

Committee Report Checklist

Please submit the completed checklists with your report. If final draft report does not include all the information / sign offs required, your item will be delayed until the next meeting cycle.

Stage 1

Report checklist – responsibility of report owner

ITEM	Yes / No	Date
Councillor engagement / input from Chair prior to briefing	Yes	02/09/2026
Commissioner engagement (if report focused on issues of concern to Commissioners such as Finance, Assets etc.)	Yes	03/09/2026
Relevant Group Head review (CWH)	Yes	26/08/2026
MAT+ review (to have been circulated at least 5 working days before Stage 2)	Yes	26/08/2026
This item is on the Forward Plan for the relevant committee (CWH)	Yes	16/06/2026
	Reviewed by	
Finance comments (circulate to Finance)		
Risk comments (circulate to Lee O'Neil)	Lee O'Neil	01/09/2026
Legal comments (circulate to Legal team)	Jo Clare	27/08/2026
HR comments (if applicable)	N/A	N/A

For reports with material financial or legal implications the author should engage with the respective teams at the outset and receive input to their reports prior to asking for MO or s151 comments.

Do not forward to stage 2 unless all the above have been completed.

Stage 2

Report checklist – responsibility of report owner

ITEM	Completed by	Date
Monitoring Officer commentary – at least 5 working days before MAT	Linda Heron	02/09/2026
S151 Officer commentary – at least 5 working days before MAT	Terry Collier	28/08/2026
Confirm final report cleared by MAT	MAT	08/09/2026

Community Wellbeing and Housing Committee

Tuesday 29th September 2026

Title	<i>Nightly-Paid Accommodation Procurement Framework</i>
Purpose of the Report	To make a recommendation to Council
Report Author	<i>Gareth Richards – Housing Strategy Team Leader, Contract Performance Management and Data Reporting</i>
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	<i>Not Applicable</i>
Corporate Priority	Community Addressing Housing Need Resilience Services
Recommendations	Committee is asked to: Consider the contents of this report and recommend to Council to: Agree in principle to access the Cost and Procurement Advisory Service (CPRAS) Temporary Accommodation Open Framework (Framework), if established Agree a maximum budgeted value of the contracts of £2.4 million, and Delegate authority to the Group Head of Community Wellbeing to enter into Call Off contracts with providers on the Framework
Reason for Recommendation	To ensure that The Council's payments for nightly-paid accommodation comply with The Procurement Act 2023, with a written agreement and with appropriate governance and monitoring in place

1. Executive Summary of the Report

What is the situation	Why we want to do something
Officers have raised concerns, based on some national examples, regarding the procurement of spot-purchased emergency accommodation for homeless households and the associated cost for the Council	To ensure contracts entered into with accommodation providers for spot-purchased nightly-paid accommodation comply with procurement laws, best practice and due process, and adhere to best value principles
This is what we want to do about it	These are the next steps
Use a procurement framework hosted by CPRAS for nightly-paid accommodation providers to The Council	To access the open framework hosted by CPRAS to enable compliant contracts to be put in place with providers

