



Resources and Public Realm Scrutiny Committee

Thursday 9 June 2022 at 6.30 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

*Please note the start time for the meeting

Please note this will be held as an in person meeting which all Committee members will be required to attend in person.

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [here](#)

Membership:

Members

Councillors:

Conneely (Chair)
Long (Vice-Chair)
Ahmadi Moghaddam
Akram
Bajwa
S Butt
Georgiou
Miller
Mitchell
J.Patel
Shah

Substitute Members

Councillors:

Afzal, Begum, Collymore, Ethapemi, Fraser, Moeen,
Seelan, Ketan Sheth and Smith

Councillors:

Kansagra & Maurice
Lorber & Matin

For further information contact: Andrew Phillips, Governance Officer
Tel: 020 8937 3679; Email: Andrew.Phillips@brent.gov.uk

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www.brent.gov.uk/committees

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

(b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item	Page
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1 Apologies for absence and clarification of alternate members	
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2 Declarations of interests	
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Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

3 Deputations (if any)	
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To hear any deputations for which requests have been approved from members of the public, in accordance with Standing Order 67.

4 Call-in - Officer Key Decision: Award of Design & Build Contract for Morland Gardens Development	1 - 22
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To consider a call-in submitted in respect of the following decision taken by the Strategic Director of Regeneration & Environment on 20 May 2022:

Award of Design & Build Contract for Morland Gardens development.

5 Exclusion of Press & Public	
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The following item is not for publication as it relates to the following category of exempt information, set out below, as specified under Part 1, Schedule 12A of the Local Government Act 1972:

Agenda Item 4: Call-In: Award of Design & Build Contract for Morland Gardens development– Appendix 1 of the Officer Key Decision report approved by the Strategic Director of Regeneration & Environment (List of Tenderers)


This appendix is classified as exempt under paragraph 3 of Part 1 Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"

Date of the next meeting: Tuesday 19 July 2022



Please remember to set your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and limited seats will be available for members of the public. Alternatively it will be possible to follow proceedings via the live webcast [here](#)

	Resources and Public Realm Scrutiny Committee 9 June 2022
	Report from the Assistant Chief Executive
Call-In of Officer Key Decision – Authority to award the Design & Build Contract for the Morland Gardens Development	

Wards Affected:	Stonebridge
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt - Appendix 2a is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
No. of Appendices:	Three: Appendix 1: Call-in form Appendix 2: Officer Key Decision Report – Award of Design & Build contract for Morland Gardens development Appendix 2a: (Exempt) Officer Key Decision Report Appendix 1 (List of Tenderers) Appendix 2b: Officer Key Decision Report Appendix 2 (Tender Evaluation Grid) Appendix 3: Call-in Protocol
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Katie Smith, Head of Executive & Member Services Katie.Smith@brent.gov.uk Tel: 020 8937 1399

1.0 Summary

1.1 A decision made by the Strategic Director – Regeneration & Environment

on 20 May 2022 in respect of the “*Award of the Design & Build Contract for the Morland Gardens Development*” has been called-in for consideration by the Resources and Public Realm Scrutiny Committee, in accordance with Standing Order 14.

2.0 Recommendation

2.1 That the Committee considers the call-in and agrees to one of the following outcomes:

2.1.1 The Committee does not wish to refer the matter back to the decision maker or to Council, at which point the decision is deemed to be confirmed and takes effect immediately following the meeting; or

2.1.2 The Committee decides to ask the Strategic Director – Regeneration & Environment to reconsider the decision, in light of any observations of the Committee; or

2.1.3 Having had regard to the advice of the Director of Legal and HR Services or Director of Finance, the Committee considers the decision is contrary to the Council’s Budget or Policy Framework, at which point it refers the matter to the next practicable meeting of the Council, subject to the provisions of Standing Orders.

