

PROCURE COMMUNAL CLEANING SERVICE



Officer Non Key Decision Report

Decision Date - **12/09/24**

NON-KEY DECISION TAKEN BY THE HEAD OF HOUSING, INCOME AND TENANCY – SIMON LEWIS.

Author Contact Details:

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Details of the decision:

This decision involves total expenditure up to £275,000 of Housing Revenue Account (landlord service) revenue resources.

That the Director of Housing seeks authority to go out to tender to procure communal cleaning services that will commence with effect from 1st April 2025.

Reasons for the decision:

The Council has a need to procure new contracts to ensure the spend is compliant with procurement regulations, presents value for money, meets the needs of Somerset Council and its tenants and residents and is appropriately managed under a formal contract.

Background to the decision:

Some tenants and residents who reside in council flat blocks have communicated a general disappointment in the level of service received and have indicated a desire to increase the scope and improve the quality of the cleaning services currently provided. The latest Tenant Satisfaction Measures (TSM) report states that only 59% of our tenants are satisfied with communal cleaning.

There is a need to procure a new contract to cover the cleaning of sheltered housing meeting halls, extra care housing meeting halls, communal areas within flat blocks, and have ad-hoc arrangements in place, for example the removal of graffiti, deep cleaning and disposal of 'sharps' to ensure compliance with procurement regulations, ensure value for money and better meet the needs of Somerset Council's tenants and residents.

In the current context, communal areas within flat blocks are identified as ground floor entrance areas, stairwells and upper floor entrance areas in low rise flat blocks. Somerset Council has a long-term arrangement in place with AIS Contract Cleaners for the cleaning of the communal areas. This arrangement only relates to domestic properties owned and managed by the former Somerset West and Taunton Council. The existing service is limited to the quarterly removal of cobwebs above 1800mm and the cleaning of window

and door glass within the communal area. This service was introduced as a result of the need to avoid the risk of tenants and residents working at height. The current total spend is approximately £12,000 p/a. A separate contract, with a more comprehensive specification is in place for the cleaning of all the sheltered housing meeting halls and two extra care housing scheme facilities.

Somerset Council's existing tenancy agreement within the former Somerset West and Taunton area only, requires tenants to keep communal areas clean and tidy but also references service charges for maintaining communal areas and there is a precedent for this as tenants are currently charged for the existing cleaning service (albeit limited). The legal opinion is that to introduce a service charge for cleaning the common parts, it will be necessary to vary the terms of the Council's introductory/secure tenancies and to do this, the Council will need to consult and vary the introductory and secure tenancy agreements. In relation to leasehold services the Council will also need to be alert to the need for a so-called Section 20 consultation (which is in fact pursuant to The Commonhold and Leasehold Reform Act 2002, section 151) in respect of the proposed charges for a communal cleaning service.

In addition to undertaking regular six-monthly tenant satisfaction surveys where responses have clearly indicated significant dissatisfaction with existing arrangements for cleaning flat blocks, this project has received further feedback from those tenants and residents currently residing in council flats. A short questionnaire was sent out to tenants and residents earlier this year (2024) and the responses received clearly pointed to the following:

- Dissatisfaction with the cleanliness of the internal communal area of their flat block;
- Support for the introduction of a new internal communal cleaning service;
- Support for the weekly cost of a new service to be in the range of £2 to £3; and
- The service to target a number of internal areas, namely: Windows; Stairs/walls; Stairwell; and Landings.

Note: A total of 30 responses were received: March 2024, please see **Appendix 1: Survey Responses**

For further information, including an overview of the procurement project's background and key insights, opportunities and identified costs please see **Appendix 2: Procurement Sourcing Strategy**, attached to this paper.

Links to the Council Plan

- **A healthy and caring Somerset** – We want our tenants and residents to stay as healthy as possible, for as long as possible and having access to good quality housing that promotes our tenants and residents mental and physical health supports us in so doing.
- **A fairer and ambitious Somerset** – The provision of decent social housing is integral to us in delivering a fairer county.
- **A flourishing and resilient Somerset** – Promoting the opportunity to bring local jobs for Somerset people.

Risk implications

Risk	Likelihood	Impact	Risk management action planned	After control measure – residual risk.
Contractor under performance or non-performance leading to expected improvements and value for money not being delivered, increased costs and tenants and leaseholders being dissatisfied.	Possible (3)	Significant (3)	A monitoring regime will be implemented. Performance indicators will be contained in the contract and monitored through contract management meetings. Break clauses will be included in the contract.	Low (4) – review at least annually.
The service charge is not paid leading to arrears and costs associated with recovery.	Possible (3)	Significant (3)	The new service will be published in the tenants' newsletter and in a letter sent to tenants and leaseholders to advise them of the new charge. It will be highlighted that for tenants the charge is fully eligible for housing benefit or universal credit and that help and advice is available. Existing income recovery processes will be instigated.	Low (4) - review at least annually.
The new cleaning service is to be funded via a weekly service	Likely (4)	Significant (3)	Existing void management processes will be implemented with strong	Low (6) - review at least quarterly.

charge levied per property with an expectation of the actual cost for the service being cost neutral to the Housing Revenue Account (HRA) overall. Higher than assumed property void rates per year could occur.			performance management practices in place to provide mitigation.	
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Consideration given to an alternative option

In terms of service delivery, two delivery options have been considered by the project team:

- In-house service delivery; and
- Appointment of external contract cleaners.