2. Key Issues

- 2.1 We are bringing this report because officers have raised concerns as to whether the current process of spot-purchasing of nightly-paid emergency accommodation for homeless households by Spelthorne Borough Council complies with the Procurement Act 2023, follows best practice and due process, and adheres to best value principles.
- 2.2 Other Local Authorities have raised similar concerns, and Peterborough City Council has issued a report, prepared jointly by their monitoring officer and Section 151 officer, under Section 5A(3)(a) of the local Government and Housing Act 1989 and Section 114A (2)(a) Local Government Finance Act 1988, in respect of unlawful expenditure relating to temporary and emergency accommodation for homeless households (see background papers).
- 2.3 That report by Peterborough City Council identified that significant payments for spot-purchased emergency accommodation for homeless households totalling more than £17 million (+ VAT) between the financial year 2015-16 and August 2025 were made by Peterborough City Council without lawful procurement, written contracts, or proper governance.
- 2.4 The solution proposed by Peterborough City Council was to put in place a compliant solution for the spot-purchasing of accommodation.
- 2.5 Spelthorne Borough Council faces similar issues, and we are seeking counsel's advice on this for clarity. It is understood that the legal position is unclear as to whether the purchasing of nightly-paid accommodation and temporary / emergency accommodation placements falls under the Procurement Act 2023 (and its predecessors). Spelthorne Borough Council's Legal Services are in the process of identifying appropriate chamber of barristers to obtain counsel's advice to clarify the position.
- 2.6 Given the difficulties in actually procuring accommodation at very short notice (often the same day), Spelthorne Borough Council's Housing Officers currently make best endeavours to get best value for placing homeless households into emergency accommodation who are owed a statutory duty under the Housing Act 1996, as amended by the Homelessness Reduction Act 2017. The statutory duty requires Local Authorities to provide interim accommodation to applicants who may be homeless, eligible, and in priority need. The duty is immediate and unavoidable, with potential legal consequences for failure to act.
- 2.7 However, the procurement position is unclear. Spelthorne Borough Council does currently include spending on nightly-paid emergency accommodation / temporary accommodation in its contracts register, which indicates the Council spent £2.99 million in 2025/26 (of which £1.77 million was not recovered). The Council is aiming to spend approximately £600,000 less in 2026/27, and the current restated budget is £1.9 million purely for nightly-paid bed & breakfast accommodation, so any call off from a Framework would need to be on the basis of a pre-approved budget of around £2.4 million.
- 2.8 If the Council were able to access a Framework for nightly-paid accommodation there would be assurance of compliance with the Procurement Act 2023 because this would introduce a competitive process whereby approved accommodation providers would effectively bid against one another to supply accommodation upon demand. The CPRAS framework

is intended to help Local Authorities to access improved services and potentially save money. Providers will be vetted and the Framework enables local authorities to share best practice (see Appendix E).

- 2.9 CPRAS went out to tender in August to gauge interest from temporary accommodation providers. If the CPRAS-hosted procurement framework is launched it will be free for the Council to use (although the accommodation providers will have to pay a fee to participate). The CPRAS framework would be an overarching agreement with providers. A call off contract will be entered into with the selected providers and the Council.
- 2.10 Should the CPRAS framework not be launched then the alternative would be for the Council to procure its own solution.

3. Spelthorne Borough Council Options Appraisal and Proposal

- 3.1 The pros and cons of the different options are shown below. The preferred option is to access a Procurement Framework for the spot-purchasing of nightly-paid accommodation using the CPRAS framework (see Appendix E).
- 3.2 The requirements for accommodation providers are included in the appendices.
- 3.3 A copy of the specification for the nightly-paid accommodation procurement framework is included as Appendix A, and a copy of the Council's HMO Landlords Handbook 2026 is included as Appendix B.
- 3.4 Copies of the Council's Landlord Pet Permission Agreement v.2 and Privacy Notice Emergency Accommodation Framework are also included for information as Appendix D and Appendix F respectively.

Considerations	Preferred Option:	Alternative Option 1:	Alternative Option 2:	Alternative Option 3:
	Access the CPRAS Procurement Framework for the Spot-Purchasing of Nightly-Paid Accommodation	Maintain Current Approach (Do Nothing)	Cease Utilising Spot-Purchased Emergency Accommodation, and Put Individual Contracts in Place for All Approved Accommodation Providers Used by the Council	The Council to Establish Its Own Procurement Framework for the Spot-Purchasing of Nightly-Paid Accommodation
The Procurement Act 2023 – Pros	Pros: A procurement framework will ensure that the Council is compliant with the requirements of the Procurement Act 2023 and with the Council's Contract Standing Orders	Pros: It is possible that the procurement rules may not apply to the spot-purchasing of nightly-paid accommodation for homeless households	Pros: Putting individual contracts in place would need to follow due process to ensure that the Council fully complies with the Procurement Act 2023 and with The Council's	Pros: A Framework will ensure that the Council is compliant with the requirements of the Procurement Act 2023 and with the Council's Contract Standing Orders

