

	<p align="center">Cabinet 9 September 2019</p>
	<p align="center">Report from the Assistant Chief Executive</p>
<p>Brent Community Lottery Proposal - Cabinet variation report</p>	
<p>Wards Affected:</p>	<p>All</p>
<p>Key or Non-Key Decision:</p>	<p>Key</p>
<p>Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</p>	<p>Open</p>
<p>No. of Appendices:</p>	<p>None</p>
<p>Background Papers:</p>	<p>None</p>
<p>Contact Officer(s): (Name, Title, Contact Details)</p>	<p>Jackie Barry-Purssell, Partnerships and Engagement Manager 020 8937 1958 Jacqueline.Barry-Purssell@brent.gov.uk</p> <p>Pascoe Sawyers – Head of Strategy and Partnerships 020 8937 1045 Pascoe.Sawyers@brent.gov.uk</p>

1.0 Purpose of the Report

- 1.1 This report seeks to inform and obtain Cabinet approval for a variation to the Cabinet report titled 'Brent Community Lottery Proposal' approved on 17 June 2019.

2.0 Recommendation(s)

- 2.1 That Cabinet notes the content of this report.
- 2.2 That Cabinet agrees that the Head of Strategy and Partnerships awards a contract to Gatherwell in the form agreed by them.

3.0 Detail

- 3.1 The June Cabinet report set out plans to introduce a Community Lottery in Brent to raise funds to support local Good Causes in the Borough. It also sought to further our commitment to work with the Voluntary and Community Sector to support it to access alternative sources of funding. This approach is central to the achievement of the overall vision for the borough as set out in the Borough Plan 2019 – 2023. This vision is:

To make Brent a borough of culture, empathy, and shared prosperity

- 3.2 Officers are approaching Cabinet to amend paragraph 5.4 of the 17 June 2019 Cabinet report where officers indicated that the contract to be entered into was going to be a public concessions contract. Officers, after further analysis and communication with Gatherwell have concluded that the proposed contract is not a public concessions contract.
- 3.3 Gatherwell has confirmed that their proposed contract is in line with the contracts that it has with other councils; that a concession contract would not be appropriate for the management of the Brent lottery because the Council will be the licence holder of such lottery; and Gatherwell will manage the lottery on the Council's behalf.
- 3.4 Officers are now approaching Cabinet to amend paragraph 5.4 of their original proposal.

4.0 Financial Implications

- 4.1 There are no new financial implications associated with this variation.

Risk Management Implications

- 4.2 There are no new risk implications associated with this variation.

5.0 Legal Implications

- 5.1 The recommendation in this report request Cabinet to note that the contract that the Council will enter into is not a public concessions contract and agree that the Head of Strategy and Partnerships will award a contract in the form agreed between the Council and Gatherwell.
- 5.2 Officers have set out at paragraph 3.3 the reasons for the need to amend the Cabinet report dated 17 June 2019. A public services concessions contract requires the Council to entrust the provision and management of services (other than the execution of works) to an economic operator for pecuniary interest which may consist either solely in the right to exploit the services that are the subject of the contract or in that right together with payment. It involves the transfer to the economic operator of the risk in exploiting the services and such risk involves a real exposure to the vagaries of the market. However, in this case Gatherwell will only be managing the contract on the Council's behalf and therefore, that contractual relationship does not constitute a public concessions contract.

5.3 As mentioned in the Cabinet report of 17 June 2019, the proposed contract falls within the definition of a Low Value Contract in accordance with Standing Order 82. Due to amendments to the Council's Constitution with regard to the levels of delegations as set out in paragraph 9.7 of Part 3 of the Constitution, Officers designated as Operational Directors have delegated to them, (subject to the same restrictions as would apply to their Strategic Director; all the powers of their Strategic Director in so far as they relate to the services (s) for which they are responsible, save in so far as that is inconsistent with any other part of the Constitution or their Strategic Director has directed them not to exercise particular powers. Given the estimated value of the contract, Officers would not ordinarily seek such authority but choose to do so given the history to this matter.

6.0 Equality Implications

6.1 There are no new equality implications arising from the recommendations.

7.0 Consultation with Ward Members and Stakeholders

7.1 The Lead Member has been involved during the process.

8.0 Human Resources/Property Implications (if appropriate)

8.1 The strategy does not have human resources/property implications.

Related Document:

Cabinet report of 17 June 2019 – Brent Community Lottery

Report sign off:

PETER GADSDON
Assistant Chief Executive