



ADVANCED PUBLICATION OF REPORTS

This publication gives five clear working days' notice of the decisions listed below.

These decisions are due to be signed by individual Cabinet Members and operational key decision makers.

Once signed all decisions will be published on the Council's Publication of Decisions List.

1. **GRANT EXTENSIONS 2021-2023** (Pages 1 - 20)
2. **AWARD OF WORKS CONTRACT FOR DECENT HOMES HEATING UPGRADES** (Pages 21 - 34)

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London Borough of Enfield**Operational Decision of the Chief Executive**

Subject: Grant Extensions 2021-2023**Cabinet Member: Cllr N Keazor****Executive Director: Ian Davis****Key Decision: KD 5273 (CEX ref: CE 20/032)**

Purpose of Report

1. This report seeks approval to extend existing agreements for a 2-year period commencing on 1st April 2021 and concluding on 31 March 2023 between the local authority and five local VCS organisations. In combination these agreements will allow the local authority to continue to provide vital support to some of our most disadvantaged and challenged local residents and the community groups that serve them.

Agreement of the report will allow the local authority to issue grant agreements that can secure support for a further two years. This is consistent with the terms of the original open competitive grants tendering process conducted in 2019 that awarded grants to the five organisations with the option to extend agreements for a further two years.

Proposal(s)

2. The recommendations to extend the existing agreements in this report are as follows:
 - a. To extend the existing agreement with Citizens Advice Enfield to provide independent and universally accessible advice and guidance to local residents from 1 April 2021 to 31 March 2023 at an annual grant level of no more than £340,000 per annum.
 - b. To extend the existing agreement with Enfield Voluntary Action/Volunteer Centre Enfield to provide support and capacity building to the Enfield VCS and volunteering opportunities for Enfield residents from 1 April 2021 to 31 March 2023 at annual grant level of no more than £170,000 per annum
 - c. To extend the existing agreement with Enfield Racial Equalities Council to provide equalities-based support on ethnicity and race to Enfield residents and organisations from 1 April 2021 to 31 March 2023 at an annual grant level of no more than £25,000 per annum
 - d. To extend the existing agreement with Enfield Women's Centre to provide equalities-based support to Women in Enfield and local organisations from 1 April 2021 to 31 March 2023 at an annual grant level of no more than £25,000 per annum

- e. To extend the existing agreement with Enfield LGBT Network to provide equalities-based support to Enfield's Lesbian Gay Bi-sexual and Transgender community and local organisations from 1 April 2021 to 31 March 2023 at an annual grant level of no more than £25,000 per annum
3. These agreements would be subject to robust quarterly review by officers with appropriate controls and measures in place to ensure the appropriate use of local authority funds. This includes the ability to withhold grant payments if need be.

Reason for Proposal(s)

4. The proposal to extend the agreements arises from an operational need to take a decision in advance of current funding agreements expiring on 31 March 2021. It is based on an evidence-based understanding of the future need for these services to remain available to local people and organisations whilst resources permit and also an assessment of current performance by the current providers. All of the services covered through the five agreements seeking to extend remain vital to the delivery of our ambitions for the borough and could not be replicated elsewhere without creating significant increased cost and potential interruption of service availability.

Relevance to the Council Plan

5. The extension of these agreements is entirely compatible with the vision and objectives set out in the Council Plan. In combination they will deliver measurable and effective support to enable us to build the community resilience required to help stage post-Covid19 recovery and directly contribute to our aspirations for delivering Early Help and A Fairer Enfield.

The ongoing engagement of these partners will also serve an effective strategic role enabling their input to help shape and influence future policy on behalf of their users.

Background

6. In late 2018, an open and inclusive competitive grants process was initiated by the local authority to seek to provide a range of corporately funded infrastructural and equalities-based services that could support some of our most socially excluded residents and the community organisations that serve them. This outcome of this process resulted in the awarding of grant funding agreements to 5 local community organisations. Those agreements that required a Key Decision due to their value were signed off in early 2019 via KD4857 and KD4860. All of the agreements contained an option to extend the services provided for a further two years subject to an assessment of continued evidenced need, performance and the ongoing availability of resources.