3.0 Background

3.1 The Strategic Director - Regeneration & Environment took a key decision on 20 May 2022 regarding the award of a contract for design & build works to deliver a new education centre, new council homes, affordable workspace, a public facing café, and public realm improvements within the Morland Gardens Scheme. The decision approved was as follows:

3.3.1 To approve, in consultation with the Cabinet Members for Regeneration and Planning and Jobs, Economy and Citizens Experience, the award of a two stage design and build contract for the development works at Morland Gardens to Hill Partnership Ltd for a total sum of £37,933,491.

3.2 The award followed initial Cabinet approval for the scheme in January 2020 with the original key decision having been republished to clarify the consultation undertaken with Cabinet Members as a result of Executive appointments made following the local election in May 2022.

3.3 The Key Officer decision has subsequently been called-in by 5 members, with details of the call-in attached as Appendix 1 to this report.

3.3 The report, on which the called-in decision is based is attached at Appendix 2 to this report.

3.4 The procedure for dealing with the call-in and the conduct of the Scrutiny Committee meeting is attached at Appendix 3 of this report.

4.0 Financial Implications

4.1 There are no financial implications arising from this covering report.

5.0 Legal Implications

5.1 There are no direct legal implications from this covering report.

6.0 Equality Implications

6.1 There are no direct equality implications arising from this covering report.

Report sign off:

Shazia Hussain

Assistant Chief Executive

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CALL-IN FORM

For the Attention of: The Head of Executive and Member Services

Date: 26 May 2022

A call in request must be submitted in accordance with the requirements of Standing Order 20, within 5 days of the relevant decision being made or in the case of a key decision made by officers, within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules.

Decision: Authority to award the Design and Build Contract for the Morland Gardens Development

Date of decision (or date of public notice for officer decisions): 20 May 2022

Five non-cabinet members making request:

	Name of councillor	Signature <i>(only required if submitted in hard copy)</i>
1	Paul Lorber	
2	Anton Georgiou	
3	Hannah Matin	
4	Michael Maurice	
5	Sunita Hirani	

Please provide below an explanation as to why you are calling in the decision and if you are calling in all or part of the decision:

(Note: according to the Protocol On Call-in (Part 7 of the Constitution), call-in requests will not be considered valid if they:

- are used as a means of gaining information/understanding or discussing general concerns with Members and officers,*
- duplicate a call-in on the same issue within the previous six months,*

- *are based on reasons already discussed by the relevant Scrutiny Committee prior to the decision being made,*
- *concern a decision of the Cabinet referring a matter to Full Council for consideration*
- *concern operational management decisions, or*
- *are otherwise considered by the Chief Executive to be frivolous, vexatious or clearly outside the call-in provisions.)*

The site for the Council's proposed Morland Gardens development is made up of two adjacent areas of land. The first is the buildings and grounds at 1 Morland Gardens, and the second is an area of public highway and the Harlesden City Challenge Community Garden. These are shown on this site plan:



Although the Council owns both areas of land, it does not yet have a legal entitlement to construct its proposed development on the second area. That would require (at the least) a Stopping-up Order for the public highway, and an appropriation of land, including the existing community garden, for planning purposes.

Notice of a proposed Stopping-up Order for an area of the public highway was only published on 28 April 2022, and has been subject to objections. Unless or until those objections are resolved, which is likely to require an Inquiry by an independent Inspector, there can be no certainty that the proposed development can be built.

There is a real possibility that the second area of land, on which the approved plans for the proposed development depend, will not be legally available to be built on. Even if all the necessary legal requirements are achieved, that is likely to be many months away. In these circumstances, the award of a Design and Build contract worth almost £38 million, at this stage, appears to us to involve too great a financial risk to the Council.

On that basis, we are calling-in all of the Key Decision by the Strategic Director, Regeneration and Environment.

However, if it is decided that the award of the contract should go ahead, there is part of the decision that we would also wish to call-in. This concerns the inclusion of 'commence pre-construction demolition' as part of the first stage of the two-stage Design and Build Contract.

At the heart of the 1 Morland Gardens site is a locally-listed heritage building, a beautiful Victorian villa with a distinctive belvedere tower, built by the renowned architect, H.E. Kendall, as part of his original Stonebridge Park estate in 1876, and known as "Altamira".

