

 <b>Brent</b>	<b>Decision of Cabinet Member for Housing</b>
	<b>Report from the Strategic Director, Community Wellbeing</b>
<b>Approval to waive Contract Standing Orders and permit procurement through a quotation process for a supported lettings floating support service for rough sleepers on behalf of the West London Housing Partnership</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non Key
<b>No. of Appendices:</b>	None
<b>Background Papers<sup>1</sup>:</b>	N/A
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Lorraine Regan, Interim Manager Housing Related Support and Mental Health Tel: 020 8937 4162 Email: Lorraine.Regan@brent.gov.uk

## 1.0 Purpose of the Report

- 1.1 This report concerns the procurement process to undertake a short term supported lettings, floating support service. This report requests Individual Cabinet Member approval to waive Contract Standing Orders and permit procurement through a quotation process of a short term supported lettings, floating support service.
- 1.2 The service will be entirely funded by the Ministry Housing Communities & Local Government (MHCLG) and will provide low level floating support for rough sleepers across 7 boroughs that make up the West London Housing Partnership (Brent, Hammersmith and Fulham, Hillingdon, Hounslow, Kensington & Chelsea, Ealing and Harrow).

## 2.0 Recommendation(s)

That the Cabinet Member for Housing, in consultation with the Leader:

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2.1 Agrees to waive the requirements of Contract Standing Orders in relation to Medium Value Contracts in accordance with paragraph 13 of Part 3 of the Constitution to permit procurement through a quotation process of a short term supported lettings, floating support service.

### **3.0 Detail/Background**

3.1 The Governments Rough Sleeping Strategy (RSS) which was published in August 2018, whereby the Government made the commitment to halve rough sleeping by 2022, and end it entirely by 2027.

3.2 By 2027, Government want to base their response to rough sleeping on a rapid rehousing approach. This means if a person is at risk of rough sleeping they will have their needs assessed quickly in line with the requirements of the Homelessness Reduction Act 2017, be offered appropriate support and then helped rapidly into a home, with appropriate support alongside. Every area with one or more rough sleepers should have a clear local pathway into settled accommodation that includes:

- *Rapid assessment of need and eligibility;*
- *Rapid rehousing into an appropriate settled home and referral into support services, where needed.*

3.3 MHCLG has provided funding (£100m nationally) to support a Rapid Rehousing Pathway (RRP) for rough sleepers. The RRP comprises of four elements:

- Somewhere Safe to Stay
- Supported Lettings
- Local Lettings Agencies
- Navigators

3.4 The Royal Borough of Kensington & Chelsea (“RBKC”) applied on behalf of the West London Housing Partnership (“WLHP”) to MHCLG for funding to be adopters of Supported Lettings.

3.5 The supported lettings floating support service will fund flexible floating support across 7 boroughs to over 300 people in their own homes, who are ex-rough sleepers or who were at risk of rough sleeping. The support will enable them to sustain their tenancies and remain independent and will be offered on a time limited basis between 3-4 months with an average of 2 hours per week. It is anticipated that there may be some people who require support for longer. In these circumstances, then the HRS generic floating support can be accessed but only if the person is living in Brent.

3.6 Unfortunately, a previous bid for securing grant funding for this service was unsuccessful, this in part, was due to specifying that the grant would not be fully utilised within the 3-month period between January 2019 - March 2019.

- 3.7 MHCLG released a further tranche of Homeless funding, asking for bids to fund a supported lettings floating support service, for rough sleepers. MHCLG encouraged the West London Housing Partnership to bid again for this funding. As the criteria for spending this tranche of funding is over a 12-month period rather than 3, another bid was submitted for the grant.
- 3.8 A bid to fund a supported lettings floating service was submitted to MHCLG, on 31<sup>st</sup> March 2019, and a decision confirming that the bid has been successful was announced on 3<sup>rd</sup> May 2019. However, one of the pre-requisites for securing the funding was the assurance that the service will be mobilised by within 2 months. Funding for the service is available for 2019/20 only. MHCLG may decide to extend funding for a further year but this decision will not be made until later in 2019/20.
- 3.9 As outlined above, the service will be provided specifically to: rough sleepers leaving the street, former rough sleepers leaving hostels, and those at imminent risk of sleeping rough. The type of support to be offered will be around
- Developing and maintaining skills to live independently
  - Managing finances including access to benefits and debt advice
  - Maintaining their tenancy and developing a home that is safe, functional and homely.
  - Accessing a range of services and community facilities to meet their needs, including health care, treatment, mental health support, advocacy, resettlement, floating support, befriending and social and leisure activities.
  - Building on their individual strengths and assets to achieve the outcomes that matter to them and improve health and wellbeing
  - Rebuild or establish friendships and relationships that can assist to counter isolation
- 3.10 The WLHP successfully bid for MHCLG funding to develop a Somewhere Safe to Stay (SStS) service last year and RBKC are the contract holder for this service. A West London Staging Post service has also been developed, funded by the MHCLG Rough Sleeping Initiative, again via RBKC and this became operational in October 2018. In addition a successful Rough Sleeping Prevention project has already been developed, and is funded until August 2019 by MHCLG and is working successfully across the 7 boroughs. The supported lettings service will form part of the SStS service. Referrals to the Supported Lettings scheme would come mainly, but not exclusively, from these other sub-regional projects. Referrals may also be made by borough rough sleeping outreach teams.
- 3.11 The introduction of the Homelessness Reduction Act (HRA) has seen an increase in homelessness of nearly, 40% across this is based on figures taken from this time last year although rough sleeping has remained fairly static, there is still a core of entrenched rough sleepers in Brent who have very complex needs. It is therefore anticipated that the supported letting floating support

service will be providing much of the support to clients living in Brent compared with some of the other West London authorities.