7. This report recommends that the option to extend be taken up with all these agreements based on continued evidenced need, performance and the availability of resources.
8. The recently published assessment and recommendations arising from the independent Enfield Poverty and Inequality Commission report, "All Things Being Equal" in January 2020 and our understanding of the intensification of issues of poverty and inequality arising from the impacts of the ongoing Covid-19 pandemic provide ample empirical evidence that the services covered in the 5 agreements remain of high priority. This is reflected in our recently refreshed Council Plan, the experience of delivering our Enfield Stands Together programme and Covid19 Resilience Board during 2020 and in the wider strategic work of realigning council services as we seek to focus on 'Early Help' and take steps to create a 'Fairer Enfield'.
9. The continued and in many instances significantly increasing demand for the services offered through these grant agreements has been similarly evidenced in the performance returns that we have received some of which are summarised below.

Performance reviews of existing agreements

- **Performance review: Citizens Advice Enfield**

10. Citizens Advice Enfield (CAE) has provided a comprehensive universally accessible advice and guidance service to local people in the face of massive demand. This has centred on their base at Vincent House but has also incorporated outreach at several libraries in the borough. In 19/20 they managed enquires from over 7,900 local people and helped manage over £2.1m of local debt. The CAE has a highly diverse set of advisers who are able to work with our diverse communities as their monitoring returns evidence. CAE have also been able to incorporate work on assisting with Brexit registration for EU nationals and help provide 'housing solicitor' support to our homelessness service. The organisation is another who are able to build on their funding agreement with the borough to bring more funding into support those in need. In 19/20 this additional income amounted to £544,423. The presence of an effective, sponsored Citizens Advice service in the borough has also allowed them to make critically important contributions to our work on Brexit and Covid-19 response as well as participating in the work of our independent Poverty and Inequality Commission.

- **Performance review: Enfield Voluntary Action/Volunteer Centre Enfield**

11. Enfield Voluntary Action has a 100% BAME board of trustees and has over 150 local VCS groups affiliated to it. It is recognised more widely as exemplar and its Volunteer Centre Enfield arm continues to perform well in linking local people to sustainable volunteering opportunities. The organisation played a critical role in helping gather well over a thousand new volunteers as part of our Enfield Stands Together campaign. It provides valuable strategic support to statutory bodies like the Enfield

Health and Wellbeing Board and remains best placed to provide these services in the borough.

12. As council for voluntary services Enfield Voluntary Action has been able to generate £12 of income for our local voluntary and community sector for every £1 spent by the local authority in helping facilitate their activity. This demonstrates a significant return on the investment made by the local authority. EVA has brought in £2 million of external funds to Enfield VCS from April 2019 to April 2020. Between April 2019 & April 2020 EVA has successfully applied for £1 million of external grants for local community projects, which will be delivered directly by EVA or by other VCS groups that EVA is commissioning. Other VCS groups include CAB; Health Champion VCS groups; & stay and play groups.
13. Between April 2019 & April 2020 EVA has supported applications by Enfield VCS groups to successfully secure a further £1 million of external grants for community projects in Enfield. This means for every £1 of LBE grant (£170,000), an additional £12 of external funds (£2 million) is generated for VCS groups in Enfield. This £2 million does not include any London Borough of Enfield grants.
14. Grants for Enfield 2021: EVA has been awarded over £150,000 funding for 2 new grant programmes exclusively for groups that deliver 80% of their services to residents in the London Borough of Enfield. Active Youth Enfield will award grants for projects focused on physical activity and sports. Tackling Poverty & Inequality in Enfield will award grants for projects supporting Enfield residents highly vulnerable to suffering the worst effects of poverty and inequality in our Borough. The presence of an effective sponsored boroughwide council for voluntary services has also been critical in helping us deliver support to local communities arising from the ongoing impacts of both Brexit and Covid-19 as well as participating in the work of our independent Poverty and Inequality Commission.