Planning Officers, when consent for the proposed development was given in 2020, admitted that demolishing this heritage asset goes directly against Brent's planning policies. Their justification for recommending the application was the wider public benefits of the plans, particularly the 65 affordable homes they promised. Those homes cannot be built unless the second area of land can be included in the development site.

On 2 June 2021, in an email which is in the public domain, the Strategic Director, Regeneration and Environment, Alan Lunt, wrote: 'I confirm that the demolition of 'Altamira' will not take place until all necessary legal pre-requisites are in place.'

For the avoidance of any misunderstandings, and because the modern parts of 1 Morland Gardens around the heritage villa were built or adapted for, and are still useable for, educational use, no demolition on the site should be included in Stage 1 of the contract, if the Scrutiny Committee does not object to the award of the contract as a whole.


Please provide below an outline alternative course of action to the decision being called in:

That the Scrutiny Committee recommends that no contract for the Morland Gardens Development should be awarded unless or until all the legal requirements for building on the area of land, currently public highway and community garden, have been met.

If the Scrutiny Committee does not object to the award of the two-stage Design and Build Contract as a whole, that the Committee recommends that no pre-construction demolition of any buildings on the site shall be included in Stage 1 of the contract.

Please return this form to Katie Smith, Head of Executive and Member Services, by email (from your individual email address) at Katie.Smith@brent.gov.uk or in hard copy (with signatures) and in person on the fourth floor of Brent Civic Centre.

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	Officer Key Decision
	Report to the Strategic Director of Regeneration and Environment
AUTHORITY TO AWARD THE DESIGN AND BUILD CONTRACT FOR THE MORLAND GARDENS DEVELOPMENT	

Wards Affected:	Stonebridge
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt – Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
No. of Appendices:	Appendix 1 – exempt Appendix 2 – evaluation grid
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Name: Neil Martin Job Title: Head of Capital Programmes (Schools) Email: neil.martin@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report concerns the redevelopment works at Morland Gardens, Stonebridge NW10 8DY to deliver a new education centre, new council homes, affordable workspace, a public facing café, and public realm improvements. This report requests authority to award the design and build contract as required by Contract Standing Order 88. This report summarises the process undertaken in tendering a contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

2.0 Recommendation(s)

That the Strategic Director of Regeneration and Environment in consultation with the Cabinet Members for Regeneration and Planning and Jobs, Economy and Citizen Experience:

- 2.1 Approves the award of two-stage design and build contract for the development works at Morland Gardens to Hill Partnerships Ltd for a total sum of £37,933,491.

3.0 Detail

- 3.1 On 14 January 2020, Cabinet approved a number of recommendations relating to the Morland Gardens redevelopment. Cabinet supported the proposal to invest up to £43m to deliver a state of the art adult education centre, 65 new affordable homes, 675 sq. metres affordable workspace for start-up businesses from the local community, and a public facing cafe.
- 3.2 Officers initially attempted to procure a contractor to deliver the scheme in May 2021 but as detailed in the Key Officer Decision in August 2021, no bids were received in response to the invitation to tender via a one-stage mini-competition under the Notting Hill Genesis (NHG) Contractor Framework. The Director of Legal, HR, Investigation & Audit's confirmation that it is legally permissible for the Council's participation in the Framework was obtained on 11th June 2020 prior to the mini competition.
- 3.3 In August 2021, the Strategic Director, Regeneration and Environment in consultation with the Cabinet Members for Regeneration, Property and Planning and Education, Employment and Skills, approved the re-tender and pre-tender considerations for this project using a two-stage design and build contract and procured via the NHG framework. This route was proposed based on the feedback received from suppliers on this framework in order to provide the Council with the best chance to receive competitive tenders for this scheme.

The Tender Process

- 3.4 The contract for the redevelopment works at Morland Gardens (the "Contract") will be let using a two-stage Design and Build Contract. The first stage is the 2016 JCT Pre-construction services Agreement (PCSA) followed by the construction under the JCT Design and Build contract. For the first stage, the contractor will work with the Council to upgrade the scheme design, develop the existing design to RIBA Stage 4, update and finalise the fixed price contract sum, and commence pre construction demolition. Subject to satisfactory completion of the first stage and the council having all the necessary statutory approvals in place, the second stage will be triggered by the Council by entering into the main construction contract with the contractor.

