



Report to Policy Committee

Author of Report: *(Luke Simpson, Operations & Development Manager)*

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Report of: *Director of Housing Services*

Report to: *Housing Committee*

Date of Decision: *21st of March 2024*

Subject: *Housing Cleared Sites Maintenance Contract 2024-28*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input type="checkbox"/>	Full <input checked="" type="checkbox"/>
Insert EIA reference number and attach EIA	2492	
Has appropriate consultation/engagement taken place?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below: -		
<p><i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>		

Purpose of Report:

This report explains Housing cleared sites, current issues they present and seeks the Housing Policy Committee’s approval to commission services that will manage and maintain these sites under a four-year contract intended to commence before September 2024.

Recommendations:

It is recommended that the Housing Policy Committee approves the Commission of services to manage and maintain Housing cleared sites across the city under a contract for a 4-year term.

Background Papers:

Nil

Lead Officer to complete: -		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: Helen Damon (22/12/2023)
		Legal: Rebecca Lambert and Marcia McFarlane (12/03/2024)
		Equalities & Consultation: Ed Saxon (22/12/2023)
		Climate: Nathan Robinson (08/01/2024)
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission:	Ajman Ali
3	Committee Chair consulted:	Councillor Douglas Johnson
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Dean Butterworth</i>	Job Title: Head of Investment Services
	Date: 15/01/2024	

1. PROPOSAL

- 1.1 Sheffield City Council Housing Services have Housing cleared sites across the city. Housing cleared sites are Council owned land, that have either been acquired in a cleared state, or had buildings (which may include non-council housing) that have been demolished, leaving sites vacant. They also include sites acquired for redevelopment that became vacant following demolition. There are currently 34 Housing cleared sites across the city, these numbers may increase or decrease depending on developments. Housing cleared sites vary in size and location and remain vacant while waiting to be disposed of through either sale or redevelopment.
- 1.2 The Council's 'Homes for All' Delivery Plan sets out how the Council will provide new housing stock in the city to support strong neighbourhoods, boost regeneration, and help people feel safe, warm and well. In line with the 'Homes for All' Delivery Plan, a number of these Housing cleared sites are expected to be developed for new housing in the coming years. Until these sites are developed, the Housing Service will have to arrange ongoing clearance and maintenance.
- 1.3 Sites left unattended are at an increased risk of being used for antisocial behaviour, causing possible adverse impact on the environment from burning rubbish including tyres and disposal of toxic material that could be harmful to soil and animals. Fly tipping may also contribute to increased risk to health because of corrosive material, gas canisters and other hazardous substances not being disposed of appropriately including sharps, body and other waste and contaminants. Some of these cleared sites are near housing including housing estates, and the condition of these sites can impact on their local area.
- 1.4 The Council would therefore want to ensure cleanliness, safety, and security of its Housing cleared sites. This is critical to delivering the Council's commitment to looking after the well-being of the community. If these sites are neglected, the aesthetics of public spaces could be compromised with possible threat to public safety .
- 1.5 The Housing Service are responsible for the management of these vacant cleared sites. In 2018 the Council commissioned a third-party (Green Estates) to manage and maintain the Housing cleared sites under a 4-year *Housing Cleared Site Maintenance Contract*. The Housing Service uses a third-party contractor to manage and maintain its cleared Council owned sites across the city.
- 1.6 The contract with Green Estates commenced on 1 August 2018 and ended 31 July 2022, however the Housing services has continued to use the contractor and the previous contract provision to date. The Council needs to promptly competitively tender for the contract to

ensure compliance with the relevant law. Failure to adhere to this may result in reputational damage and legal implications.

- 1.7 The new contract would deliver the management and maintenance of the Housing cleared sites across the city. Sites will be kept tidy and safe in order to not have a detrimental impact on the residents and other users in the vicinity. This report seeks approval to commission a new contract for a 4-year term. Alternative options were considered on how the service could be delivered detailed in section 5 (Alternative Option Considered).
- 1.8 The most viable option is to commission an external contractor. This allows other contractors the possibility of competing for the contract. The contract will ensure that sites are kept well maintained, tidy and safe and will not have a detrimental impact on the residents and other users in the vicinity of the area. This process is in line with the Public Contracts Regulations 2015 and Council Standing Orders and therefore, significantly reduces the risk of challenge.
- 1.9 In appropriate cases, biodiversity assessment and similar considerations would form part of the wider strategy for managing these sites. Where the land lends itself to naturalisation, it may be considered for advancing biodiversity where possible and feasible.
- 1.10 In general, the Council will require the contractor to provide some or all the following services across the sites:
 - Litter picking (including needle picking) and appropriate disposal.
 - Patrolling sites to check for fly tipping.
 - Removal and responsible disposal of fly tipped materials.
 - Making safe exposed manholes/service covers or other Health and Safety issues as directed.
 - Forming of perimeter bunds/other work to increase site security if requested.
 - Disposal of material (both hazardous and non-hazardous) – Must hold or only use Contractors who have, current waste transfer and disposal permits/licences and documentation, where applicable.
 - Grass maintenance – cutting, flailing, rolling/spiking turf, applying herbicides, hand-weeding, etc.
 - Maintenance of hard-landscaped areas.
 - Applying surface treatments such as herbicide, fungicide, fertiliser, etc.
 - Identification of invasive species such as Japanese Knotweed
 - Maintaining various trees, hedges, and plants (shrubs, climbers, ground cover plants, bulbs, etc.)
 - Liaison with stakeholders (site neighbours, residents, Police/Community Support Officers, Council officers, etc.) as required.