- **Volunteering**

15. During 2019/20 a total of 636 Enfield residents registered an interest in volunteering and approximately 166 opportunities in 133 groups were promoted every quarter. From the start of lockdown in March until May 2020 EVA's staff resources were utilised to process the applications of 1350 Covid19 volunteers who registered via the Council's Enfield Stands Together website. 374 volunteers with DBS certificates were interviewed via Zoom or phone prior to referral.
16. EVA provides tailored, expert funding and development advice to support the 17 Friends of Parks groups in Enfield to promote health and wellbeing, protection of green spaces, and preservation of heritage. EVA is also supporting the Parent Engagement Network, a local parent-led network and a newly registered charity, to help build sustainability into the organisation and helping the organisation to gain full independence.

- **Performance review: Enfield Racial Equalities Council**

17. EREC is the only dedicated race and ethnicity-based equalities service in the borough and continues to provide support to individuals and guidance to organisations in the borough. The organisation has also added value to its funding by securing external funds to carry out community engagement and outreach work, including £10k from National Lottery Awards for All for a one-year project to build community cohesion by bringing people together from different communities and cultures, an event was held at a local mosque and attended by people from diverse backgrounds and faiths. EREC also received £5k from the Santander Foundation to fund a series of personal money management workshops to equip participants with knowledge and understanding to manage their own finances and budgets, avoid debt and know how to access help and benefit advice. The EREC CEO also provides valued strategic support to our Enfield Equalities Group and Voluntary Sector Strategy Group amongst others as well as taking a leading role in delivering our Black History Month calendar of events. We believe it is evidenced that for a modest annual outlay the organisation continues to provide a unique service to support those in the borough. The presence of an effective sponsored boroughwide body like EREC has also been critical in helping us deliver support to local communities arising from the ongoing impacts of both Brexit and Covid-19 as well as participating in the work of our independent Poverty and Inequality Commission.

- **Performance review: Enfield Women's Centre**

18. Enfield Women's Centre is a dedicated strategic organisation in the borough able to offer gender specific support to all women in the borough. Their services cover giving support to vulnerable women including those fleeing domestic violence as well as providing opportunities for socially isolated women to come together and participate in shared activities. Whilst Covid19 has meant much of the service has been switched to on-line support the Centre has continued to offer emergency 1-1 to women in the community. The Centre's CEO also provides valued strategic support to our Enfield Faith Forum, Enfield Equalities Group and Voluntary Sector Strategy Group amongst others. The presence of an effective sponsored boroughwide and dedicated service for women has also been critical in helping us deliver support to local communities arising from the ongoing impacts of both Brexit and Covid-19 as well as participating in the work of our independent Poverty and Inequality Commission. We believe it is evidenced that for a modest annual outlay the organisation continues to offer a lifeline to many of our most vulnerable residents.

- **Performance review: Enfield LGBT Network**

19. Enfield LGBT Network, operating out of the Lancaster Centre in Enfield Town, is the only organisation in the borough able to offer dedicated and strategic equalities strand specific support to residents in the borough. Their services cover giving support to those experiencing hate crime and managing issues pertaining to their emerging sexual orientation including those fleeing domestic violence or facing homelessness as a result of their sexual orientation and people considering gender reassignment. Whilst Covid19 has meant much of the service has been switched to on-line

support the Centre has continued to offer support to local residents in need. The Centre's CEO also provides valued strategic support to our Enfield Faith Forum, Enfield Equalities Group and Voluntary Sector Strategy Group amongst others. We believe it is evidenced that for a modest annual outlay the organisation continues to offer a lifeline to many of our most vulnerable residents.

20. In December 2020 the organisation was informed that their bid, to The National Lottery Community Fund's Reaching Communities England programme, for the Lancaster Centre was successful and have been awarded a grant of £146,975 over 5 years. This is the culmination of a year of hard work and it means the Network will be able to sign a 5-year lease on the Centre thus securing a base of operations for the organisation and other groups well into the future in a strategically vital building. The presence of an effective sponsored boroughwide LGBT Network has also been critical in helping us deliver support to local communities arising from the ongoing impacts of Covid-19 and in wider public health messaging.
21. When considering the scale of demand and the volume of support delivered to local residents and local community organisations from all aspects of our diverse and dynamic communities, we can evidence a clear justification for continuing to support the delivery of these services.
22. Background information which needs to be borne in mind such as relevant history including previous decisions; policy issues; any statutory requirements, consultation arrangements and any other relevant issues. Depending on the complexity of the subject, you may wish to use sub-headings for each aspect.