- 3.5 In accordance with the Framework's rules, all contractors on the Framework Lot were invited to express interest in the opportunity. Advertisements were placed on the London Tenders Portal on 6 September 2021. Contractors were provided with the technical information and details of the tender approach and were invited to bid.
- 3.6 The tendering instructions stated that the Contract would be awarded on the basis of the most economically advantageous offer to the Council and that in evaluating tenders, the Council would have regard to the following:
- Commercial / Price: 50%
 - Quality: 33%
 - Social Value: 10%
 - Cost Control: 7%

Evaluation process

- 3.7 The tender evaluation was carried out by a panel of officers from Procurement, Property & Assets and Brent Start.
- 3.8 All tenders had to be submitted electronically no later than noon on 26 November 2021. Tenders were opened on the same day and three tenders were received. Each member of the evaluation panel read the tenders and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.
- 3.9 The panel met on 20 January 2022 and each submission was marked by the whole panel against the award criteria. The Council's appointed technical consultants undertook a detailed evaluation of the pricing submissions. This review process included checking for any formulaic or mathematical errors and issuing queries to each bidder to clarify any qualifications or exclusions in order to ensure compliant bids were received.
- 3.10 During this process which included six rounds of pricing clarifications, Tenderer 1 was unable to substantiate their submitted pricing submission against the Council's technical consultants benchmarking costs to confirm their bid was accurate, achievable and sustainable. Therefore, tenderer 1's submission was marked as abnormally low in line with the instructions to tender. Both Tenderer 2's and Tenderer 3's bids were confirmed as compliant bids and their bids were considered fully.
- 3.11 The names of the tenderers are contained in Appendix 1 (exempt). The scores received by the tenderers are included in Appendix 2. It will be noted that Tenderer 2 was the highest scoring tenderer. Officers therefore recommend the award of the Contract to Tenderer 2, namely Hills Partnership Ltd.
- 3.12 The Contract will commence on 23 May 2022 subject to the Council's observation of the requirements of the mandatory standstill period noted in

paragraph 5.4 below.

4.0 Financial Implications

- 4.1 In January 2020, Cabinet approved a project budget of £43m for the Morland Gardens redevelopment.
- 4.2 The pre-tender estimate for the redevelopment works was £39,820,380. The highest scoring tenderer's bid is within the pre-tender estimate and the project's budget as set out in paragraph 4.1.
- 4.3 The remaining spend after factoring in other project costs (i.e. fees, surveys, etc.) will act as client contingency for this project.
- 4.4 The highest scoring tenderer has passed the Council's financial assessment for this contract.

5.0 Legal Implications

- 5.1 The value of the Contract over its lifetime is in excess of the Public Contracts Regulations 2015 (the "PCR 2015") threshold for Works and the award of the Contract is therefore governed by the PCR 2015. Section 3 of the report outlines how the Contract was procured in accordance with the PCR 2015.
- 5.2 The award of the Contract is subject to the Council's own Contract Standing Orders in respect of High Value Contracts and Financial Regulations. In this respect, it is noted that, in satisfaction of CSO 86(e)(ii), the Council's participation in the Framework has been confirmed as legally permissible by the Director of Legal, HR, Audit & Investigations and considered appropriate for use in respect of this Contract. The relevant Chief Officer (Strategic Director, Regeneration and Environment) also approved the pre-tender considerations raised in respect of this Contract as set out in CSO 89 and the inviting of tenders for the Contract in accordance with CSO 88, and has confirmed there is sufficient budgetary provision for the Contract as required by CSO 86(e)(ii)
- 5.3 In January 2021, Cabinet delegated authority to the Strategic Director of Regeneration and Environment in consultation with the Lead Members for Regeneration, Property and Planning and Education, Employment and Skills to award the Contract.
- 5.4 The Council will observe a minimum 10 calendar day standstill period under the PCR 2015 before the Contract is awarded. Therefore once the Strategic Director has determined which tenderer should be awarded the Contract, all tenderers will be issued with written notification of the Contract award decision. A minimum 10 calendar day standstill period will then be observed before the Contract is concluded – this period will begin the day after all Tenderers are sent notification of the award decision – and additional debrief information will be provided to unsuccessful tenderers in accordance with the PCR 2015. As

soon as possible after the standstill period ends, the successful tenderer will be issued with a letter of acceptance and the Contract can commence.

