



## Decision of Cabinet Member for Community Safety

### Report from the Strategic Director, Regeneration and Environment

**Authority to grant exemption from the requirements of Contract Standing Orders for Medium Value Contracts in respect of contracts for the provision of services funded by the MOPAC London Crime Prevention Fund.**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non Key Decision
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Karina Wane Head of Community Protection <a href="mailto:Karina.wane@brent.gov.uk">Karina.wane@brent.gov.uk</a> 020 8937 5067

#### 1.0 Purpose of the Report

- 1.1 This report seeks approval to exercise delegated powers to grant an exemption from the requirement to procure in accordance with Contract Standing Orders for the provision of 3 contracts for services funded by the MOPAC London Crime Prevention Fund.

#### 2.0 Recommendation(s)

That the Cabinet Member for Community Safety, in consultation with the Leader:

- 2.1 Exercises delegated powers in accordance with paragraph 13 of Part 3 of the Constitution to approve an exemption from the requirements of Contract Standing Orders for procuring Medium Value Contracts for the provision of 3 MOPAC London Crime Prevention Fund projects as detailed in paragraph 3.8.

#### 3.0 Detail

- 3.1 MOPAC will inform council officers by the end of February 2019 regarding the signing of a grant agreement for the new allocated London Crime Prevention Fund. MOPAC have agreed the proposed projects in principle, however they have had delays in sending formal grant agreements out to boroughs. This therefore anticipates a

delayed start to the tendering process; and therefore delivery of service provision for Brent residents. Officers would like to ensure a fair procurement process but have concerns as to whether a full tendering process can be used to deliver London Crime Prevention projects to start on or shortly after 1 April. Officers would like to ensure a minimal gap of service provision from 31 March 2019 when current contracts end, until new contracts start, and have recommended a procurement option to aid this.

### History

- 3.2 The Mayor’s Office for Policing and Crime (MOPAC) London Crime Prevention Fund (LCPF) was established in 2013 and brought together a number of funding stream. The fund totalled £72m and it ran from 2013/14 to 2016/17 in line with the Police and Crime Plan (DMPCD 2013/96). Funding was allocated to boroughs following a competitive bidding process (with the caveat that no Local Authorities received less funding that previously allocated under Home Office funding). The LCPF is only open to Local Authorities and must be used to tackle community safety and crime issues.
- 3.3 The introduction of a new needs and demand formula for the allocation of direct borough funding has changed borough allocations. This incorporated a review of current borough allocations and realignment of funding to demand and need.
- 3.4 The LCPF borough allocations decision for 2019/20 and 2020/21 was published on 24 October 2018 and sets out the funding allocations. As seen for Brent below:

	% total of funding	Funding 2018/19 allocation per annum	% total of funding	Funding 2019/21 allocation per annum	
<b>Brent</b>	3.9%	£487,059	3.9%	£511,548	£24,489 increase*

- 3.5 \*Despite the above figures published by MOPAC, 2017-18 Brent allocation was higher in 2018/19 as a decision was taken to share the cost equally across the 2 years 2017-19, resulting in an actual annual allocation of £591,429. This allowed the commissioning of multiple services and interventions for 2017/18 and 2018/19.
- 3.6 With a reduction of actual funding of £79,881 per year to £511,548 per year, we have had to review existing delivery and demand on services. Following consultation with internal and external stakeholders, the Lead Member, the Council’s Chief Executive and Chair of the Safer Brent Partnership and Leader of the Council, the final submission was sent to MOPAC before deadline in December 2018. The proposed 2019/2021 two year projects and allocated spend are outlined below. There are four projects to procure.