The main reason(s) why the option to provide cleaning services via an in-house delivery team was rejected were due to the local market being very mature as well as competitive.

Background papers:

Cleaning contract briefing paper shared with Tenants' Strategic Group members at their meeting on the 25th of September 2023.

Compliance section:

Members consulted; members informed:	Yes.
Officer consultations completed:	Yes.
Senior (including statutory) officer sign off completed	Yes (K Prisco, D Clark and C Hall)
Public / other consultations undertaken	Yes.
Do you have sufficient budget or additional funding available and approval to commit this budget or funding and has this been confirmed with the appropriate Finance Service or Service Manager?	Yes.
Are there any legal considerations to be made?	Yes.
Has Legal Services been consulted (specific requirement for changes in service delivery, procurement, contracts or property matters)?	Yes.
Are there any TUPE implications arising?	Yes.
Has HR/Workforce been consulted?	Yes
Is the decision likely to lead to a procurement exercise or contract award / change?	Yes.

Has the Commercial and Procurement Team been consulted? Yes
Service Finance Lead Officer / Manager consulted for commissioning ? Yes.
Are there any risks arising? (liaise with Pam Pursley / Angela Farmer regarding these) Yes.
Have mitigating actions already been taken? Yes.
Have all Due Regard (equalities) implications been considered? (liaise with Tom Rutland regarding these) Yes.
If ticked 'No' or 'not considered necessary' for any of the above, please provide your justification below:
<ul style="list-style-type: none"> • A Contractor to Contractor TUPE transfer will apply. Mercury Infrastructure/Glen Cleaning has indicated that TUPE will apply to two members of their Sub-contractor's staff. The Invitation to Tender documents will provide the relevant information to all potential bidders. Ordinarily input from the HR team is not expected to be required; and • Senior officer sign-off is in the process of being obtained.

Member consultation completed:	Name(s)	Date
Relevant Local Unitary Councillors consulted where decision directly affects their Division	N/A	
Relevant Executive Member(s) consulted (if applicable)	Federica Smith Roberts	Yes 11/9/24
Opposition Spokesperson informed (if applicable)	David Fothergill	N/A
Chair of relevant Scrutiny informed (if applicable)	Gwil Wren	N/A




Decision Maker

<p>I am aware of the details of this decision, have considered the reasons, options, representations and consultation responses (where applicable) and give my approval / agreement to its implementation.</p> <p>Signed by relevant Service Manager / Executive Head of Housing:</p> <p>Name: Simon Lewis Post: Head of Housing, Income and Tenancy Date:12/9/24</p>
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Note – a copy of this signed decision should be sent to David Clark, Monitoring Officer,
Democratic Services

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

<u>Organisation prepared for (mark as appropriate)</u>		YES				
<u>Version</u>	1.0		<u>Date Completed</u>	2 nd September 2024		
<u>Description of what is being impact assessed</u>						
<ul style="list-style-type: none"> The proposal is to introduce a new cleaning service for tenants and leaseholders living in the council’s accommodation served by communal entrances, internal halls, stairways and landings; The proposal is to introduce a new cleaning service for the council’s sheltered housing meeting halls and 2 no. extra care schemes; and The proposal is to introduce a new cleaning service to provide ad-hoc arrangements, for example the removal of graffiti, deep cleaning and disposal of sharps. <p>The service will be introduced following unacceptable Tenant Satisfaction Measure survey dissatisfaction levels (2024) over the cleanliness of these areas.</p> <p>Somerset Council has a need to procure new contracts to ensure the spend is compliant with procurement regulations, presents value for money, meets the needs of Somerset Council and its tenants and residents and is appropriately managed under a formal contract.</p>						

The service, when introduced, will be paid for by levying a service charge on affected tenants and leaseholders, calculated on the total price per property at £2.50p per week.

Evidence

What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#), should be detailed here

Engagement:

- Somerset Council Tenants' Strategic Group briefing (September 2023);
- Somerset Council Tenant Satisfaction Measure feedback data (former Somerset West and Taunton area only - 2023/2024);
- Pilot project: Communal cleaning feedback (January to May 2024);
- Tenant and leaseholder survey questionnaire (March 2024); and
- Somerset Council Tenants' Action Group recommendation (April 2024).

Data:

- The most current available data on our tenants and leaseholders and our housing stock.

Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?