- 5.5 As required by the Framework, the Council followed the rules for tendering under the Framework including the use of call off contracts allowed therein. The Council had identified the JCT PCSA and Design & Build Contracts (2016) as suitable contracts allowed under the Framework.
- 5.6 Although the Council will award the whole contract, as detailed in paragraph 3.4, the scheme will be delivered in two stages. The first stage involves the Council entering into a pre-construction services agreement whereby the contractor will work with the Council to upgrade the scheme design, develop the existing design to RIBA Stage 4, update and finalise the fixed price contract sum and commence pre construction demolition. Subject to the Council being satisfied with contractor's delivery of pre-construction services, it will trigger the second stage, namely the construction works.

6.0 Equality Implications

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation
- (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,

pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

- 6.2 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.
- 6.3 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.
- 6.4 The Strategic Director, Regeneration and Environment is referred to the Equalities Implications described and the appended Equality Impact Assessment from the Morland Gardens Cabinet Report from January 2021. Officers do not consider there is any change in the equalities implications from the time of the January 2021 report.

7.0 Consultation with Ward Members and Stakeholders

7.1 The Cabinet Members for Regeneration and Planning and Jobs, Economy and Citizen Experience have been consulted as part of the drafting of this report. They have also been kept up to date with progress on the project.

7.2 Ward Members have also been kept up to date on the project progress and will continue to be as the project progresses through the contract stages.

8.0 Human Resources/Property Implications (if appropriate)

8.1 This contract will be provided by an external contractor and there are no implications for Council staff arising from tendering the Contract.

9.0 Public Services (Social Value) Act 2012

9.1 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. Whilst the Social Value Act is not strictly applicable to Works contracts, Officers have nonetheless had regard to considerations contained in the Social Value Act in relation to the procurement.

9.2 Ten percent of the overall evaluation criteria is allocated to Social Value and this is in line with the Council's Social Value and Ethical Policy approved by Cabinet in April 2020. The highest scoring supplier will be offering employment opportunities, local supply chain involvement as well as initiatives and support for local community groups and businesses.

Related documents:

- Morland Gardens Cabinet Report January 2020
- Morland Gardens Cabinet Report January 2021
- Key Officer Decision to Retender August 2021

Report sign off:

Tanveer Ghani

Operational Director of Property & Assets (Acting).

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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APPENDIX 2

THE DESIGN AND BUILD CONTRACT FOR THE MORLAND GARDENS DEVELOPMENT – TENDER EVALUATION GRID

Quality		Weighting	Tenderer 1		Tenderer 2		Tenderer 3	
		5	Score	Result	Score	Result	Score	Result
1	Question 1. Two stage design & build experience	21%	3	12.60%	3	12.60%	4	16.80%
2	Question 2. Programme	15%	3	9.00%	4	12.00%	4	12.00%
3	Question 3. Health and Safety	16%	3	9.60%	4	12.80%	4	12.80%
4	Question 4. Preconstruction stage key resources	21%	3	12.60%	4	16.80%	4	16.80%
5	Question 5. Construction stage key resources	15%	2	6.00%	4	12.00%	4	12.00%
6	Question 6. Communication	6%	3	3.60%	4	4.80%	4	4.80%
7	Question 7. Sustainability	6%	3	3.60%	4	4.80%	4	4.80%
Total out of 100%		100%	57.00%		75.80%		80.00%	
Total out of 33%		33%	18.81%		25.01%		26.40%	

