

	<b>Decision for Cabinet Member for Housing &amp; Resident Support</b>
	<b>Report from the Corporate Director, Partnerships, Housing and Resident Services</b>
<b>APPROVAL TO WAIVE CONTRACT STANDING ORDERS TO PERMIT PROCUREMENT OF FIT OUT WORKS AT THE COMMERCIAL UNIT AT ROY SMITH HOUSE</b>	

<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>No. of Appendices:</b>	None
<b>Background Papers:</b>	<a href="#">Cabinet September 2024 – Community Space at Roy Smith House</a>
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Jonathan Cartwright Head of Change and Customer Insight Email: jon.cartwright@brent.gov.uk

## 1. Purpose of the Report

- 1.1. This report concerns the procurement of works at the commercial unit at Roy Smith House, to fit-out the space for community use.
- 1.2. The purpose of this report is to seek member approval to waive Contract Standing Orders to enable tenders to be sought from selected contractors for a contract for commercial units fit out works at Roy Smith House. The case for inviting tenders from selected contractors, as opposed to a tender process in accordance with CSO 96, is set out in the detail below.

## 2.0 Recommendation(s)

That the Cabinet Member for Housing & Resident Support having consulted with the Leader:

- 2.1. Approves an exemption pursuant to Contract Standing Order 96 of the requirement to tender a contract for works to the commercial unit at Roy Smith House for a period of approximately 12 weeks in accordance with paragraph 13 of Part 3 of the Constitution.

### **3.0 Detail**

#### **Contribution to Borough Plan Priorities & Strategic Context**

- 3.1 The fit out of the commercial unit at Roy Smith House supports the Borough Plan 2023-2027 priorities of 'Thriving Communities' and 'Prosperity and Stability' in Brent by supporting the creation of community spaces, as well as helping to achieve objectives within Brent's Local Plan and Infrastructure Delivery Plan of providing community facilities for Brent's increasing population.

#### **Background**

- 3.2 Brent Council's recently completed Milton and Hillside development provides modern, energy-efficient homes and comprises of 51 one, two and three bedroom homes in the Roy Smith House block in Hillside, Stonebridge and 22 four-bedroom townhouses on Milton Avenue, delivering 73 new homes to Brent residents. The ground floor of Roy Smith House hosts an approx. 250m<sup>2</sup> Shell and Core only commercial unit and is currently unoccupied.
- 3.3 In September 2024 Cabinet approved proposals and granted authority to tender for fit out works to convert the unit into a community venue and flexible event space for use by the local community, in particular those living on the new Milton and Hillside development.
- 3.4 To help ensure the highest quality of bids from providers for the fit-out works it is proposed to conduct a closed rather than open tender process. The rationale for this approach is based on open tenders for works of this nature often attracting greater numbers of lower quality, speculative bids that are unsuitable and also discourage bids from other, more established providers, who could be better targeted through a closed tender approach. Knowledge of the local market gives confidence that the suppliers selected for the closed tender process would be likely to submit strong and best value bids.

### **4.0 Financial Considerations**

- 4.1 In September 2024 Cabinet approved the use of £624,000 of SCIL funds for fit out works to Roy Smith House. This request is for direct award for a local supplier to undertake works rather than a formal tender process, as outlined in paragraph 5.2. The estimated total cost of the works is expected to be within the £624,000 budget envelope.

## **5.0 Legal Considerations**

- 5.1 The estimated value of the Contract falls below the threshold for Works under the Public Contracts Regulations 2015 (the “PCR 2015”) and the procurement is therefore governed in part only by the PCR 2015.
- 5.2 The procurement is subject to the Council’s own Standing Orders and Financial Regulations in respect of Medium Value Contracts given the procurement is valued at £624,000. As mentioned above, Cabinet approval to invite tenders has already been obtained but on reflection Officers are seeking to invite tenders from selected five experienced contractors as opposed to undertaking a tender process in accordance with CSO 96. For Medium Value Contracts, CSO 96 provides that tenders should invited by way of a public notice published on Contracts Finder and a Two Stage (Restricted) Tender process should be carried out. Approval of the Cabinet Member for Resident Support and Culture in consultation with the Leader is therefore required for the CSO96 to be waived in respect of this procurement.
- 5.3 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.
- 5.4 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.

## **6.0 Equity, Diversity and Inclusion Considerations**

- 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 new community space referred to in this report is located in Stonebridge - this is an ethnically diverse ward, with a large Black, Asian and Minority Ethnic population, but also an area with challenges around economic inactivity and deprivation.
- 6.6 The new community space will aim to help resolve the challenges in the areas. Once a lead Tenant has been selected, the space will be managed by a local organisation(s) and used for the local community, including a commercial kitchen, advice and guidance as well as supporting local residents with skills and employment. Combined, this will all likely have a positive impact on the local community.
- 6.7 Once a lead Tenant has been selected, a full equalities impact assessment will be completed based on their proposed use of the space.

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

- 7.1 The Employment and Skills Outcomes Based Review process, which informed development of the proposals for the community space, included early stakeholder and community engagement, and co-development of prototype ideas with stakeholders. Ward members are regularly updated on actions the Council is taking regarding improving employment support, and activities available to our local communities and Council tenants.

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

- 8.1 This contract will be procured in line with the Sustainable Procurement Policy.
- 8.2 The specification for the services to be delivered will include requirements to support individual and collective climate action, in particular climate action that supports households with the cost of living.

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

- 9.1 There are no implications for Council staff arising from the tendering of the contract for works or the contract for the management and delivery of services.

9.2 Any provider appointed for the management and delivery of services at Roy Smith House will be required to enter into such lease or licence as the Director Property and Assets considers appropriate.

## **10.0 Communication Considerations**

10.1 A marketing exercise is being undertaken to market the property and attract bids from suitable provider(s) to manage and deliver services for the local community once the fit-out works are complete. Details have been published on the Council's 'Commercial Properties to let' webpage.

**Report sign off:**

***Peter Gadsdon***

Corporate Director, Partnerships,  
Housing and Resident Services