Main Considerations for the Council

23. When considering approval for the extension of the present agreements the officer with delegated authority is asked to consider these factors on behalf of the local authority when/if accepting the recommendation to extend:
 - a. The ongoing evidenced need for the service to continue to be delivered
 - b. The assessed suitability of the present agreements holder to continue to deliver the service based on historical performance and future offer including analysis of inclusivity of offer and access to services by our most disadvantaged groups
 - c. The judgement by lead officers that the extensions represent good value for money.
 - d. The clear evidence held by managing officers of ongoing compatibility with Council Plan objectives, wider service delivery and the ambitions of the administration to tackle inequality in the borough
 - e. An understanding that the current marketplace has not radically altered since 2019 and that the extensions are appropriate with a commitment to go back out to a full competitive grants tendering process in 2022/23.
 - f. That any proposed changes to the method of delivering the services is done so taking into account changing customer habits,

the availability of new technology and learning generated from the Covid-19 pandemic and the changes in delivery arising

Safeguarding Implications

24. Whilst none of the primary services being recommissioned have safeguarding implications, each of the relevant delivery partners has resubmitted their individual safeguarding policy and all relevant staff have been DBS checked. In the case of wider support and service provision from EVA/Volunteer Centre Enfield there is provision for DBS to take place when assessing volunteers against potential opportunities to manage risk and keep beneficiaries safe. This was most recently brought forward at scale in their lead partner work in securing new local volunteers as part of the 'Enfield Stands Together' Covid19 response programme of 2020.
25. It is anticipated that the overall impact of retaining the services and re-commissioning them for a further two years will be of benefit to our safeguarding approach as local authority. The availability of these services that will help avoid family breakdown and provide signposting to positive interventions for our young people, residents and community groups alike.
26. Where additional training or DBS requirements are identified we will work with the partner delivery agents to ensure they are met.

Public Health Implications

27. The continued delivery of the services covered in the report will have an evidenced positive effect on our public health ambitions for the borough. The positive public health implications from continuing to fund the services in this report can be summarised at a high level as follows.
 - **Provision of independent and universally accessible advice and guidance to local residents**
28. The continued ability to provide independent and universally accessible advice and guidance to local residents will ensure that some of our most vulnerable and socially excluded communities can receive the support they need to manage indebtedness, be supported to claim eligible benefits, receive limited para-legal and consumer advice and support and be signposted to statutory services to receive further assistance. This will contribute positively to maintain good levels of physical and mental wellbeing, avoid family breakdown and offer support to local people in or facing crisis situations.
 - **Provision of support and capacity building to the Enfield VCS and volunteering opportunities for Enfield residents**
29. The delivery of support to groups that can ensure the resilience and sustainability of our local voluntary and community sector will mean that the

wider determinants of good health can be supported. The additional VCS funding brought into the borough by organisation provides the opportunity to deliver wider benefits to local people and help ensure a thriving and inclusive VCS in our borough that is well placed to support health outcomes. Additionally, the partner organisation has been working proactively with Public Health partners to develop new social prescribing capacity for the borough.

- **Provision of equalities-based support on ethnicity and race to Enfield residents and organisations**
30. We know that many communities in our borough suffer disproportionately negative health and life chances outcomes as a result of their ethnicity and race. This has most recently been demonstrated by the impact of Covid-19 on our local BAME communities. The ongoing availability of dedicated equalities- based support will benefit wider health outcomes in this context and will continue to be used to promote wider health priorities as set out in our Joint Health and Wellbeing Strategy.
- **Provision of equalities-based support to Women in Enfield and local organisations**
31. We know that there are inherent health risks facing many women across a range of socio-economic areas that the ongoing provision of direct support from this service can benefit. The need for this kind of support has been highlighted most recently by an increase in women managing the effects of domestic violence. The ongoing availability of dedicated equalities- based support to women in Enfield will also contribute to wider health outcomes as the service will continue to be used to promote wider health priorities as set out in our Joint Health and Wellbeing Strategy.
- **Provision of equalities-based support to Enfield’s Lesbian Gay Bi-sexual and Transgender community and local organisations**
32. We know that many of our residents who are managing health and social issues in relation to sexual orientation face significant health and quality of life challenges in the borough. The ability to continue to support dedicated equalities-based services of this nature will mean there is still a point of contact and support for vulnerable residents and can be used to promote wider health priorities as set out in our Joint Health and Wellbeing Strategy.

