



## Decision for Cabinet Member for Regeneration, Planning & Growth

### Report from the Corporate Director, Communities & Regeneration

#### APPROVAL TO WAIVE CONTRACT STANDING ORDERS TO PERMIT PROCUREMENT OF COMMUNITY REVIEW SERVICES THROUGH A DIRECT AWARD

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	Appendix A – Equalities Analysis
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	John Stiles Principal Urban Design Officer Email: <a href="mailto:john.stiles@brent.gov.uk">john.stiles@brent.gov.uk</a>

### 1.0 Executive Summary

- 1.1. This report concerns the procurement of community review services. The proposed Brent Community Review Panel is intended to be established to complement the work of the existing Brent Quality Review Panel, set up in October 2022, and respond to the importance placed on involving communities in the decision-making process as set out in the National Planning Policy Framework (NPPF).
- 1.2 The purpose of this report is to seek member approval to waive Contract Standing Orders to enable a direct award of a contract for community review services. The case for direct award, as opposed to a full tender process, is set out in the detail below.

### 2.0 Recommendation(s)

That the Cabinet Member for Regeneration, Planning & Growth having consulted with the Leader:

- 2.1. Approves an exemption pursuant to Contract Standing Order 84(a) of the requirement to tender a contract for community review services for a period of 24 months in accordance with paragraph 13 of Part 3 of the Constitution.

### 3.0 Detail

### **3.1 Contribution to Borough Plan Priorities & Strategic Context**

3.1.1 The Brent Community Review Panel will allow local people to participate in the planning process through a structured review format that proactively shapes new development in the borough. This will directly support the delivery of the policies within the Brent Local Plan 2019-2041, which themselves deliver on the priorities of the Borough Plan 2023-2027.

3.1.2 Relevant priorities and outcomes within the Borough Plan priorities the Brent Community Review Panel will help deliver include:

- Strategic Priority 1: Prosperity and Stability in Brent – helping to unlock the delivery of 5,000 new affordable homes and improve the quality of housing in Brent across the private sector and the council's own stock.
- Strategic Priority 2: A Cleaner, Greener Future – helping to deliver on the priorities of the Brent Climate and Ecological Emergency Strategy, promoting sustainable, energy efficient buildings, the provision of green infrastructure, and prioritisation of active travel.
- Strategic Priority 4: The Best Start in Life – helping to engage local young people in the planning process and making their voice heard in how the future of Brent should be shaped.
- Strategic Priority 5: A Healthier Brent – helping to tackle health inequalities through new developments and the creation of places that enhance health and wellbeing, support independent living and mobility and encourage active lifestyles.

### **3.2 Background**

3.2.1 The council appointed Frame Projects in August 2022 (via direct award) to provide design review services. They set up and now manage the Brent Quality Review Panel (QRP). Part of the justification to direct award the contract to Frame Projects over the other alternative provider was based on the fact that they had also pioneered the concept of community review, establishing what is thought to be the first community review panel (CRP) in the UK in 2018. Frame Projects currently manage six CRPs across London and the Southeast.

3.2.2 As part of the council's ongoing commitment to increase participation of local people in the planning process, it is proposed to progress establishment of a Brent CRP. Officers have been highly satisfied with the quality of service from Frame Projects in managing the Brent QRP and consider it reasonable to appoint them as the provider of community review services.

#### **What is a Community Review Panel (CRP)?**

3.2.3 The NPPF emphasises the importance of involving communities in the decision-making process. The aim of this is to increase design quality and place benefit. Whilst no specific mechanism on how to do this is set out in the

NPPF, community review panels are becoming increasingly popular amongst local authorities as enabling greater participation in the planning process.

- 3.2.4 A CRP is typically a group of 10 or more local people that reflect the demography of local area. It is chaired by an industry professional, typically with engagement experience, and reviews development proposals at the confidential pre-app stage. They operate in a similar way to a QRP, with members offering advice based on their experiences living in the local area.

### **How do CRPs work?**

- 3.2.5 As discussed, a CRP operates in much the same way as a QRP, with fixed meeting dates scheduled once a month for the year ahead so members can book time off in advance, if necessary. Meetings take place on weekday evenings and will typically allow for the review of one or two schemes.
- 3.2.6 Members are briefed ahead of each meeting and encouraged, wherever possible and safe to do so, to visit the site. During meetings, officers will set out areas where the panel's advice would be welcomed, before applicants present the scheme to the panel.
- 3.2.7 To ensure the sustainability of a CRP, members are typically remunerated for giving up their time to participate. To avoid financial complications for any members who may be in receipt of benefits, remuneration is typically provided in the form of vouchers.

### **What are the benefits of a CRP?**

- 3.2.8 There are obvious benefits to the council from having a CRP. It supports greater participation of the local community in the planning process and could over time encourage a shift towards a more proactive approach to development in the borough. It also brings conversations with the community to the start of the planning process, ahead of when statutory consultation is likely to take place.
- 3.2.9 As such, there are also benefits for applicants. A CRP allows a local voice to influence development proposals and inform how aspects of a scheme might be adapted to better support the needs of the community. If an applicant demonstrates they have consulted the CRP and responded to its comments, it may positively influence decision-making and give greater certainty about whether a scheme is likely to be considered acceptable.
- 3.2.10 Officers will introduce plans to set up a CRP to applicants as part of the pre-application process and take soundings to inform our approach.