			Contract Standing Orders	
The Procurement Act 2023 – Cons	Cons: • There are none	Cons: • The procurement rules may apply to the spot-purchasing of nightly-paid accommodation for homeless households, so the Council may be acting unlawfully and should have an appropriate plan in place	Cons: • There are none	Cons: • There are none
Compliance, Standards, Governance and Oversight – Pros	Pros: • A procurement framework would allow the Council to monitor compliance, quality, suitability etc. of the accommodation units provided • Non-compliant providers and / or accommodation units would automatically be excluded if their compliance documentation is not up to date	Pros: • The monitoring of compliance, quality, suitability etc. by Housing Officers visiting accommodation units, and by the self-provision of compliance documentation by providers, is a more direct relationship between the Council and providers which could help facilitate proper governance and oversight	Pros: • Having individual contracts in place would ensure compliance, quality, suitability, etc. of the accommodation units provided, and that proper governance and oversight is in place for all emergency accommodation provision	Pros: • A procurement framework would allow the Council to monitor compliance, quality, suitability etc. of the accommodation units provided • Non-compliant providers and / or accommodation units would automatically be excluded if their compliance documentation is not up to date

Compliance, Standards, Governance and Oversight – Cons	Cons: • There are none	Cons: • It is possible that compliance issues at accommodation units might not be picked up in visits by Housing Officers, or it may not be noticed if updated compliance documentation has not been provided when required (e.g., annually, etc.) after the initial onboarding of an accommodation unit	Cons: • Requiring individual contracts for each provider will limit the supply of emergency accommodation: – This could hinder the Council's ability to respond swiftly and appropriately to homeless presentation, and risk preventing the Council from fulfilling its obligations under the Housing Act 1996, as amended by the Homelessness Reduction Act 2017, exposing the Council to serious legal and reputational risks	Cons: • There are none
Best Value – Pros	Pros: • A procurement framework will help to ensure best value through the process of providers bidding to	Pros: • Housing Officers could continue to negotiate directly with providers to try to	Pros: • Having individual contracts in place would ensure best value through agreed pricing for the	Pros: • A procurement framework will help to ensure best value through the process of providers bidding to

	provide nightly-paid accommodation • The CPRAS-hosted procurement framework will be free for the Council to use (although the accommodation providers will have to pay a fee to participate)	achieve the best prices	duration of the contracts	provide nightly-paid accommodation
Best Value – Cons	Cons: • Existing less costly smaller accommodation providers currently used by the Council may not wish to pay the fee to participate: – This could potentially have an unintended adverse effect on the cost of emergency accommodation placements by potentially discouraging some of the less costly providers	Cons: • Housing Options have limited time to dedicate to finding the best price, potentially missing out on less costly providers	Cons: • Requiring individual contracts for each provider will limit the supply of emergency accommodation, potentially missing out on less costly providers where contracts cannot be put in place in time	Cons: • There are none

	from participating in the framework Providers may seek to recover the cost of participating in the Framework through higher prices			
Operational Processes – Pros	Pros: - A procurement framework automates many processes, leading to greater efficiency and reliability - CPRAS plan to launch their procurement framework platform in October / November 2026	Pros: Housing Officers could continue to follow existing processes without the need to learn a new system	Pros: - Housing Officers could continue to follow existing processes without the need to learn a new system - Having individual contracts in place will ensure consistency and mitigate against potential disputes	Pros: - A procurement framework automates many processes, leading to greater efficiency and reliability - Hosting the procurement framework would give the Council a greater degree of control and oversight
Operational Processes – Cons	Cons: - As many processes will be automated the Council will need to rely on providers to be able to use the CPRAS platform and for CPRAS to address any issues - If none of the accommodation providers participating	Cons: The Council does not currently have contracts in place with all the accommodation providers we use, so there is no formal agreement to rely on in the event of any non-compliance or dispute	Cons: - The Council does not currently have individual contracts with all the accommodation providers we use: - The workload involved to create and monitor individual contracts for all	Cons: - For the Council to host the procurement framework would likely require additional resources to manage the process - If none of the accommodation providers participating in the Framework