Equalities Impact of the Proposal

33. We believe that the continued sponsorship of these agreements with the partner providers will have a positive impact on our ambitions to create a fairer Enfield and will benefit Enfield residents and the wider network of community groups who help us maintain a dynamic and diverse borough.
34. Individual EQIAs have been carried out for each of the 5 agreements taking into consideration past performance and future needs. In each case the outcome has indicated that a positive influence would be exerted on all protected characteristics if the new agreements are delivered to agreed

specifications. Each of the providers has direct and indirect influence on the promotion and adherence to equalities objectives

Environmental and Climate Change Considerations

35. Environmental and climate change considerations have been discussed with the partner delivery agents as part of the grant extensions process. Whilst all groups are reliant to varying degrees on maintaining a 'walk-in' and/or 'physical office space' they are all committed to working with agility to reduce their overheads and in doing so to impact positively on areas of priority as expressed in the Council's Climate Action Plan.
36. For example, more flexible use of office space and time dedicated to flexible working will make some contribution to a reduced energy consumption requirement and all partners are engaged in making the organisational behavioural changes that can reduce emissions. This will also be of benefit to them as it will contribute to efficiencies in budgeting and reducing overheads.
37. We will be seeking to work with the partner organisations to calibrate and establish a measurable direction of travel that can evidence a positive response to the climate emergency and set an example to the wider VCS and partner network groups.
38. We will also seek to agree a climate action 'risk register' with them for this purpose and will invite them to share their work with other organisations, encouraging them to take the same mindful approach. This will be reviewed with each of the groups annually over the 2 years of the extended grant period.

Risks that may arise if the proposed decision and related work is not taken

39. Each of these agreements provides the basis for vital service delivery that is evidenced by local demand and our performance assessment. We adjudge that there would be severe risks associated with the non-renewal of these agreements as they are central to how we deliver support to our local communities and the wider network of organisations that serve them.
40. The cessation of these services would place significant additional operational pressure on the local authority that it would not be best placed to manage at a comparative cost. We also know that the demand for these services, which mainly focus on support to our most socially excluded and disadvantaged residents would mean a deepening of the stark inequalities that we know exist in Enfield and to which our objectives to positively address is enshrined in our Council Plan.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

41. Ensuring that evidence of agreed outcomes and spending is regularly provided is a central tenet of how we manage risk as part of the

management of these agreements. Through our rigorous quarterly monitoring approach and close ongoing relationship management with the partner delivery agent we will ensure that target client groups continue to be served and that improvement planning actions can be taken should performance be negatively affected.

42. We will also work proactively with the partner organisations to assist with the acquisition of external funding that can augment their presence and services in the borough. We will also ensure that all Council staff and their wider networks are fully aware of the services being provided through the agreements to ensure the fullest take up of what is available and also to prevent any duplication of service provision.

Financial Implications

43. The revenue budget to extend these services which have a total annual cost of £585,000 is available and can be delivered from existing resources, taking into consideration savings required for 2021/22 and 2022/23.

