder for Housing:

- endorses the signing of Asbestos removal contract with Envirocall LTD, maximum contract duration 2022 to 2028
- secures £1.2m capital funding in the Housing Revenue Account to finance the six year term.
- endorses the signing of Asbestos Surveying and Analysis contract with Environtec LTD; maximum contract duration 2022 to 2028, and
- secures £1.2m Revenue funding in the Housing Revenue Account to finance the six year term.

Please be advised that these contracts initiated August 2022 are operating under a authorised letter of intent. Contracts have already been signed by contractors and require countersigning by Waverley. Due to the change in procurement procedure this is being raised now for retrospective approval by the Co-Portfolio Holder for Housing.

3. **Reason for the recommendation**

Waverley Borough Council has a statutory requirement to identify, manage and remove asbestos containing materials within council owned properties. This is to protect residents and contractors working in these properties from harmful exposure to asbestos, as outlined in the Control of Asbestos Regulations 2012. These contracts are required in order to facilitate the fulfilment of these obligations

4. **Background**

The previous contracts in place to carry out these services facilitated by Gully Howard Technical and Merryhill Envirotec ended August 2022.

The services provided under these contracts affect multiple stake holders who rely on them to carry out workstreams in a safe and informed manner.

- Responsive Repairs
- Voids
- Planned works
- Environmental Services.

In advance of the procurement, Ridge consultancy was commissioned to create the tender documents and evaluate the tender responses. The tender reports for both contracts are set out in Annexe One and Two.

Tender periods were live between 2 February and 4 March 2022.

Six responses were submitted for the Asbestos removal tender.

Five responses were submitted for the Asbestos Survey and Analysis tender.

Procurement was conducted with the support of the Council's procurement officer and followed section 20 leaseholder engagement requirements.

Contracts are JCT minor works and were complied by Ridge consultancy. They were issued to each contractor in October 2022 for signing, contracts were returned to Waverley December 2022 for counter signing.

5. **Relationship to the Corporate Strategy and Service Plan**

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." These contracts also support the Housing Asset Management , Strategic Objective to ensure our properties are safe, secure and compliant, meeting all our landlord obligations.

6. **Implications of decision**

If we are unable to enter contracts formally, we would subsequently be putting at risk our ability to meet our statutory requirements. We would also have a lack of ability to endorse the terms of the contract should the contractors fail to deliver the respective services as required.

6.1 Resource (Finance, procurement, staffing, IT)

Drafted by: Candice Keet, Senior Accountant

Revenue and Capital budgets for 2023/24 will go to Feb 2023 Council for approval. These budgets are funded via the Housing Revenue Account. Contracts are currently being funded under the allocated 2022-2023 budgets.

6.2 Risk management

There are a number of risks that present themselves should we not be able to enter these contracts:

- Responsive repairs, planned and void works would not be able to proceed
- We could not monitor proactively the condition of known asbestos in Council properties around the borough
- No contingency should there be accidental disturbance of asbestos
- Increased risk to residents and contractors coming into contact with asbestos fibers, and subsequently affecting their long term health.
- Should there be a significant incident requiring the notification of the HSE there is significant risk that the Council would be found liable for managing asbestos in an unsuitable manner.

6.3 Legal

Drafted by: Ian Hunt, Interim Deputy Borough Solicitor

The Council has a statutory duty to manage the risk of asbestos in its property stock, and to ensure that this is handled in an appropriate way. The Council is empowered to contract with suitable professionals to secure the works are undertaken in an appropriate way following a procurement process.

6.4 Equality, diversity and inclusion

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.

6.5 Climate emergency declaration

Questions regarding minimising environmental impact were included within the quality questions for both tenders.

Removals Contractor – ISO 14001, and all Vehicles are Euro VI compliant

Survey Contractor – ISO 14001, Environtec has set key corporate objectives to reduce impacts on the environment and to create positive social and environmental benefits through the delivery of ethical and socially inclusive business practices.

7. Consultation and engagement

Leaseholder consultation carried out in accordance with Section 20 requirements. No wider consultation carried out.

8. **Other options considered**

Not applicable

9. **Governance journey**

- 9.1 Executive Briefing, Landlord Services Advisory Board, and Co-Portfolio Holder for Housing Decisions.

Annexes:

Exempt Annexe 1 – Waverley BC Asbestos Removal Tender Report

Exempt Annexe 2 – Waverley BC Asbestos Survey Tender Report

Background Papers

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

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Agreed and signed off by:

Legal Services: Ian Hunt, Interim Deputy Borough Solicitor, 5 January 2023

Head of Finance: Candice Keet, Senior Accountant, 5 January 2023

Strategic Director: CMB, 10 January 2023

Portfolio Holder: Councillor Paul Rivers, Co-Portfolio Holder for Housing (Operations), 4 January 2023