	in the Framework were to respond to agree to fulfil a request to accommodate a homeless household in time (depending on the urgency of the need) then the Housing Officer could still find themselves in a position of needing to spot-purchase emergency accommodation to ensure that the Council meets its statutory duties		(currently approximately 50) existing accommodation providers currently utilised by the Council would be prohibitive for the Council's Legal and Housing Teams – And a new contract would need to be drawn up and entered into every time a new provider was accepted	were to respond to agree to fulfil a request to accommodate a homeless household in time (depending on the urgency of the need) then the Housing Officer could still find themselves in a position of needing to spot-purchase emergency accommodation to ensure that the Council meets its statutory duties
Local Government Reorganisation – Pros	Pros: • A procurement framework with a single set of specifications which will continue until a set date, will make it more straightforward to transfer to a new policy / process when that is agreed by the new West Surrey unitary authority	Pros: • Housing Officers could continue to follow existing processes until a new policy for the new West Surrey unitary authority is agreed	Pros: • Housing Officers could continue to follow existing processes until a new policy for the new West Surrey unitary authority is agreed, and individual contracts would then be in place	Pros: • A procurement framework with a single set of specifications which will continue until a set date, will make it more straightforward to transfer to a new policy / process when that is agreed by the new West Surrey unitary authority

	It makes sense for as many West Surrey authorities as possible to use the same Framework, and other West Surrey authorities have indicated that they may use the CPRAS framework			
Local Government Reorganisation – Cons	Cons: It makes sense for as many West Surrey authorities as possible to use the same Framework, but at least one other West Surrey authority has indicated that they may be commissioning their own process	Cons: The Council will still be following its own existing processes which may not be compatible with the policies and processes followed by other West Surrey authorities until a new policy for the new unitary authority can be agreed	Cons: The Council will still be following its own existing processes which may not be compatible with the policies and processes followed by other West Surrey authorities until a new policy for the new unitary authority can be agreed	Cons: It makes sense for as many West Surrey authorities as possible to use the same framework, and a Spelthorne specific process would not allow this

4. Risk Implications

- 4.1 The main risks associated with proceeding with the proposed CPRAS procurement framework are:
- 4.2 Existing smaller accommodation providers currently used by the Council may find the tender submission process too difficult or onerous to complete and / or the framework approach may not be suitable for them, potentially discouraging less costly providers from participating in the framework. This could have an unintended adverse effect on the cost of emergency accommodation placements, and potential further unintended consequences for the local rental market more widely. To mitigate this and ensure the Council is meeting its requirement to remove barriers for small businesses, the tender process would be simplified as much as possible.
- 4.3 If the Council were to use the CPRAS framework, as recommended, existing smaller accommodation providers currently used by the Council may not wish to pay the fee to participate (or they may seek to recover the cost through higher prices).
- 4.4 The process may not be completed ahead of the Local Government Reorganisation, and not all of the authorities which will form West Surrey Council may wish to participate, meaning that the procurement exercise could then need to be repeated for the new West Surrey Unitary Authority (if the new Authority were to adopt the same policy).
- 4.5 In addition to the above identified risks associated with the CPRAS procurement framework, the main further risks to the Council hosting the framework itself instead of using the CPRAS framework are:
- 4.6 If the Council were to host the procurement framework that would require new processes to be implemented and potential additional resources.
- 4.7 The main risks associated with not proceeding with the proposed procurement framework are:
- 4.8 The provisions in the Procurement Act 2023 may apply to the spot-purchasing of emergency / temporary accommodation for homeless households, so the Council may be acting unlawfully by not making use of or establishing a procurement framework for emergency accommodation.
- 4.9 Spelthorne Borough Council does not currently have individual contracts with all existing accommodation providers to ensure they meet the necessary standards, instead relying on visits by Housing Officers and the self-provision of compliance documentation by providers, and putting individual contracts in place for such a large number of providers (rather than making use of or creating the proposed procurement framework) would be prohibitively time-consuming and costly with the resources available.

5. Financial Implications

- 5.1 The CPRAS-hosted procurement framework will be free for the Council to use (although the accommodation providers will pay a fee to participate).
- 5.2 Accommodation providers will effectively bid against one another through the procurement framework to provide suitable nightly-paid accommodation,

which will ensure that the cheapest suitable provider is selected and provide best value for the Council. This should then result in a reduction in the total overall cost of nightly-paid accommodation provision to the Council.

- 5.3 However, existing smaller accommodation providers currently used by the Council may not wish to participate in the framework, or they may seek to recover the cost by increasing their prices, which could have an unintended adverse effect on the cost of emergency accommodation placements, and potentially cost the Council more in higher rents.
- 5.4 If the Council were to host its own procurement framework that would potentially require additional resources to implement the new framework.

