

Notice to the Chair of the Community and Wellbeing Scrutiny Committee



Urgent Key Decision form

DECISION DETAILS
Decision Maker: Cabinet Member for Housing
Decision Title: Variation and Extension of two current Framework Agreements for the provision of Disabled Facilities Installation & Repair works in Council owned residential properties
Description of Decision: To agree the waiver of the Contract Standing Orders (Forward Plan Publication and Call-In) To enable the very urgent variation and extension of the Framework Agreement referred to above.
When will the Decision be made? 03/10/25
Will the accompanying report be: Open <input type="checkbox"/> Part Exempt <input checked="" type="checkbox"/> Fully Exempt <input type="checkbox"/>
Reasons for exemption (if applicable) The report will contain the following category of Information exempt from publication under the Schedule 12A of the Local Government Act 1972, namely paragraph: 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information). This is contained in Appendix 1 of the report.
TYPE OF URGENCY
Please tick all that apply: <input type="checkbox"/> A. The decision is urgent and <u>28 clear days' notice</u> of the decision cannot be given but at least 5 clear days' notice can <input checked="" type="checkbox"/> B. The decision is extremely urgent and even <u>5 clear days' notice</u> of the decision cannot be given <input type="checkbox"/> C. The decision will be made by members at a meeting and <u>28 clear days' notice</u> that the proposed decision may be discussed in private (i.e. the report will contain information <u>exempt from publication</u>) cannot be given <input checked="" type="checkbox"/> D. The decision must be implemented urgently and the <u>5 day call-in period</u> must be <u>dis-applied</u> to allow the decision to take immediate effect.
REASONS FOR URGENCY
If you have selected options A, B or C please explain: ▪ Why it was not possible to provide the required notice (i.e. why the decision or exemption was not anticipated)

The process to extend the contract in question was formally initiated on 07 October 2024 nearly one year prior to its scheduled expiry.

Despite the early initiation, unprecedented delays occurred during the processing stages. By the time these delays came to light, it was no longer feasible to complete all the required governance processes within the prescribed timelines.

In light of the above, Cabinet Member approval is sought to expedite and approve the extension of the Framework Agreements, thereby ensuring continuity of services and compliance with existing commitments moving forward, to allow for the retendering of the Framework Agreements which is anticipated to last for a period of 12 months.

- **Why it is impractical to defer the decision to a later date to allow the appropriate notice to be provided.**

If Cabinet Member approval is deferred, the current framework will expire on 05 October 2025. Should this occur, all works committed under the current contract would cease. This poses significant risks, as described below:

- The adaptation works are meant to support some of the Council's most vulnerable residents in the Borough of Brent. Failure to complete these works could cause harm to those residents and will create unnecessary additional costs to the Council of procuring these works and services from elsewhere in urgent circumstances to enable the Council to continue to provide the necessary support.
- Any delay will require initiating a new tendering process for a new interim contract. This would be lengthier, further delaying the start and completion of adaptation works already in progress.
- Initiating a new tendering process for a new interim contract would cause delay additional costs because scopes specification and inspection and other procedural matters already provided for within the Framework Agreements would have to be repeated unnecessarily.
- Allowing for the variation and extension of the current Framework Agreements would avoid unnecessary interruptions of works and services and would avoid causing uncertainty and disruption for residents whose works have already been committed or commenced.

The Cabinet Member approval is sought to expedite and approve the extension of the current Framework Agreement of the 06 October 2021, in order to ensure continuity of services, so that we can continue to protect residents, and avoid further financial costs.

If you have selected Option D please explain why the council's interest or the public interest would be seriously prejudiced by the decision not taking immediate effect.

As set out above.

SIGN-OFF

Director of Housing Services

Printed Name: Spencer Randolph

Chief Executive

Printed Name: Kim Wright

Signature: *Spencer Randolph*

Signature: *Kim Wright*



THE FOLLOWING SECTION IS TO BE COMPLETED BY GOVERNANCE SERVICES

CHAIR OF COMMUNITY & WELLBEING SCRUTINY COMMITTEE

Notice to: Councillor Ketan Sheth, Chair of the Community and Wellbeing Scrutiny Committee

The Chair is asked to:

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Note that an urgent decision will be taken as detailed in the form above.

The decision is deemed urgent because insufficient (less than 28 days) notice of the intention to take the decision was provided on the Forward Plan. However, at least 5 clear days' notice has been provided and therefore the Scrutiny Chair is only required to note that the decision will be taken.

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Permit the extremely urgent decision to be taken as detailed in the form above.

The decision is deemed extremely urgent as less than 5 clear days' notice of the intention to take the decision has been provided. The Scrutiny Chair is asked to agree that the decision is urgent and cannot be reasonably deferred for the reasons detailed in the form above.

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Permit discussion of exempt information in private relying on Schedule 12A of the Local Government Act 1972

If a report is likely to contain information exempt from publication under schedule 12A of the Local Government Act 1972, then 28 days' notice of this must be provided on the Forward Plan. Where this requirement has not been met, the agreement of the Scrutiny Chair is required before proceeding.

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Permit the dis-application of the 5 day call-in period, allowing the decision detailed in the form above to take immediate effect.

A Cabinet decision or a Key Decision cannot be implemented until the 5 day call in period has elapsed and no valid call-in has been received. The call-in protocol can be dis-applied if the council's or the public interest would be seriously prejudiced by the decision not taking immediate effect. The Chief Executive must determine whether a decision is urgent in this regard. The consent of the Scrutiny Chair to the matter being treated as urgent is also required.

SIGN-OFF

Notice sent to Councillor Ketan Sheth, Chair of the Community and Wellbeing Scrutiny Committee on 03/10/25

Chair's approval: Required ☒ Not Required ☐

Date approval granted (if applicable): 03/10/25