All affected tenants and leaseholders.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> Communications on any complex changes may disproportionately worry tenants in sheltered/supported housing. 	☒	☐	☐
Disability	<ul style="list-style-type: none"> Tenants, residents and visitors to the premises who are visually impaired or whose mobility is poor could be affected adversely by this service if appropriate health and safety procedures (e.g. signage) are not practised by the contractor. 	☒	☐	☐
Gender reassignment	<ul style="list-style-type: none"> There will be no adverse effect from this service on this protected group. The conduct of and the use of language by the onsite contractor workforce could be offensive and or discriminatory. 	☐	☒	☐
Marriage and civil partnership	<ul style="list-style-type: none"> There will be no adverse effect from this service on this protected group. 	☐	☒	☐

Pregnancy and maternity	<ul style="list-style-type: none"> • There will be no adverse effect from this service on this protected group. 	☐	☒	☐
Race and ethnicity	<ul style="list-style-type: none"> • Communication about the new cleaning service may not fully reach those for whom English is not their first language. • The conduct of and the use of language by the onsite contractor workforce could be offensive and or discriminatory. 	☒	☐	☐
Religion or belief	<ul style="list-style-type: none"> • There will be no adverse effect from this service on this protected group. • The conduct of and the use of language by the onsite contractor workforce could be offensive and or discriminatory. 	☐	☒	☐
Sex	<ul style="list-style-type: none"> • There will be no adverse effect from this service on this protected group. • The conduct of and the use of language by the onsite contractor workforce could be offensive and or discriminatory. 	☐	☒	☐
Sexual orientation	<ul style="list-style-type: none"> • There will be no adverse effect from this service on this protected group. • The conduct of and the use of language by the onsite contractor workforce could be offensive and or discriminatory. 	☐	☒	☐
Armed Forces (including serving personnel, families and veterans)	<ul style="list-style-type: none"> • There will be no adverse effect from this service on this protected group. 	☐	☒	☐

Other, e.g. carers, low income, rurality/isolation, etc.

- The increase to service charges will be applied across all our flats with internal communal areas, sheltered housing schemes with meeting halls and our two extra care schemes. This increase in the service charge for existing tenants and new tenants moving into our general needs flats, sheltered and extra care housing will have a neutral effect on protected groups. The cost rise to tenants and leaseholders is a relatively modest one that will enable the council to continue to provide a much improved service. Cleaning is deemed as a service charge eligible for benefits therefore those tenants on benefits should have this charge covered by benefits.
- To help support tenants on low incomes the housing service will continue to provide a number of initiatives to enable them to manage their finances and maximise their income:
 1. Publish clear information on rent which helps tenants to manage their own finances;
 2. Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to meet their living costs;
 3. Take action to raise the awareness of accessing a range of welfare benefits; and
 4. Provide the opportunity to access direct support in checking they are in receipt of the welfare benefits they are entitled to claim.
 5. Provision of financial hardship fund for tenants struggling with debt and who qualify.



Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Any potential adverse impact on disabled people will be mitigated by the insistence on rigorous and legally-compliant safety measures and procedures being practised by the contractor when cleaning the blocks, meeting halls etc. As part of the contract implementation process, full risk assessments and method statements will be required and compliance against these will form part of the contract monitoring quality control process.	09/09/2024	Procurement Officer. Contract Manager.	Project Team. Contract Manager.	<input type="checkbox"/>
Communications on any complex changes may disproportionately worry tenants in sheltered/supported housing. We will communicate with all tenants to explain any significant changes affecting them and what we are investing in.	09/09/2024	Workstream Lead.	Project Team Contract Manager.	<input type="checkbox"/>
We will make it the responsibility of all contractors to have effective arrangements in place to ensure their onsite workforce adhere to the standard of conduct Somerset Council requires of them and that all have access to training as necessary.	01/03/2025	Procurement officers	Contract Manager	
Those for whom English is not their first language are not made fully aware of changes. We will offer translation of communication into alternative languages. We will engage with minority groups using existing tenant involvement channels.	09/09/2024	Workstream Lead.	Project Team Contract Manager.	<input type="checkbox"/>

<p>The increase to service charges will be applied across all our flats with internal communal areas, sheltered housing schemes with meeting halls and our two extra care schemes. This increase in the service charge for existing tenants and new tenants moving into our flats, sheltered and extra care housing will have a neutral effect on protected groups. The cost rise to tenants is a relatively modest one that will enable the council to continue to provide a much improved service.</p> <p>To help support tenants on low incomes the housing service will continue to provide a number of initiatives to enable them to manage their finances and maximise their income:</p> <ol style="list-style-type: none"> 1.Publish clear information on rent which helps tenants to manage their own finances; 2.Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to meet their living costs; 3.Take action to raise the awareness of accessing a range of welfare benefits; and 4.Provide the opportunity to access direct support in checking they are in receipt of the welfare benefits they are entitled to claim. 5. Provision of financial hardship fund for tenants struggling with debt and who qualify. 	23/09/2024	<p>Workstream Lead.</p> <p>Contract Manager</p>	<p>Project Team.</p> <p>Contract Manager.</p>	<p style="text-align: center;">□</p>
<p>If negative impacts remain, please provide an explanation below.</p>				

The service will meet the Council's responsibilities in relation to quality and diversity. There is no adverse impact on protected groups that is not sufficiently mitigated against.

Completed by:	Stephen Boland
Date	3 rd September 2024
Signed off by:	Simon Lewis
Date	8/9/24
Equality Lead sign off name:	Tom Rutland
Equality Lead sign off date:	04/09/24
To be reviewed by: (officer name)	
Review date:	

Officer Non-Key Decision