6. Legal Comments

- 6.1 Under the Housing Act 1996 as amended by the Homelessness Reduction Act 2017(HA 1996) the Council has a statutory duty to provide emergency temporary accommodation to applicants who may be homeless, eligible and in priority need.
- 6.2 Section 206 of the HA 1996 expressly permits accommodation to be secured from third parties.
- 6.3 Unless there is a lawful exemption, all contracts must comply with the Procurement Act 2023 and the Council's Contract Standing Orders. Selecting third party providers from the CPRAS framework would provide a compliant route.

Corporate Implications

7. S151 Officer Comments

- 7.1 The S151 Officer confirms that relevant financial implications have been taken into account. The S151 Officer supports moving to a compliant public sector procurement framework.

8. Monitoring Officer Comments

- 8.1 The proposed Framework will support the Council in meeting its statutory duties under the Housing Act 1996 and the Procurement Act 2023.

9. Procurement Comments

- 9.1 Unless there is a lawful exemption, all contracts must be awarded in line with the Council's Contract Standing Orders and the Procurement Act 2023.

10. Equality and Diversity

- 10.1 An Equality and Diversity Impact Assessment has been carried out for the proposed framework, in line with the Council's policies and procedures.

- 10.2 The Equality and Diversity Impact Assessment noted that the procurement framework will ensure properties provided by landlords to the Council for nightly-paid accommodation are safe, suitable, and fully compliant with all relevant legislation and other requirements, and that improving the quality of nightly-paid accommodation will contribute to better health outcomes for occupiers (see Appendix C).
- 10.3 In terms of protected characteristics and other groups that experience greater inequalities, the Equality and Diversity Impact Assessment found that the Council has adequate policies in place to mitigate any negative impacts for any groups who may require additional support (see Appendix C).
- 10.4 The Equality and Diversity Impact Assessment also notes that the specifications for the Nightly-Paid Procurement Framework require providers to be able to evidence experience in managing complex and vulnerable customers, and include sections relating to safeguarding and harassment (see Appendix A and Appendix C).

11. Sustainability / Climate Change Implications

- 11.1 There may be sustainability and climate / change concerns for some accommodation providers (such as energy efficiency ratings, for example). However, the implementation of the procurement framework itself does not directly impact on the Council's sustainability / climate change position.

12. Other Considerations

- 12.1 Moving to a compliant framework would significantly reduce the amount of Spelthorne expenditure which is not compliant and would thereby positively contribute towards the safe and legal objective of Surrey Local Government Reorganisation. When the existing authorities merge into the West Surrey Unitary Authority then accommodation for homeless households could be procured anywhere within the new Unitary Authority area, but the Council is currently only able to put policies in place for the existing accommodation providers that we use within Spelthorne, meaning that the procurement exercise could then need to be repeated for the new Unitary Authority (if the new Authority were to adopt the same policy).

13. Timetable for Implementation

- 13.1 If the Council utilises the CPRAS platform for the procurement framework (as recommended) the process could begin as soon as the platform is launched in October / November 2026, and the implementation could then be done in 3 – 6 months to be ready ahead of or soon after vesting day for the new West Surrey Unitary Authority.
- 13.2 If the Council were to host the procurement framework then the creation of the procurement framework and completion of the tender process can be expected to take at least 6 – 12 months, and the implementation would then be likely to take at least a further 3 – 6 months or longer.

14. Contact

- 14.1 Gareth Richards, Housing Strategy Team Leader, Contract Performance Management and Data Reporting: g.richards2@spelthorne.gov.uk

Please submit any material questions to the Committee Chair and Officer Contact by two days in advance of the meeting.

Background Papers:

Report to the Executive of Peterborough City Council under Section 5A(3)(a) of the Local Government & Housing Act 1989 & Section 114A (2)(a) Local Government Finance Act 1988

Appendices:

- Appendix A – Nightly-Paid Procurement Framework - SBC Specification v.7
- Appendix B – SBC HMO Landlords Handbook 2026
- Appendix C – EIA - Nightly-Paid Accommodation Procurement Framework Housing Strategy & Policy 2026 v.4
- Appendix D – SBC Landlord Pet Permission Agreement v.2
- Appendix E – CPRAS Temporary Accommodation Open Framework (Webpage)
- Appendix F – Privacy Notice Emergency Accommodation Framework