- 1.11 The new Housing Cleared Site Maintenance contract will facilitate monitoring, timely removal of fly tipping and the maintenance of safety standards. This service encompasses dedicated monitoring of the cleared site areas to promptly identify and address any health and safety concerns, ensure swift actions removing litter, fly tipping and maintain the safety and security of the Housing cleared sites.

2. HOW DOES THIS DECISION CONTRIBUTE

2.1 Thriving neighbourhoods and stronger communities

The appointment of a cleared site maintenance contractor will enable the Housing service to provide the careful upkeep of the cleared sites across the city. The contract will support the maintenance of these spaces ensuring sites are kept to a high standard until their eventual disposal or redevelopment. Sustained maintenance will prevent overgrowth, unmanageability, the attraction of fly tipping and other anti-social behaviours. The commitment to a cleared site contract will ensure that the sites across the city remain aesthetically pleasing, providing a disturbance free environment for its neighbouring residents and businesses. This contract will ensure that sites remain clean, safe, and secure providing an environment in which the neighbourhood is able to thrive in.

2.2 Better health and well-being

The implementation of a cleared site maintenance contract for the sites across the city is pivotal in mitigating litter and fly tipping which may attract vermin. The appointment of a contractor would minimise the presence of these issues in and around residential neighbourhoods, averting potential health hazards for residents. Vigilant monitoring and management of the cleared sites are essential to maintaining the health and well-being of our communities.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 While no formal consultation has been conducted it remains an integral component of the ongoing maintenance and support framework to ensure that sites are kept safe and orderly until sold or earmarked for new housing developments. The transition of these sites from vacant land to development status triggers any necessary public consultation in accordance with the requirements of the landowner or planning authority.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 An Equality Impact Assessment has been conducted, revealing an overall non-appearance of any significant differential positive or negative effects arising from this proposal. It is anticipated to yield positive outcomes particularly in fostering community cohesion and benefiting those residing or working near a cleared site. Moreover, a positive impact on health is expected, as the diligent maintenance of these areas will mitigate issues such as litter, fly tipping and drug paraphernalia. Similarly, although there is not an equality category

relating directly to deprivation, there may be indirect benefits associated with poverty/financial inclusion for residents living in more deprived areas. A cleared sites maintenance contract will contribute to a safe environment where there is a sense of community, ownership, and the flourishing of the neighbourhoods. Typically, the areas in the Cleared Sites contract fall in areas of housing market failure. Keeping these sites well managed will encourage anyone thinking about investing in the area (by buying or renting a property) to seriously consider doing so. No negative equality impacts have been identified.

4.2 Financial and Commercial Implications

4.2.1 Funding has been identified in the Housing Revenue Account (HRA) to cover the cost over the contract term, so the cost of the contract can be managed within existing resources. The type of contract that will be issued, means that the Council cannot guarantee any value of work to the contractor during the life of the contract. The proposal is to re-procure the Cleared Sites contract to commence immediately. The full contract term will be 4 years.

4.2.4 Commercial Services will prepare the procurement strategy for this contract. The opportunity will be advertised on YORtender. It will be a two-stage competitive tender. Submissions are expected to be received and evaluated during May 2024. Tenders will then be evaluated based on price and an agreed set of quality criteria.

4.3 Legal Implications

4.3.1 The Council as principal litter authority has a duty under S89 (1) (c) of the Environmental Protection Act 1990 (Environmental Protection Act) to ensure that 'relevant land' is, so as is practicable kept clear of litter and refuse. 'Relevant land' is defined under S86 (4) of the Environmental Protection Act as land of the authority which is open to the air, is not highway or land of a designated educational institution, to which the public have access with or without payment. It is important to note that even when as is proposed the Council contracts with a third party to undertake such work on its behalf the Council remain responsible if the land is not maintained to an acceptable standard.

