



**Cabinet**  
20 April 2020

**Report from the Strategic Director  
of Community Wellbeing**

**Authority To tender contract for procurement and management of Temporary Accommodation Contract for Housing Association Leasing Scheme**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<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>	One Appendix 1: Equality Impact Assessment
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Laurence Coaker Head of Service – Housing Needs Tel: 020 8937 2788 Email: Laurence.Coaker@brent.gov.uk

**1.0 Purpose of the Report**

- 1.1 This report requests approval to invite tenders in respect of the Procurement and Management of Temporary Accommodation in support of the Council's Housing Association Leasing Scheme (HALS) as required by Contract Standing Orders 88 and 89.
- 1.2 This procurement exercise is designed to retain the stock of more settled leased temporary accommodation to help meet demand from homeless households. This will prevent the council having to use poorer quality, more expensive nightly paid temporary accommodation and to enable households to continue to live in Brent.
- 1.3 The proposed contract is anticipated to commence on 1 August 2020 for an acquisition and management period of three (3) years, with an option to extend for up to a further two (2) years. The contract will continue for a further three (3) year management period following expiry of the acquisition and management period. This will ensure existing properties continue to be managed, even if no new properties are acquired.

## 2.0 Recommendation(s)

Cabinet:

- 2.1 Approve inviting tenders for Procurement and Management of Temporary Accommodation in support of the Council's Housing Association Leasing Scheme (HALS) on the basis of the pre - tender considerations set out in paragraph 3.25 of the report.
- 2.2 Approve Officers evaluating the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 3.25 of the report.
- 2.3 Delegate authority to the Strategic Director of Community Wellbeing, in consultation with the Lead Member for Housing, to award contracts for Procurement and Management of Temporary Accommodation for an acquisition and management term of 3 years, with an option to extend for up to a further 2 years, and a further management term of 3 years following expiry of the acquisition and management term

## 3.0 Detail

### ***Demand for affordable housing***

- 3.1 The demand for affordable housing in Brent continues to be one of the major challenges that the Council faces with high demand being primarily driven by households being evicted from the Private Rented Sector due to affordability. Additionally, as illustrated in Table 1, the implementation of the Homelessness Reduction Act (HRA) 2017, has led to an increase in the number of households seeking the Council's assistance for housing.

	<b>HNS Approaches</b>	<b>Variance</b>
<b>April - Dec 17</b>	2447	0%
<b>April - Dec 18</b>	4020	64%
<b>April - Dec 19</b>	4494	83%

Table 1: Number of households seeking the Council's assistance for housing

- 3.2 In the first year post HRA 2017, there was a 64% increase in the number of homelessness presentations during April to December 2018 compared to the same period in 2017. In the second year there was an 83% increase compared to the same period prior to the implementation of the HRA 2017.
- 3.3 Due to the historic lack of supply of social housing that is available in Brent, accepted homeless households have to wait for many years in TA before an offer of social housing is available, for example the average waiting time for a 3 bed household is 16 years. The Council has been using the power to meet new demand from homeless households with accommodation in the Private Rented Sector. However, there is an insufficient supply of Private Rented Sector accommodation that is affordable in Brent and, as a result, some accepted homeless households are still placed in temporary accommodation.

### ***Temporary Accommodation***

- 3.4 The Council has a statutory duty to provide suitable temporary accommodation to homeless persons who are eligible, unintentionally homeless and have a priority need for accommodation under Part VII of the Housing Act 1996 (as amended). The duty to provide temporary accommodation usually comes to an end, by arranging a settled housing solution with an offer of accommodation either in the public or private housing sector.
- 3.5 With demand from homeless households increasing since the implementation of the Homelessness Reduction Act 2017, the pressure to retain and acquire good quality and affordable TA has also increased. The Housing Needs service working with Housing Supply and Partnerships have a plan to reduce the need for Temporary Accommodation by delivering 1000 units of affordable housing a year, including 1000 new council houses over the next 5 years. However, there will always be a need for some good quality Temporary Accommodation, and while this will be in the medium term be delivered through council provision, there continues to be a need for Temporary Accommodation and this procurement will help retain the existing stock of HALS units, and stop families having to go into annexes.
- 3.6 Currently, there are three types of Temporary Accommodation: Bed and Breakfast, Annexes, and more settled leased accommodation, the majority of which is delivered through HALS. The overall number of households residing in Temporary Accommodation has reduced in recent years, and so has the number in Bed and Breakfast. However, there has also been a reduction in the number of better quality units available through HALS, so there is still a significant reliance on the use of poor quality and expensive nightly paid annexe accommodation. There are still 207 households living in this type of temporary accommodation.
- 3.7 Annexe accommodation is self-contained, which means the family have exclusive use of a bathroom, toilet and kitchen facilities. However, the majority of the annexe accommodation that is used are en-suite rooms, with a kitchenette in the corner of the room. A key objective of this procurement is to maintain the current levels, and possibly increase, the HALS provision so that there is a reduction in the use of nightly paid annexe accommodation.