### **Who else has a CRP?**

- 3.2.11 Several other local authorities have set up CRPs in recent years, including two neighbouring authorities to Brent: The Old Oak & Park Royal Development Corporation (OPDC) and the London Borough of Ealing. The

OPDC panel is widely considered to be the first formalised CRP in the UK and has been in operation since 2018.

3.2.12 Testimonials from OPDC officers have been sought in progressing plans for a Brent CRP and report how effective their 'Community Review Group' has been in increasing participation in the planning process at a community level, as well as shaping development proposals for the better.

#### **4.0 Stakeholder and ward member consultation and engagement**

4.1 The proposal for the establishment of a Brent Community Review Panel to complement the work of the existing Brent Quality Review Panel was approved by the Cabinet Member for Regeneration, Planning and Growth on 7<sup>th</sup> August 2023.

4.2 Consultation has taken place internally with a working group formed from officers in both the Spatial Planning and Community Engagement teams, as well as representatives from Frame Projects, who will set up and manage the CRP.

4.3 Officers will introduce plans to set up a CRP to applicants as part of the pre-application process and take soundings to inform our approach.

#### **5.0 Financial Considerations**

5.1 The cost of setting up a CRP is £14,925+VAT, but there are no direct financial implications for the council.

5.2 The set-up cost is intended to be covered by funds held in trust by Frame Projects that have been accrued from QRP meetings fees since August 2022. All QRP fees that are paid by applicants include a 'float', which Frame Projects collects and makes available to its clients to use for other services Frame Projects can provide such as, officer and panel member training, inductions, council policy or guidance reviews etc.

5.3 CRP meetings are charged at £4,750+VAT per scheme – this includes a £700 'float', which again would be held in trust for the council's benefit. The CRP would be able to review a maximum of two schemes per meeting, generating a potential maximum contract value for Frame Projects of £194,400+VAT (£4,050x2x24) over the contract period. It is worth noting, however, that panel meetings may not take place every month and may only review one scheme, meaning this contract value could significantly vary.

#### **6.0 Legal Considerations**

6.1 In accordance with paragraph 13 of Part 3 of Brent's Constitution, the Leader has delegated certain functions to Cabinet members to be exercised within their portfolio area in consultation with the Leader. This delegation includes agreement of waivers of Contract Standing Orders for Medium and High Value Contracts.

- 6.2 The community review services Officers are proposing to procure are valued at a potential maximum contract value of £194,400+VAT over the contract term and the proposed contract is thus classified as a Medium Value Contract under Contract Standing Orders. Contract Standing Orders provide that a Medium Value Contract should be procured by way of a tender process but for the reasons detailed in the body of the report, Officers do not consider it is possible to procure the contract by way of a tender process.
- 6.3 The contract is a form of concession contract and as such, should the Cabinet Member for Regeneration, Planning & Growth having consulted with the Leader, chose to grant an exemption from the requirement to tender a contract for community review services, there is no breach of domestic law or the Council's own procedures.
- 6.4 In reaching any decision to waive Contract Standing Orders, the Cabinet Member in consultation with the Leader should have regard to the reasons Officers have set out in Section 3 of the report.

## **7.0 Equality, Diversity & Inclusion (EDI) Considerations**

- 7.1 Pursuant to s149 Equality Act 2010 (the "Public Sector Equality Duty"), the Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,
- 7.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 7.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

7.5 The proposals in this report have been subject to an Equality Analysis as detailed at Appendix A and officers believe that there are no adverse equality implications.

## **8.0 Climate Change and Environmental Considerations**

8.1 As set out in Section 3.1.2, the Brent CRP will help deliver on the priorities of the Brent Climate and Ecological Emergency Strategy by helping to shape sustainable buildings and places.

## **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 This service is an extension of a service currently provided by an external contractor and there are no implications for Council staff arising from the procurement of the contract.

## **10.0 Communication Considerations**

10.1 A communications and community engagement strategy has been developed to promote the recruitment process to local people. This will consist of four key strands of outreach:

- Officers will promote the panel recruitment process and share information about what a CRP is, how it works, and why local people should consider applying to join via a series of presentations delivered by Frame Projects at the Brent Connects meetings taking place throughout October and November 2023.
- Officers will directly engage local young people at a coordinated meeting of local youth organisations in October 2023, to increase uptake of 16–19-year-olds in the recruitment process. A letter will also be sent to all Headteachers in Brent to promote the panel recruitment process to local Sixth Form students.
- Officers will host a series of in-person drop-in sessions in each Brent Connects area throughout October and November 2023, where local people will be able to meet with officers and representatives from Frame Projects and hear more about the CRP and how to apply.
- A series of social media posts will be publicised across the council's numerous platforms and potentially targeted to specific groups and demographics. This will include digital banners within Brent Civic Centre and flyers that can be handed out at a range of other council events.

**Report e-sign off:**

*Zahur Khan*

Corporate Director, Communities & Regeneration