4.3.2 The general power of management of its housing is vested in the Council by virtue of section 21 of the Housing Act 1985 (the Housing Act). Section 17 of the Housing Act provides the Council with a power to acquire land for Housing Purposes. Section 9 of the Housing Act grants powers to the Council in relation to the provision of housing accommodation. This includes the power to provide housing accommodation by erecting houses on land acquired for housing purposes and to dispose of land to a person who intends to provide housing accommodation on it.

4.3.3 Section 111 Local Government Act 1972 gives the Council power to do anything (whether or not involving the expenditure, borrowing or lending of money or acquisition or disposal of any property or rights) which is calculated to facilitate or is conducive or incidental to the

discharge of any of its functions. The proposed commission of services for the Housing cleared sites will facilitate, is conducive and incidental to the Council's abovementioned functions under the Environmental Protection Act and under the Housing Act.

- 4.3.4 The Council has no specific powers or duties directly related to commissioning services. The Council is able to undertake this activity by virtue of Section 1 of the Localism Act 2011. This provides Local Authorities with a "general power of competence" and allows them to "do anything that individuals generally may do". This power is subject to any other obligations or limitations in law that might be relevant, however none have been identified here to prevent use of the general power of competence.
- 4.3.5 Commissioning of the contract should happen promptly, given the need for this work to be undertaken to discharge the council's duties, obligations and minimise risks. Any contract awarded as a result, must comply with the Council's Contract Standing Orders and where applicable Public Contract Regulations 2015.

4.4 Climate Implications

- 4.4.1 Overall, there will be a low impact on the environmental and climate arising from the activities proposed. An assessment has been undertaken and it is anticipated that there will not be an increase in the amount of CO₂e arising from the reappointment of a contractor to manage the cleared sites. The assessment has highlighted an opportunity to strengthen the requirements and lever improvements through sustainable practices through a robust procurement process to support the Council in meeting its climate targets and environmental objectives.

5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 **Option to not relet the contract – Not Recommended**

While this option presents an immediate cost saving, it was promptly dismissed due to its potential for significant operational, reputational, and financial problems. Without proper maintenance the cleared sites would quickly become overgrown and prone to various issues such as littering, illegal dumping (fly tipping) and antisocial behaviour. Historic data indicates that poorly maintained sites not only attract undesirable activities but can also hinder the marketability and development potential of the land. Overgrown vegetation could conceal safety hazards such as discarded materials, drug paraphernalia, and broken glass which could endanger residents.

This option is not recommended due to the risk that a poorly maintained site could compromise public safety and diminish the long-term value of the cleared site, attracting less investment in the area.

5.2 **In-house service delivery model – Not Recommended**

After making enquiries with Parks & Countryside and Street Scene & Regulation services, the conclusion was that an inhouse service are

not resourced to adequately deliver to the specification for desired outcomes. There would be limited flexibility inhouse to take on additional work or remove sites from the schedule of works at short notice, without implications for staff management.

There is a significant risk that implementing an in-house model at this time could lead to the provision not being fully met. It is anticipated that it would take longer to organise and implement frameworks internally to meet the requirements than going straight out to the market. This may result in potential safety issues for residents and deter investment from other parties in the area while this work is undertaken.

5.3 **Amendment to corporate contract to incorporate this work – Not Recommended**

The council's procurement team advised that of existing commercial contracts, the Amey contract seemed most closely aligned to possibly deliver works required for Housing cleared sites. This led to discussions with contract managers for the Amey contract to assess the feasibility of lawfully varying that contract to accommodate works required on Housing cleared sites. Discussions considered the possibility of unplanned issues such as Japanese knotweed which it was present on site, would have substantial cost consequence under the current contract so that this route did not offer best value for money.

Although there was scope for the Housing cleared sites Contract to be included under the existing contract this would be non-core work and managed outside of the main Amey contract, and there would be no formal Service Level Agreement for the Council to be able to manage the contract under. Additionally, this process would not be evaluated against other bids and therefore, it will not be proven to be the best bid both in terms of quality and financially. Not being core work, the cost of providing this work would be more expensive and not considered viable.

6. REASONS FOR RECOMMENDATIONS

6.1 The Cleared Sites Maintenance Contract serves as a proactive measure, mitigating risks by addressing potential hazards, promptly removing litter and fly-tipped materials, and bolstering site security. Its continuous execution is essential to upholding our duty to provide safe, secure, and aesthetically pleasing environments for our residents. A break in the provision of this vital service could result in a breach of our duty, exposing the council to legal and reputational consequences.

It is the recommendation of the report to reprocure the cleared site contract for the duration of 4 years to allow the Council to fulfil its duties. The contract will ensure a safe and aesthetically pleasing sites increasing the attractiveness to potential developers.