### ***Current HALS provision***

- 3.8 There are approximately 2000 homeless households currently living in TA in Brent. Approximately 854 of these households are in a Temporary Accommodation property sourced under HALS. The current contract has been awarded to Notting Hill Genesis Housing Association, Network Homes Housing Association and Shepherd's Bush Housing Association.
- 3.9 Out of the 854 HALS units, Network Homes manages 258 HALS properties. Network Homes has advised the Council that they are no longer interested in working in the Temporary Accommodation Market and has asked if the

Council would be willing to take over the management of their entire TA portfolio. A separate report detailing this proposal will be submitted for consideration at the Cabinet Meeting on 20 April 2020: "Transfer of Network Homes Temporary Accommodation Portfolio". Therefore, this report only concerns the remaining 596 HALS properties.

- 3.10 Under the existing and proposed contracts, the Registered Providers (RPs) source suitable properties and enter into head leases with the property owners, generally for a 3-year term. The Council is provided with nomination rights to these properties and uses them to accommodate accepted homeless households in settled TA, while they wait for a final offer of either social housing or a Private Rented Sector property to end the main homeless duty. The tenants enter into an assured short hold tenancy with the RP and pay rent (generally via Housing Benefit paid to homeless families). The Council currently has a total of 854 HALS units, however, following Network Homes decision to exit the scheme, there will be 596 units, predominately managed by Notting Hill Genesis (527), but also Shepherds Bush Housing Association (69).
  - 3.11 The RP's provide management and maintenance services which are covered by the rent. In line with TA subsidy rules, the weekly rent is calculated using 90% of the January 2011 Local Housing Allowance (LHA) for the size of the property plus an element for management costs, (increased from £40 to £60 per week in 2018). In addition, the Council pays a weekly tendered nomination fee to the relevant RP for each property.
  - 3.12 In 2017, the RPs approached the Council to say that the HALS scheme was no longer financially viable and they required an increase in the management element of the rent of £40 per week. An increased management element of £60 per week per property was negotiated and implemented from June 2018. £40 of this is covered by Housing Benefit. The balance of the management element of £20 and the nomination fee of £10 per week is covered by Housing Need's General Funds budget which includes the Council's allocation of Flexible Homelessness Support Grant.
  - 3.13 The current contract expired on 1 February 2020 and it is proposed that the new contract will commence on 1 August 2020. However, the providers are still contractually obliged to continue management of their portfolio of properties until lease end. Although the current providers cannot acquire new units, or renew leases until the new contact is in place, this will not have a significant impact as new acquisitions have been low, and the Council can renew any lease ends onto the in-house leasing scheme as the Council seeks to build its in-house leasing provision.
- Impact of not re-procuring***
- 3.14 If the council does not re-procure this, it will either need to try and bring those units into the in-house leasing scheme, or, over time as the leases end, lose 596 units of good quality, managed and affordable accommodation. As households are evicted due to leases coming to an end, they will require

alternative accommodation. Due to the difficulties of securing alternative accommodation, this will most likely result in a move back to poor quality, and expensive emergency B&B or hotel annex accommodation which may or may not be in Brent.

- 3.15 Table 2 highlights the number of properties the council stand to lose if the HALS contract is not retendered. This is because, as leases come to an end under the existing HALS contracts, the council will continue to lose properties year on year; by 2024 the council will all lose all properties under the existing HALS contracts.
- 3.16 Table 2 also illustrates the cost saving of keeping clients in their current HALS property compared to accommodating them in emergency B&B accommodation. In addition, there are social implications for households that must be considered, including disruption to school and family life and being placed far from their support networks.

