

## Notice of Non-Key Executive Decision

<b>Subject Heading:</b>	Permission to waive contract procedure rules in regards to Brunswick Contract extension.
<b>Decision Maker:</b>	Councillor Oscar Ford, Cabinet Member for Childrens
<b>Cabinet Member:</b>	Councillor Oscar Ford, Cabinet Member for Childrens
<b>ELT Lead:</b>	Tara Geere, Director of Start Well
<b>Report Author and contact details:</b>	Michelle Purcell – Commissioner for Supported Housing. <a href="mailto:Michelle.purcell@havering.gov.uk">Michelle.purcell@havering.gov.uk</a> 01708 431 345
<b>Policy context:</b>	This contract supports Havering Council to meet the People Theme priorities in the Corporate Plan 2022/23 – 2026/27 to invest and transform the borough with an emphasis on improving the lives of vulnerable children, adults and families. The contract is ensuring that people with learning disabilities are helped to live independent, socially connected and healthier lives in line with legislative requirements.
<b>Financial summary:</b>	The majority of the funding (74%) comes from the children social care placement budget with the rest (26%) from the adult social care budget. This reflects that the accommodation is divided between children and

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	<p>adults: 6 flats for adults and 17 flats for young people.</p> <p>The previous contract is for a duration of 3 years (1st April 2021 to 31st March 2024) with a total cost of £634,460. The total cost for the 15 month contract extension will be £309,831.42.</p>
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	People
<b>Is this decision exempt from being called-in?</b>	The decision will be exempt from call in as it is a Non key Decision

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**The subject matter of this report deals with the following Council Objectives**

People - Supporting our residents to stay safe and well X

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

***Place an X as appropriate***

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Approval to waive the contract procurement procedure and extend the previous contract for the provision of support services to individuals placed in accommodation at the Brunswick Court site. The previous three year contract ended on 31<sup>st</sup> March 2024. The proposed fifteen month contract extension period is from 1 April 2024 until 30<sup>th</sup> June 2025 and then a full procurement tender will be taken forward.

### AUTHORITY UNDER WHICH DECISION IS MADE

Part 2.5 The following Functions may be delegated to individual Cabinet members by the Leader.

(g) To approve an exception to the Contracts Procedure Rules set out in Part 4 of this constitution, in accordance with Rule 14(1) of those Rules.

### STATEMENT OF THE REASONS FOR THE DECISION

#### 1. Background

1.2 The original contract was for three years and did not have an extension option, as it had been originally anticipated that the building would not be available longer than the contract term agreed as the Brunswick site was earmarked for demolition and redevelopment as part of the Council's '12 sites' regeneration programme. There has been slippage to the regeneration timeline which means that Brunswick Court could be utilised for a further 6 years. The request for an extension is being made so that continuity of service provision can be maintained for the existing tenant group while a service review and preparation for procurement are undertaken as this extension request is an interim arrangement, whilst a full retendering exercise is undertaken.

#### 2. Statutory Duties

2.1 The Children's Act 1989 requires local authorities to provide accommodation for individuals in care or in receipt of social care services. Section 22g of the Children's Act requires local authorities to publish a Sufficiency Statement of how they are providing sufficient accommodation for children in care and care leavers.

2.2 The Children Leaving Care Act 2000 stipulates a duty to improve the life chances of young people living in and leaving local authority care. Its main aims are: to delay young people's discharge from care until they are prepared and ready to leave; to

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improve the assessment, preparation and planning for leaving care; to provide better personal support for young people after leaving care; and to improve the financial arrangements for care leavers.

2.3 The Care Act 2014 requires that Housing promote Health and Well-being. This service will contribute towards living independently, sustainable tenancies, active members of the community, the development of strategies to promote positive well-being, accessing training and/or employment opportunities.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

**1. Option one:** Do nothing – the contract came to an end in March 2024. This will mean that current people residing at Brunswick Court will need to be rehoused quickly at potentially greater cost and with less suitable arrangements to prepare residents for independent living.

**2. Option two:** Re-tender the service – there is no time to go through the retendering process. Consequently, a rushed tender process may lead to a suboptimal specification which is not updated current priorities, projected needs and with potential consequent financial risks and impact on stability for a vulnerable cohort of people.

