

	<b>Decision for Lead Member for Housing, Homelessness, and Renters' Security</b>
	<b>Report from the Corporate Director, Resident Services</b>

**Approval to Waive Contract Standing Orders to permit the procurement of a Private Renters Tenant Advisory & Support Service from Advice for Renters**

<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>	N/A
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Spencer Randolph Head of Service – Private Housing Services Email: <a href="mailto:spencer.randolph@brent.gov.uk">spencer.randolph@brent.gov.uk</a>

**1.0 Executive Summary**

- 1.1. This report concerns the procurement of a Private Renters Tenants support and advisory service from the organisation Advice for Renters.
- 1.2. As part of the introduction of a borough wide selective licensing scheme, Officers and Members committed to introduce tenancy support officers who would assist the Council's Private Housing Services officers should they come across vulnerable or tenants in general as part of their enforcement work who needed help and assistance. After careful consideration and meetings with Advice for Renters, it is clear that this service would best be provided by Advice for Renters who already have a presence within the Borough and the expertise to provide such a service.
- 1.3 The purpose of this report is to seek member approval to waive Contract Standing Orders to enable a direct award of a contract for a Private Renters Tenants support and advisory service from the organisation Advice for Renters.

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 Housing, Homelessness, and Renters' Security, 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 a Private Renters Tenants support and advisory service from the organisation Advice for Renters for a period of two years 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 Council's Borough plan 23-27 makes a clear commitment within its strategic priority 1 "Prosperity and Stability in Brent" desired outcome 2 "Safe, Secure and Decent Housing" to make sure that actions are taken to improve the quality of housing in Brent across the private sector. Borough wide selective licensing is the main driver behind improving conditions in the private rented sector and this tenant support and advice service complements this approach.
- 3.1.2 In summary this approach aligns with a number of priorities and outcomes within the Borough Plan, these being;

#### **Strategic Priority 1 Prosperity and Stability in Brent**

##### ***Easing the Cost of Living Crisis***

- Working together with partners across Brent to reduce poverty. This includes spreading awareness, improving access to services and support and providing tools and resource to help residents improve their lives.
- Provide tailored resources to those residents with the most complex needs to ensure our services are as accessible as possible and remove any unnecessary barriers.

##### ***Safe, Secure and Decent Housing***

- Improve the quality of housing in Brent across the private sector and our own housing stock.

## **3.2 Background**

- 3.2.1 In 2023 Brent's Cabinet designated two selective property licensing schemes in the Borough. The confirmation of the second designation by the Secretary of State of the Department for Levelling Up, Housing and Communities meant that in all wards, with the exception of Wembley Park, every landlord renting out property will need a licence to do so.

- 3.2.2 This borough wide licensing scheme is a game changer in the way that poor property conditions in the private rented sector (PRS) is dealt with going forward and there is a commitment to inspect 50% of all licenced properties over the next 5 years; that's going to be approximately 20,000 homes.
- 3.2.3 As part of this inspection regime, it is recognised that officers will encounter private tenants who will need assistance and therefore additional support should be provided. Officers have considered how a contract for a Private Renters Tenants Support and Advisory Service should be procured and have concluded that due to the clear need for such service to be provided urgently to tenants, a direct award of contract should be made. The type of services provided are very specialist and it is felt that the proposed arrangement with Advice for Renters is a perfect solution for providing this additional help and advice in a timely manner.
- 3.2.4 Advice for Renters already operate an advisory service for tenants in Brent and this arrangement will allow for the funding of additional support and advisory services.

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

- 4.1 No consultation has been undertaken with regards to the letting of this contract. However, extensive consultation was undertaken in 2022/23 with regards to the introduction of the Selective licensing scheme.

#### **5.0 Financial Considerations**

- 5.1 There are no financial implications for the Council's general fund budgets as a consequence of this proposal. The costs of the contract will be met from the income generated from property licensing and have been budgeted for.

#### **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 services officers are proposing to procure are valued at £300,000 over the two year 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 Section 3 of the report, Officers do not consider it appropriate to procure the contract by way of a tender process.
- 6.3 The services that officers are proposing to procure fall under Schedule 3 of the Public Contracts Regulations 2015 ("PCR 2015"). The contract value of the services is such that it is below the Schedule 3 PCR 2015 threshold of £615,278. As such, should the Council procure the contract by way of a direct

award, it will not be considered to be in breach of domestic law or the Council's own procedures and the Cabinet member has discretion to waive the requirement to tender. Waiving Contract Standing Orders would then enable the Corporate Director to approve the direct award of the contract.

- 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 screening and officers believe that there are no adverse equality implications.

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

- 8.1 This proposal includes help and advice to tenants on energy efficiency and Minimum Energy Efficiency Standard (MEES) and therefore complements the Council's environmental objectives and climate emergency strategy.

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

9.1 Subject to the grant of a waiver, this will be a new service and there are no implications for Council staff arising from the procurement of the contract.

9.2 There are no property / accommodation implications.

## **10.0 Communication Considerations**

10.1 A communication strategy will be developed to promote this service.

**Report sign off:**

***Peter Gadsdon***

Corporate Director, Resident Services