	HALS Lease End	HALS costs @£60p/w	B&B costs &£120p/w	Variance/Savings
2020	213 properties	£664,560	£1,329,120	£664,560
2021	166 properties	£517,920	£1,035,840	£517,920
2022	144 properties	£449,280	£898,560	£449,280
2023	32 properties	£99,840	£199,680	£99,840
2024	41 properties	£127,920	£255,840	£127,920
<b>Total</b>	<b>596 properties</b>	<b>£1,859,520</b>	<b>£3,719,040</b>	<b>£2,655,120</b>

Table 2: Number of properties lost if HALS contract is not retendered and potential cost of placing households in B&B accommodation.

- 3.17 The demand for affordable housing in Brent continues to be one of the major challenges that the Council faces. The HALS TA portfolio is a vital component of the Council's resource in meeting the increased housing demand from homeless households in Brent. This procurement exercise is designed to ensure the retention and provision of good quality, managed and affordable TA properties and thereby reduce the need for high cost nightly paid accommodation.

### ***Procurement***

- 3.18 The procurement sets out to maintain the current service, no changes are being proposed to the service. The minimum property standards and furniture standards specified by the Council will be maintained and the contractor has to provide a high-quality housing management service. The scope of services include a full property management service to include property acquisition, viewings and lettings processes, tenancy management, property inspections, administering decants, void periods and property handbacks and performance management. Performance is monitored through performance indicators and regular contract monitoring meetings.
- 3.19 The nomination fee for the service to be procured will be determined by this competitive tender. The contract will make provision for the adjustment of the nomination fee to take account of the effects of changes to legislation and

benefit rates and arrangements to ensure that value for money and the required supply are maintained.

- 3.20 It should be noted that although the name of the scheme suggests that provision has typically been by housing associations, this procurement is open to any suitably qualified bidder.
- 3.21 The ITT will be evaluated upon 50% quality, 40% price and 10% social value. The Council wishes to award contracts to between 3 and 5 organisations however, this will depend on the quality of the submissions and number received. It may be the case that the Council awards a smaller number of contracts if there is an insufficient number of satisfactory bids. Bidders will be asked to submit quality method statements. Any bidders who do not score satisfactorily for any of the quality questions will be excluded from the process. The Tender documentation will clearly set out the quality threshold required. The evaluation has been weighted heavily towards quality because of the fundamental importance of the selected contractors' ability to deliver the supply of units required at scale; from past experience, for comparable arrangements, contractors that have priced over-competitively with insufficient track record and capacity have found it difficult to supply accommodation at the quantities required.
- 3.22 The contracts will be awarded for an initial 3 year management and acquisition period with the potential to grant two 1 year extensions to this period. During the management and acquisition period, the successful Organisation will enter into head leases for new properties and manage those properties. Following expiry of the management and acquisition period the contract will continue for a further 3 year management period. During the management period, the successful RPs will continue to manage the properties with existing head leases but will not enter into new head leases. The Council will have nomination rights in respect of the properties with head leases throughout the full period of the contract (maximum of 8 years).
- 3.23 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Cabinet.

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>
(i)	The nature of the service	The provision of a full property management service for temporary accommodation let to homeless families nominated by the Council covering property acquisition, managing viewings and lettings processes, tenancy management, property inspections, administering decants, void periods and property handbacks.
(ii)	The estimated value.	Estimated to be in the range of £2m to £2.5m based on the weekly nomination fee of £10 per property in respect of 596 properties for the duration of the contract.
(iii)	The contract term.	Acquisition and Management period of 3 years, with the possibility of two 1-year extensions to be granted, plus an additional 3 year management period (up to a total maximum contract term of 8 years)

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>	
(iv)	The tender procedure to be adopted.	Open	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Adverts placed and Invitation to Tender Issued	28 April 2020
		Deadline for tender submissions	1 June 2020
		Panel evaluation and moderation	2 June – 13 June 2020
		Report recommending Contract award circulated internally for comment	22 June – 29 June 2020
		Contract Award – Delegate Authority to Strategic Director with Lead Member to award	3 July 2020
		[Cabinet call in period of 5 days (mandatory unless excluded by the Cabinet) OR minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full EU Regulations only)]	3 July 2020 to 13 July 2020
		Contract Mobilisation	14 July 2020 1 August 2020
		Contract start date	1 August 2020
(vi)	The evaluation criteria and process.	<p>1. As an open tender process will be undertaken, all tenderers will be assessed to ensure they meet the Council's minimum requirements in respect of financial standing, technical capacity and technical expertise.</p> <p>At tender evaluation stage, the panel will evaluate the tenders against the following criteria: 50% Quality – delivery of the service, 10% Social Value and 40% Price as follows:</p>	