Cost Control		Weighting	Tenderer 1		Tenderer 2		Tenderer 3	
		5	Score	Result	Score	Result	Score	Result
1	Cost control	100%	3	60.00%	4	80.00%	4	80.00%
Total out of 7%		7%	4.20%		5.60%		5.60%	

Social Value		Weighting	Tenderer 1		Tenderer 2		Tenderer 3	
		5	Score	Result	Score	Result	Score	Result
1	1. Strong Foundations - 1.6	2%	4	1.60%	4	1.60%	4	1.60%
2	2. Every Opportunity To Succeed - 2.7	2%	3	1.20%	4	1.60%	3	1.20%
3	3. A future built for everyone, an economy fit for all - 3.4	2%	3	1.20%	4	1.60%	3	1.20%
4	4. A Cleaner, More Considerate Brent - 4.5	2%	3	1.20%	4	1.60%	4	1.60%
5	5. A Borough Where We Can All feel Safe, Secure, Happy and Health - 5.2	2%	4	1.60%	4	1.60%	3	1.20%
Total out of 10%		10%	6.80%		8.00%		6.80%	

Commercial		Weighting	Tenderer 1		Tenderer 2		Tenderer 3	
1	CSA PCSA sum including enabling works	100%	Abnormally low		£37,933,491.00		£40,105,007.00	
Total		50%	0.00%		50.00%		47.29%	

Summary		Weighting	Tenderer 1		Tenderer 2		Tenderer 3	
Quality		33%	18.81%		25.01%		26.40%	
Cost Control		7%	4.20%		5.60%		5.60%	
Social Value		10%	6.80%		8.00%		6.80%	
Commercial		50%	0.00%		50.00%		47.29%	
Total		100%	29.81%		88.61%		86.09%	

Ranking			3	1	2
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PROTOCOL ON CALL-IN

1. INTRODUCTION

- 1.1 The basic premise of call-in is that it is a failsafe mechanism enabling non executive Councillors to make the Cabinet, Cabinet Committee, Cabinet Member or an officer making a key decision, re-consider a particular decision if it is of major concern or in Members' eyes profoundly flawed.
- 1.2 The statutory guidance on call-in states that there needs to be an appropriate balance between effectively holding the executive to account, being able to question decisions prior to them being implemented and allowing effective, efficient decision making. It also balances the need to make the process accessible and the need to ensure that call-in procedures are not abused or used to delay or slow down the decision making process.
- 1.3 As call-in can inevitably result in a delay to the implementation of decisions it should not be used for party political purposes to seek to further discuss a decision that some members do not agree with. Equally, the rights of non executive members to call-in a decision and exercise their right to question the decision, the decision maker and consider alternative options needs to be respected.
- 1.4 This protocol is designed to provide a locally agreed framework within which call-in can operate, a clear set of criteria against which an otherwise valid call-in request can be judged and a format for the effective conduct of the meeting considering the call in.

2. WHAT IS A CALL-IN?

- 2.1 A decision made by the council's Cabinet or a Cabinet committee, or a key decision by an officer, can be called in for review before it is implemented. Decisions can be called in by five non-executive members or by the Scrutiny Committee. If a Cabinet decision is called-in, that decision cannot normally be implemented until it has been considered by a scrutiny committee. An urgency procedure is in place in Standing Orders for any decision that cannot afford to be delayed.
- 2.2 The Scrutiny Committee is required to meet within 15 working days of the date on which a call-in is accepted as valid. The Committee may decide to refer the matter back to the Cabinet or other decision maker, along with the reasons why the Committee thinks it should be reconsidered. The Cabinet or other decision maker will then decide whether to implement the original decision or review the decision based on the views of the Scrutiny Committee. Alternatively the Committee can decide that the matter should not be referred back to the Cabinet or other decision maker in which case the original decision will be implemented.

3. THE CALL-IN PROCESS

- 3.1 A call in request must be submitted in accordance with the requirements of Standing Order 14 within 5 days of the relevant decision being made or in the case of a key decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. When submitting the call in request members must either complete the call-in form available [LINK] or include in their written request all the information required by the form. In particular this includes:
 - an explanation as to why they are calling in the decision and if they are calling in all or part of the decision(s).
 - an outline of the suggested alternative course of action.

