

	Decision by Cabinet Member for Housing, Homelessness & Renters
	Report from the Director, Housing Needs and Support Services
Approval to waive Contract Standing Orders to permit procurement of Access to Social Housing outside of Brent to meet Homelessness Demand	

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
List of Appendices:	None
Background Papers:	N/A
Contact Officer(s): (Name, Title, Contact Details)	Fozia Ashraf, Private Sector Initiatives and Projects Team Leader Fozia.Ashraf@brent.gov.uk

1.0 Executive Summary

- 1.1. This report concerns the procurement of Access to Social Housing outside of Brent, to help meet homelessness demand.
- 1.2 The purpose of this report is to seek member approval to waive Contract Standing Orders to enable a direct award of a contract for Access to Social Housing outside of Brent, to help meet homelessness demand. The case for approval of waiving the Contract Standing Orders is set out in the detail below.

2.0 Recommendation(s)

That the Cabinet Member for Housing, Homelessness & Renters 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 Access to Social Housing outside of Brent, to help meet homelessness demand for a period of 9 months 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 proposals set out in this report support the Council's strategic objectives as defined in the Borough Plan 2023–27: Moving Brent Forward Together and the Homelessness and Rough Sleeping Strategy 2026–2031.

3.1.2 The Borough Plan sets out the Council's overarching ambition to create a fairer and more prosperous borough, with improved life chances for residents. The proposed Access to Social Housing outside of Brent service contributes in particular to the following priorities:

- The proposed Access to Social Housing outside of Brent service supports the Council's strategic priorities of **Prosperity and Stability in Brent, Thriving Communities and A Healthier Brent**, as well as the objectives set out in the **Homelessness and Rough Sleeping Strategy 2026–2031**. The service will support homeless households, including those with limited incomes and additional vulnerabilities, to access suitable and sustainable settled accommodation where housing within Brent or London is unavailable or unaffordable.
- The intended outcomes are to prevent and reduce homelessness, improve housing stability and wellbeing, reduce reliance on emergency and temporary accommodation and support households to establish sustainable lives within their new communities. The service will also support faster move-on from temporary accommodation, reduce the risk of repeat homelessness and contribute to the Council's financial sustainability by reducing the duration and cost of emergency and temporary accommodation placements.

3.2 Background

3.2.1 The Council is experiencing significant and sustained pressure on emergency temporary accommodation due to high demand for housing assistance, increasing numbers of households requiring accommodation and the limited availability of affordable housing in Brent and across London. This has resulted in increased reliance on temporary accommodation and significant financial and operational pressures for the Council.

3.2.2 The proposed service supports the Council's strategic objective of preventing and reducing homelessness by helping homeless households who cannot

access or sustain affordable accommodation in London to secure suitable settled accommodation outside Brent. This includes households for whom Local Housing Allowance rates are insufficient to meet prevailing private sector rents.

- 3.2.3 The Council has an established service with Bridge Housing Solutions (BHS), which has delivered positive outcomes since commencing in August 2023, including approximately 63 households successfully securing accommodation through the scheme. BHS provides access to an established network of housing providers and supports households through the process of securing and moving into suitable accommodation.
- 3.2.4 Continuation of the service will support the Council to reduce the use and duration of emergency temporary accommodation, facilitate move-on for households currently accommodated and, where the relevant statutory requirements are met, support the discharge of the Council's housing duties. It will also reduce the risk of additional temporary accommodation costs and repeat homelessness.
- 3.2.5- A direct award is proposed to BHS for a period of 9 months with an estimated value of £450,000 incl VAT, to ensure continuity of this established service while the Council undertakes a full competitive procurement exercise. A change of provider could disrupt existing referrals and the move-on pipeline, delay households awaiting accommodation and increase pressure and costs associated with temporary accommodation.
- 3.2.6 The proposed arrangement is therefore considered a proportionate interim measure in the Council's interests. It will be limited to the period required to complete the competitive procurement process, will not prejudice the outcome of that process, and will remain subject to the Council's applicable procurement, financial and contractual controls.
- 3.2.7 Approval is therefore sought to waive the usual competitive procurement requirement and approve a direct award to BHS pending completion of competitive exercise.

4.0 Stakeholder and ward member consultation and engagement

- 4.1 Officers have considered whether the contract for Access to Social Housing outside of Brent, to help meet homelessness demand can be provided by the council itself but have concluded that Access to Social Housing outside of Brent, to help meet homelessness demand is best provided by a contractor.
- 4.2 Officers have reviewed a range of procurement options but for the reasons detailed below, consider that a direct award to the named contractor is the most appropriate means of procuring a contractor.

5.0 Financial Considerations

- 5.1 Part 3 of the Council's Constitution states that the Director, Housing Needs Service has delegated authority to approve the award of contracts for Services valued at less than £2 million.
- 5.2 The value of this contract is £450,000.
- 5.3 The cost of this Contract will be funded from Housing Needs Housing Options Team budget

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 subject to their being no breach of the Council's own procedures or domestic law.
- 6.2 The services Officers are proposing to procure are valued at £450,000 including VAT over the 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 the body of the report, Officers do not consider it is possible to procure the contract by way of a tender process.
- 6.3 The services that officers are proposing to procure and directly award is classified as "Light Touch Services" under Schedule 1 of the PR 24. The proposed contract is valued at £450,000 including VAT over the term and falls below the relevant threshold for Light Touch Services, currently set at £663,540 incl VAT. 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 or Director to approve the direct award of the contract.
- 6.4 The Council will be required to comply with all the relevant notice provisions which are applicable throughout the term of the proposed contract, starting from the award, entry and management of the contract as required under the PA 23 and Contract Standing Order 115(a).
- 6.5 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.

- 6.6 There are unlikely to be any Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) implications, as the proposal is to award the contract to the incumbent provider.

7.0 Equity, 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.

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

8.0 Climate Change and Environmental Considerations

- 8.1 There are no climate change and environmental implications as a result of this award.

9.0 Human Resources/Property Considerations (if appropriate)

- 9.1 This service is to be provided by an external contractor and there are no implications for Council staff arising from the award of the Contract.

9.2 There are no Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) implications as there is no existing service in place, and the previous service provided by the incumbent provider is the same provider being award this Contract.

9.3 There are no property considerations as a result of the award of the Contract.

10.0 Communication Considerations

10.1 N/A

Report sign off:

Laurence Coaker

Director Housing Needs and Support