Ref.	Requirement	Response																										
		<table border="1"> <thead> <tr> <th data-bbox="738 266 1201 338">Quality</th> <th data-bbox="1206 266 1361 338">Area Weighting</th> <th data-bbox="1366 266 1540 338">Overall Weighting</th> </tr> </thead> <tbody> <tr> <td data-bbox="738 344 1201 819"> <b>Procurement of Properties –</b>  A demonstrated ability to provide a full property management service covering property acquisition, managing viewings and lettings processes, tenancy management, property inspections, administering decants, void periods and property handbacks.  Demonstration of value for money in the delivery of high quality services </td> <td data-bbox="1206 344 1361 819">50%</td> <td data-bbox="1366 344 1540 1921" rowspan="7"> The Quality Method Statements will be evaluated out of 100 and then given an overall weighting of 50% </td> </tr> <tr> <td data-bbox="738 826 1201 1095"> <b>Repairs and Maintenance –</b>  A demonstrated commitment to the operation of a quality assurance policy in all aspects of service delivery and ability to ensure that properties are repaired and maintained to the specification. </td> <td data-bbox="1206 826 1361 1095">25%</td> </tr> <tr> <td data-bbox="738 1102 1201 1245"> <b>Complaints and Management –</b>  A demonstrated ability to deal with tenancy management issues and complaints. </td> <td data-bbox="1206 1102 1361 1245">15%</td> </tr> <tr> <td data-bbox="738 1252 1201 1357"> <b>Anti – Social Behaviour –</b> A demonstrated ability to deal with anti-social behaviour </td> <td data-bbox="1206 1252 1361 1357">5%</td> </tr> <tr> <td data-bbox="738 1364 1201 1581"> <b>Equalities –</b>  A demonstrated ability to identify and respond to changing priorities with due regard to the diversity and varying needs of the community </td> <td data-bbox="1206 1364 1361 1581">5%</td> </tr> <tr> <td data-bbox="738 1588 1201 1621"> <b>Total For Quality</b> </td> <td data-bbox="1206 1588 1361 1621"></td> <td data-bbox="1366 1588 1540 1621"><b>50%</b></td> </tr> <tr> <td data-bbox="738 1628 1201 1733"> <b>Social Value –</b> bidders will be asked how they will deliver Social Value priorities in Brent </td> <td data-bbox="1206 1628 1361 1733"></td> <td data-bbox="1366 1628 1540 1733"><b>10%</b></td> </tr> <tr> <td data-bbox="738 1740 1201 1845"> <b>Commercial (Price)</b>  Evaluated on the basis of the weekly nomination fee </td> <td data-bbox="1206 1740 1361 1845"></td> <td data-bbox="1366 1740 1540 1845"><b>40%</b></td> </tr> <tr> <td data-bbox="738 1852 1201 1886"> <b>Total</b> </td> <td data-bbox="1206 1852 1361 1886"></td> <td data-bbox="1366 1852 1540 1886"><b>100%</b></td> </tr> </tbody> </table>	Quality	Area Weighting	Overall Weighting	<b>Procurement of Properties –</b> A demonstrated ability to provide a full property management service covering property acquisition, managing viewings and lettings processes, tenancy management, property inspections, administering decants, void periods and property handbacks. Demonstration of value for money in the delivery of high quality services	50%	The Quality Method Statements will be evaluated out of 100 and then given an overall weighting of 50%	<b>Repairs and Maintenance –</b> A demonstrated commitment to the operation of a quality assurance policy in all aspects of service delivery and ability to ensure that properties are repaired and maintained to the specification.	25%	<b>Complaints and Management –</b> A demonstrated ability to deal with tenancy management issues and complaints.	15%	<b>Anti – Social Behaviour –</b> A demonstrated ability to deal with anti-social behaviour	5%	<b>Equalities –</b> A demonstrated ability to identify and respond to changing priorities with due regard to the diversity and varying needs of the community	5%	<b>Total For Quality</b>		<b>50%</b>	<b>Social Value –</b> bidders will be asked how they will deliver Social Value priorities in Brent		<b>10%</b>	<b>Commercial (Price)</b> Evaluated on the basis of the weekly nomination fee		<b>40%</b>	<b>Total</b>		<b>100%</b>
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(vii)	Any business risks associated with entering the	No specific business risks are considered to be associated with entering into the proposed contract. Financial Services and Legal Services have been consulted concerning this																										

