

 Brent	Officer Key Decision
	Report to the Corporate Director of Resident Services
Authority to extend contract for Procurement and Management of Temporary Accommodation for Housing Association Leasing Scheme (HALS)	

Wards Affected:	All
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>	Open
No. of Appendices:	N/A
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Name: Laurence Coaker Job Title: Housing Needs Head of Service Email: Laurence.Coaker@brent.gov.uk

1.0 Purpose of the Report

1.1 This report requests authority to extend a contract in respect of Procurement and Management of Temporary Accommodation Contract for Housing Association Leasing Scheme with Notting Hill Genesis as required by Contract Standing Order 112. The report summarises the reasons for the request to extend and the duration of the extension.

2.0 Recommendation(s)

That the Corporate Director of Resident Services:

2.1 Approves the extension of the contract for Procurement and Management of Temporary Accommodation Contract for Housing Association Leasing Scheme with Notting Hill Genesis for a period of 12 months from 1 August 2023 to 31 July 2024.

3.0 Detail

- 3.1 The Council entered into a contract for Procurement and Management of Temporary Accommodation with Notting Hill Genesis on 1 August 2020 (the “Contract”) for a term of 3 years with an option to extend by two 12 month extensions.
- 3.2 Officers now wish to exercise the first option to extend the Contract by 12 months.
- 3.3 The Council has a statutory duty to provide suitable temporary accommodation to homeless persons who are eligible, unintentionally homeless and have a priority need for accommodation under Part VII of the Housing Act 1996 (as amended). The duty to provide temporary accommodation (TA) usually comes to an end, by arranging a settled housing solution with an offer of accommodation either in the public or private housing sector. The demand for affordable housing in Brent continues to be one of the major challenges that the Council faces with high demand being primarily driven by households being evicted from the Private Rented Sector due to affordability.
- 3.4 The Housing Needs Service has seen a 22% increase in demand since 2021, from families and single people who are either threatened with homelessness, or homeless. With demand from homeless households increasing, the pressure to retain and acquire good quality and affordable TA has also increased. As a result there continues to be a need for good quality temporary accommodation. It is therefore recommended to extend the term of this contract by a further 12 months which will help to retain the existing stock of Housing Association Leasing Scheme units, and stop families having to go into poor quality and expensive nightly paid annexe accommodation.
- 3.5 Under section 3(b) of the table at paragraph 9.5 of Part 3 of the Constitution, Corporate Directors and Directors are able to extend contracts and agreements without the need for Cabinet approval, provided that:
 - (a) the extension would not be in breach of Procurement Legislation.
 - (b) the extension does not substantially alter the terms and conditions of the contract.
 - (c) there is sufficient existing budgetary provision.
 - (d) if the extension goes beyond the period of extension provided for in the contract (if any) or is otherwise not in accordance with the extension provisions in the contract:

- (i) in the case of any contract, agreement, deed or other transaction with a life of not more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of six months; or
- (ii) in the case of any contract, agreement, deed or other transaction with a life of more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of one year.

(e) the relevant cabinet member shall be consulted prior to a decision within (d) (i) or (ii) above and may request that the decision instead be referred to them.

3.6 It is considered that the Corporate Director has delegated authority to agree the extension as, addressing the points detailed in paragraph 3.5:

- (a) The contract contains express provision at clause 3.4 (a) permitting the recommended extension. As a result, such extension is permitted in accordance with Regulation 72 (1)(a) of the Public Contracts Regulations 2015.
- (b) As the contract contains express provision permitting the recommended extension, the extension does not substantially alter the terms and conditions of the contract.
- (c) There is sufficient existing budgetary provision for the recommended extension.
- (d) The recommended extension does not go beyond the period of extension provided for in the contract.
- (e) This is not applicable given the recommended extension does not go beyond the period of extension provided for in the contract.

4.0 Financial Implications

4.1 The value of the Contract is £2.5M. The value of the proposed extension is £500K.

4.2 The cost of this extension of the Contract will be funded from the existing Housing General Fund budget.

5.0 Legal Implications

5.1 Officers recommend the extension of the contract for the Procurement and Management of Temporary Accommodation Contract for Housing Association Leasing Scheme with Notting Hill Genesis for a period of

12 months from 1 August 2023 to 31 July 2024.

- 5.2 The value of the original contract is such that it is subject to full application of the Public Contract Regulation 2015 (PCR 2015).
- 5.3 The contract contains express provision allowing for the extension as recommended and as such extension is permitted in accordance with the PCR 2015.
- 5.4 The Corporate Director is authorised pursuant to Paragraph 9.5 of Part 3 of the Constitution to extend contracts subject to the conditions set out in paragraph 3.5 above. As set out in paragraph 3.6 above, none of these conditions preclude the Corporate Director agreeing the recommended extension.

6.0 Equality Implications

- 6.1 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,
- 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 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.
- 6.4 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.

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

7.0 Consultation with Ward Members and Stakeholders

7.1 The Cabinet Member for Housing, Homelessness, and Renters' Security has been consulted in respect of the decision to extend this contract.

8.0 Human Resources/Property Implications (if appropriate)

8.1 This service is currently provided by external contractors and there are no implications for Council staff arising from retendering the contracts.

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 this report concerns an extension to the Contract, Officers have nonetheless had regard to considerations contained in the Social Value Act in relation to the extension.

9.2 Social Value contributes to 10% of the overall contract value and NHG will continue to deliver their proposed social value outcomes which includes support with welfare benefits, employment, training, debt advice, all of which provide social and economic benefits to the borough.

Related documents:

Authority to Tender Contract for Procurement and Management of Temporary Accommodation Contract for Housing Association Leasing Scheme

Report sign off:

Laurence Coaker
Head of Housing Needs Service