### **PRE-DECISION CONSULTATION**

The pre-decision consultation has involved engaging with a number of stakeholders to prepare this paper. In summary, the following table presents the type, methods and stakeholders engaged in the pre-decision consultation;

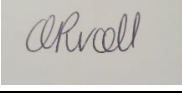
<b>Type</b>	<b>Methods</b>	<b>Consultees</b>
Project Group	Formal regular virtual meetings, phone calls, E-mails and reports	a. Current provider b. Joint Commissioning Unit c. Housing d. Children Social Care e. Adult Social Care f. Legal g. Procurement h. Finance

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

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Name: Michelle Purcell

Designation: Commissioner, Supported Housing

Signature: 

Date: 22<sup>nd</sup> July 2024

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

The Council has the general power of competence under Section 1 of the Localism Act 2011 to do anything an individual may generally do, subject to any statutory limitations.

Additionally, Section 111 of the Local Government Act 1972 allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions, or through its general power of competence.

Officers seek authorisation to make a direct award to Inclusive Support Ltd for the provision of support services to individuals placed in accommodation at the Brunswick Court site. The support provision is arranged under a various legislative provisions detailed elsewhere in this report.

The proposed value of the direct award is estimated to be £309,831.42 which is below the applicable threshold for light touch services of £663,540 (Inc VAT) under Schedule 3 of the Public Contracts Regulations 2015 (PCR) and therefore, it is not subject to the full rigours of the PCR.

The Council's Contract Procedure Rule (CPR) 14 permits exceptions to the competitive requirements where it does not infringe any applicable procurement laws; and meets the criteria set out in CPR 14.3. The body of this report confirms that the award of this contract is in the Council's best interest by providing support services to individuals placed in accommodation at the Brunswick Court site.

A tender exercise was not carried out as required by the Contract Procedure Rules (CPR) and the contract will need to be directly awarded to the provider. In accordance with CPR 14 a waiver will be sought to authorise the award without competition and this decision is subject to that waiver being granted.

For the reasons set above, the Council may award the contract to Inclusive Support Ltd.

### FINANCIAL IMPLICATIONS AND RISKS

This request is to waive the contract procedure rules.

The waiving the contract rules will mean that other tenders cannot be obtained so we cannot be sure that the contract offers best value for money against other potential providers.

However, due to the timescale, restricting the ability to carry out a full and comprehensive retendering, this does offer better value than rehoming the clients. As a comparator, an adult supported accommodation placement average £56.6k per annum (based on 23-24 figures) with a children services average placement cost being £56k per annum. Brunswick supports 23 clients, if there are no voids the average annual placement cost amounts to 11k per annum

A full retender is expected at the end of this extension.

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### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There are no implications or risks anticipated to Council staff as the employees involved in the delivery of the current service are employed directly by the existing Supplier. As the incumbent Supplier will be awarded the new contract the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 will not apply.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

(i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;  
(ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;  
(iii) foster good relations between those who have protected characteristics and those who do not

- a) Ensuring that all waste is correctly recycled
- b) Utilising public transport when this fits with Infection Protection Control measures
- c) Employing locally wherever possible to reduce the environmental impact of travelling to work
- d) Employing digital solutions to reduce the need for manual recording and disposable materials.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

The Council's Social Value Framework will be used to assess the environmental impact and plans of those suppliers bidding for this contract. As a result, suppliers will be required to describe how they intend to minimise impact on the environment by:

- Ensuring that all waste is correctly recycled
- Utilising public transport
- Employing locally wherever possible to reduce the environmental impact of travelling to work
- Employing digital solutions to reduce the need for manual recording and disposable materials.

### **BACKGROUND PAPERS**

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None.

**APPENDICES**

None.

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

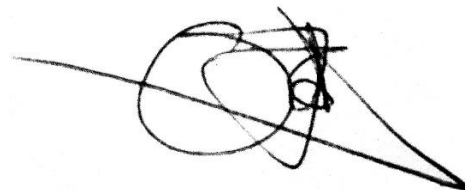
**Decision**

Proposal agreed

*Delete as applicable*

**Details of decision maker**

Signed



Name: Cllr O Ford

Cabinet Portfolio held: Lead Member for Childrens Services

CMT Member title:

Head of Service title

Other manager title:

Date:

**Lodging this notice**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_

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