- 3.12 Oversight and monitoring of the contract will fall to the West London Homelessness Coordinator, who is employed by RBKC and is also responsible for the other MHCLG funded projects. Therefore, there will be no additional burden to Brent in respect of contract monitoring.
- 3.13 Given the level of homelessness and rough sleeping across the borough officials agreed that this was a much needed service to support those rough sleepers who have gone through a pathway and secured a tenancy through the PRS. Without this specialised floating support service it is more probable that tenancies could fail and people will once again find themselves homeless and back on the streets.
- 3.14 Given all of the above, it seems that this is an ideal opportunity to secure the additional government funding, albeit for a limited period, to help ensure people are able to maintain their tenancies and live independently without the need to be reliant on council funded services.

#### **4.0 Process**

- 4.1 As officers know that they have been successful in securing the funding there is a need to procure the service quickly, hence officers have already alerted the sector to the possibility of this opportunity, including informing them of the proposed budget, numbers of people expected to access the service across 7 boroughs and the deadline to get the service mobilised. A draft specification has also been prepared in conjunction with the West London Homelessness Coordinator which is Appendix 1 to this report.
- 4.2 Discussion with Legal and Procurement has taken place regarding how best to procure the service in the very limited time available. Initially there was some discussion that we might be able to use the Housing Related Service Dynamic Purchasing System ("DPS"). However as the specification for the DPS clearly states that the service can only be delivered in Brent, this option was not possible. Officers were therefore advised that to meet the deadline to use the grant by 31<sup>st</sup> March 2020, it may be possible to seek individual Cabinet Member approval to waive the Contract Standing Order requirement to tender and instead use a quote process which could be quicker. Seeking a waiver of Contract Standing Orders would be permissible as the budget for the service is £202k, which falls considerably below the EU Schedule 3 threshold of £615,278 and therefore there is no statutory requirement to tender .
- 4.3 Brent will be the contract holder for the service however, the West London Homelessness Co-ordinator will undertake the contract monitoring and performance of the service so there will be no additional burden on Brent.
- 4.4 The individual Cabinet Member is asked to give approval to these proposals as set out in the Recommendations and in accordance with the Constitution.

## **5.0 Financial Implications**

- 5.1 As this service will be entirely funded by MHCLG, there are no financial implications for Brent

## **6.0 Legal Implications**

- 6.1 The contract to be procured is not subject to the requirements of the Public Contracts Regulations 2015 as the value is below the EU threshold for Schedule 3 services. The specialised nature of the service also means that the service is not considered to be of cross border interest. As a result, there is no issue from the EU procurement perspective with the procurement process to be used for this contract.

- 6.2 Under the Council's Contract Standing Orders ('CSO'), the contract is classed as a Medium Value Contract and CSO 96 requires that a competitive tender process be undertaken before award of such contract. As mentioned in paragraph 3.8 above, one of the pre-requisites for securing the funding was the assurance that the service will be mobilised by within 2 months and it is considered that this can be best done by requesting quotes rather than running a full competitive tender process.

- 6.3 From 1 September 2018 changes to the Constitution were implemented to allow Individual Cabinet members, in consultation with the Leader to make certain decisions within their portfolio area, one of which was to waive the CSO in respect of the tender procedure to be adopted for Medium Value Contracts. The only requirement to procure using a competitive tender process is under the CSO and not EU law. In view of the provisions set out in paragraph 13 of Part 3 of the Constitution, the Lead Member has discretion to waive the requirement that the contract be tendered and agree that the service be procured through a quotation process instead.

## **7.0 Equality Implications**

- 7.1 The proposals in this report have been subject to screening and officers believe that there are no equality implications.

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

- 8.1 Initial consultation has taken place with Brent housing support sector to alert them to the possibility of a new service which will be tendered during Spring 2019, if we are successful with securing MHCLG funding.

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

- 9.1 There are no implications for staff pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") arising as this will be a new service and TUPE will therefore not apply

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

10.1 The Council is under 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. Officers have had regard to considerations contained in the Social Value Act in relation to the proposed procurement. Given the limited time available there has been no consultation but Officers are confident that given the nature of the service it is proposed to procure, it will improve the economic, social and environmental well-being of its area and of one of the most disadvantaged groups living in Brent.

**Report sign off:**

**PHIL PORTER**

Strategic Director of Community Wellbeing