MOPAC Fund 19/21	Project	Two Year £	Procurement Need
Tackling Violent Crime	1. Gangs, Serious youth violence and vulnerability contract	£287,290.28	Yes
	2. Health, Wellbeing and Street Based Outreach	£206,320.00	Yes
	3. Violence and Vulnerability Coordinator	£113,357.50	No - 2 Year Fixed Term Council post
Reducing VAWG	4. Domestic Abuse perpetrator intervention	£195,104.60	Yes
	5. Exit Prostitution	£104,560.00	Yes
Tackling Violent Crime - Triage	6. YOS Triage	£116,463.62	No - 2 Year Fixed Term Council post
<b>2 Year Grant Total</b>		<b>£1,023,096.00</b>	

### Commissioning

3.7 The four contracts to procure have an estimated value of between £104,560.00 to £287,290.28. The Exit Prostitution project is classified as a Low Value Contract under the Council's Contract Standing Orders and therefore can be procured by seeking at least 3 quotes. The other three contracts are classed as Medium Value Contracts under the Council's Contract Standing Orders.

3.8 Contract Standing Orders require Medium Value Contracts to be tendered. As detailed in paragraph 3.6, there are concerns that a full tendering process will not allow contracts to start on or shortly after 1 April. Therefore, it is recommended that the Lead Member waive the requirement to tender under the Council's Contract Standing Orders. This would enable the Strategic Director to authorise the procurement of the following contracts by way of a quote process which would allow competition but within a shorter timescale:

- Gangs, Serious youth violence and vulnerability contract
- Health, Wellbeing and Street Based Outreach
- Domestic Abuse perpetrator intervention

3.9 Seeking a waiver of Contract Standing Orders would be permissible in this instant as the value falls below the threshold for the Light Touch regime for Services of £615,278 prescribed by the Public Contracts Regulations 2015.

3.10 The Cabinet Member for Community Safety is requested to give their approval to these proposals as set out in the Recommendations and in accordance with the Constitution.

## **4.0 Financial Implications**

4.1 As the services being procured are funded by the Mayor's Office for Policing and Crime via the London Crime Prevention Fund, all costs would be contained within the available funding allocations.

## **6.0 Legal Implications**

- 6.1 The contract value of the 3 services that Officers are proposing to procure as detailed in paragraph 3.8 are classified as Medium Value Contracts under Contract Standing Orders. Each contract is below the Public Contracts Regulations 2015 Schedule 3 (Light Touch regime for Services) threshold of £615,278 . As such, should the Council award the contracts via a quotation process, it will not be considered to be in breach of domestic or EU law or the Council's own procedures where it exercises discretion as outlined above.
- 6.2 From 1<sup>st</sup> September 2018, changes to the Constitution were effected to permit Individual Cabinet members, in consultation with the Leader, to make certain decisions relevant to their portfolio. One of these changes was to permit a waiver from Contract Standing Orders in respect of Medium Value Contracts, thus avoiding the need to tender the contract.
- 6.3 The requirement to procure using a competitive tender process for a Medium Value Contract, as referred to within this report, is comprised within contract standing orders and not EU statute. In view of the provisions set out in paragraph 13 of Part 3 of the Constitution, the Lead Member in consultation with the Leader has discretion to waive Contract Standing Orders requirements in relation to Medium Value Contracts and thus waive the requirement to tender the contract. Waiving Contract Standing Orders would then enable the Strategic Director to approve the use of a quotation process for the 3 contracts detailed in paragraph 3.8.

## **7.0 Equality Implications**

- 7.1 The proposals in this report have been subject to screening and officers are of the opinion that there are no equality implications arising from the recommendations.

## **8.0 Consultation with Ward Members and Stakeholders**

- 8.1 As this report affects all wards, consultation with specific ward members has not been conducted.

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

- 9.1 There are no anticipated implications arising from the recommendations within this report from either a Human Resources or Property perspective.

## **10.0 Public Services (Social Value) Act 2012**

- 10.1 The Council is under a duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. In accordance with the council's Social Value Policy, 10% of the award criteria under the proposed quote process will be reserved for social value considerations.

**Report sign off:**

**Amar Dave**

Strategic Director Regeneration and Environment