3.2 When a call-in request is submitted to the Head of Executive and Member Services which meets the requirements of Standing Order 14(b)((i) – iv) the Head of Executive and Member Services will refer it to the Chief Executive, who, in consultation with the Head of Policy and Scrutiny (the council's designated Scrutiny Officer) and the Director of Legal, HR, Audit & Investigations, will decide whether or not an otherwise valid call-in conforms with the following requirements of this protocol. The call-in request will be assessed against the following criteria:

- Is the call-in process being used as a means of gaining information / understanding or discussing general concerns with Members and officers? If this could be achieved through the general overview and scrutiny process or by talking to the relevant officer or lead member informally the call-in will not be valid,
- Does the call-in duplicate a recent call-in on the same issue? If the call-in duplicates another call-in made within the previous 6 months it will not be valid,
- Have the reasons for calling in the decision already been discussed by the Scrutiny Committee? If the reasons for calling in the decision have been discussed by the Scrutiny Committee prior to the decision being made the call-in will not be valid,
- Call-in of a decision of the Cabinet referring a matter to Full Council for consideration will not be valid,
- Call in of operational management decisions taken by officers will not be valid
- If the call in request is considered by the Chief Executive to be frivolous, vexatious or clearly outside the call-in provisions it may be deemed invalid.

Prior to deciding the validity the Director of Legal, HR, Audit & Investigations and the Head of Policy and Scrutiny may seek clarification from the members concerned.

4. THE CONDUCT OF THE CALL-IN MEETING

- 4.1 Scrutiny Committees are official committees of the council and it meets in public.
- 4.2 The purpose of a call-in meeting is for non executive members to examine and consider the decision made by the Cabinet, Cabinet Committee, or officers (in respect of key decisions) and for members of the committee to make suggestions and recommendations they consider appropriate to the decision maker. The Scrutiny Committee meeting provides an opportunity for members to seek clarification of the methodology used in enabling a decision to be made, as well as explore work undertaken by officers culminating in the matter coming before the decision maker .
- 4.3 The relevant Cabinet Portfolio Holder and chief officer (or his/her representative) will be invited to attend the scrutiny committee meeting to explain the reasons for the decision, respond to the issues raised in the call-in request and answer questions at the meeting.
- 4.4 It is the chair of the scrutiny committee's responsibility to manage the meeting effectively by applying standing orders, maintaining good discipline and fostering a culture of respect. All contributions to the meeting should go through the chair and the chair should ensure that no purely personal disagreements or comments are allowed to continue.
- 4.5 To ensure that the meeting is effective the procedure at the meeting (subject to the Chair's discretion) shall be as follows:

- (a) The chair will ask a representative of the members who called in the decision to set out the reasons for the call in for up to 5 minutes. In the event that different members have identified different reasons the chair may in their discretion as more than one member to speak in which case the available time under (b) below shall be shared equally between the members.
- (b) The chair will consider whether to permit any member of the public who has made a request to address the meeting to do so, the rules relating to members of the public addressing a meeting as set out in Standing Orders apply. Members of the public can be allowed to speak for 2 minutes. If a number of requests to speak have been received then the chair should seek to limit the number of contributions to avoid hearing the same points repeated and should seek advice from the Head of Executive and Member Services about how this should be managed.
- (c) All of the members of the public who it has been agreed will address the meeting will be heard prior to the lead member and any relevant officers being asked to respond to the issues raised by the call-in.
- (d) The lead member shall then be invited to respond to the issues raised in the call in.
- (e) The chair will then invite members of the committee to question the lead member and officers and discuss the issues. Members who are not members of the committee but wish to ask a question can be invited to do so.
- (f) Having considered the call-in invite members of the committee are required to come to one of the following conclusions:
 - That the matter should be referred back to the decision maker for reconsideration with reasons for its request and what the committee wants the decision maker to do.
 - That it does not object to the decision and the decision can be implemented.

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