Ref.	Requirement	Response
	contract.	contract
(viii)	The Council's Best Value duties.	Full advertising in OJEU, Contracts Finder and on the London Tenders Portal and a robust tender evaluation process will be carried out in order to support the Council's best value duties.
(ix)	Consideration of Public Services (Social Value) Act 2012	10% of the evaluation is included for Social Value benefits.
(x)	Any staffing implications, including TUPE and pensions.	See section 8 below.
(xi)	The relevant financial, legal and other considerations.	See sections 4 and 5 below.

3.24 Cabinet is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

#### **4.0 Financial Implications**

4.1 As referenced at section 3.9, the management fees for the HALS properties currently total £60 per week. However, £40 per week is covered through the Housing Benefit payments to tenants. As such, the net cost to Brent is £20 per week per property. Applying this rate to the HALS portfolio leads to a cost of £5m which is funded from the Flexible Homelessness Support Grant. The weekly management fee is not part of this tender process. The estimated contract value is based on the nomination fee.

4.2 The estimated value of this Services contract is £2.5m.

4.3 The value of this contract has been based on a £10 weekly nomination fee in respect of properties over an 8 year period. This is based on the initial 3 year management and acquisition period, 2 years of extension to the initial contract and a further 3 year management period.

4.4 Expiration of leases is expected during the further management period (Years 6-8). For the purposes of the contract value, it is assumed that the leases will expire on 10 properties per month in the final 3 years.

4.5 It is anticipated that the cost of this contract will be funded from the existing Housing General Fund budget.

4.6 The value of the contract reflects that HALS properties provide a significant proportion of the temporary accommodation available in the borough,

providing a vital supply of properties to households who would otherwise be placed in less stable forms of accommodation.

## **5.0 Legal Implications**

- 5.1 The contract is a public services contract under the Public Contracts Regulations 2015 ('EU Regulations'). The estimated value of the contract(s) is above the EU procurement threshold for services contracts (currently £189,330). The procurement is therefore subject to the requirements of the EU Regulations. Based on the value of the contract, it is also deemed a High Value Contract under the Council's Contract Standing Orders.
- 5.2 For High Value Contracts, the Cabinet must approve the pre-tender considerations set out in paragraph 3.20 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 5.3 Cabinet is being asked to delegate the award of contract(s) to the Strategic Director of Community Wellbeing, in consultation with the Lead Member for Housing. Once the tendering process is undertaken Officers will report to the to the Strategic Director of Community Wellbeing, explaining the process undertaken in tendering the contracts and recommending award in consultation with the Lead Member for Housing.
- 5.4 As this procurement is subject to the full application of the EU Regulations, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the EU Regulations before the contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.
- 5.5 Homeless applicants who are accepted by local housing authorities as being homeless, eligible for assistance, unintentionally homeless and in priority need must be provided with suitable temporary accommodation pursuant to section 193 Housing Act 1996, until the duty to provide temporary accommodation comes to an end if one of the events set out in section 193(5) – (7AC) of the 1996 Act occurs, usually by arranging a settled housing solution with an offer of accommodation either in the public or private housing sector. The HRA 2017 increased the scope of assistance which local authorities are required to
- 5.6 The Homelessness Act 2017 imposes two further duties on local housing authorities they are as follows:
  - Duty to prevent homelessness - an enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days,

meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage (section 4 of the Homelessness Reduction Act 2017);

- *Duty to relieve homelessness* - a relief duty for those who are already homeless so that housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation (section 5 of the Homelessness Reduction Act 1996).

## **6.0 Equality Implications**

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

6.2 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.

6.3 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. Cabinet is referred to the contents of this report for information, in particular the Equality Analysis at Appendix 1 and paragraph 6.1 of the report.

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

7.1 N/A

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

8.1 This service is currently provided by external contractors and there are no implications for Council staff arising from retendering the contracts.

## **9.0 Public Services (Social Value) Act 2012**

9.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

9.2 Social value contributes to 10% of the overall tender evaluation weighting. Bidders will be required to provide proposals for providing social, environmental and economic benefits to the borough.

**Report sign off:**

***Phil Porter***

Strategic Director Community Wellbeing.