	£000s
Citizens Advice Enfield	340
Enfield Voluntary Action/Volunteer Centre Enfield	170
Enfield Racial Equalities Council	25
Enfield Women's Centre	25
Enfield LGBT Network	25
Total VCS grants per annum	585

Legal Implications

44. The Council has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals may do, provided it is not prohibited by legislation and subject to Public Law principles. Further, section 111 of the Local Government Act 1972 permits local authorities to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of their functions.
45. The five contracts that are the subject of this report are public services contracts under the Public Contracts Regulations 2015 (PCR 2015). The Council must comply with the PCR 2015 and its Constitution, in particular the Contracts Procedure Rules (CPRs). Regulation 72(1)(a) of the PCR 2015 permits modifications of contracts, including extension of contract period, where the modifications have been provided for in the initial contract in a clear, precise and unequivocal review clause provided that such modification do not alter the overall nature of the contract. The proposal to vary the contracts will come within the exemption for permitted modifications under regulation 72(1)(a) of the PCR 2015 and will meet the requirements of the PCR 2015 and the CPR.

46. Where the value of the variation exceeds the Key Decision threshold of £500,000, the Key Decision process must be followed, and the variation must be executed as a deed.
47. The variation agreements must be in a form approved by the Director of Law and Governance.

Workforce Implications

48. There are no workforce implications for the local authority arising from the extension of these agreements. All staff management and related duties will be the responsibility of the delivery partner. As part of the renewal process the partners have all resubmitted a full set of relevant supporting documentation to confirm they have all relevant policies and protections in place to enable them to successfully deliver the required services.

Property Implications

49. Two of the organisations recommended for contract extension (Enfield Racial Equalities Council and Enfield Voluntary Action) are resident in the Council's Community House building and subject to terms and conditions as set out in our corporate landlord offer. They are and continue to liaise with our Property Services Team regularly with a view to considering if future rationalisation of occupied space in the building could be beneficial. This will be kept under review.

Other Implications

50. There are no other implications identified for the recommendations in this report to be put forward for consideration and approval.

Options Considered

51. The local authority considered two main alternative options when assessing the merits of extending the grant agreements. The first was to consider the impact of ceasing support for these activities. In each case this was rejected as clear evidence remained that the services in question remained in demand from local people who would otherwise struggle to gain the kind of assistance offered. This would create additional operational and cost pressures for the local authority that would exceed the committed spend requested. It would also run counter to the central aims of the local authority in tackling our stark inequalities and providing opportunities for all. A second consideration was whether to run another open competitive grants process. This was rejected as the original open tendering process initiated in 2019 which included the option to extend by a further 2-years was comprehensive and our expert market knowledge informed us that the current contract holders remained best placed to deliver at cost and scale in the borough. The second consideration when not pursuing this second option was based on an analysis of performance where all providers had met agreed outcomes and in some instances exceeded them. This gave confidence that extensions could be successfully agreed and if managed

properly would continue to provide positive outcomes for the local authority and deliver these priority services at a competitive rate.

Conclusions

52. Having carefully considered all of the areas set out above it is the conclusion of lead officers that all delivery partners have delivered well against their current agreements and remain best placed to deliver over the extended 2-year period. We will seek to initiate a further 'competitive grants' process in late 2022/early 2023 to test the market again if resources are available to continue an offer to local residents and community groups to provide this type of support in the borough.

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Date of report 11 February 2021

Appendices

Background Papers

The following documents have been relied on in the preparation of this report:

None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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London Borough of Enfield**Operational Report****Report of Joanne Drew, Director of Housing and Regeneration**

Subject: Award of Works Contract for Decent Homes Heating Upgrades**Executive Director: Sarah Cary****Ward: Boroughwide****Key Decision: 5129**

Purpose of Report

1. To obtain approval to award two contracts for Decent Homes Heating Upgrade works to residential properties in two lots; to the North (including a small number of out of borough properties in Hertfordshire) and South of the Borough, following a compliant tender process via the Southeast Consortium Procurement Framework

Proposal(s)

2. That approval be given to award two, 12-month contracts with the option of two 12-month extensions, for Heating Upgrade works, in two separate lots, with properties split by geographical area, in furtherance of the Council's duty as a landlord to meet the Decent Homes standard.
3. That the Contract for properties in the North of the Borough be awarded to Contractor 3 and the Contract in the South to Contractor 6. The decision to award two separate contracts by geographical area, is recommended to ensure the Council mitigates risks around possible future labour shortages and supply chain performance.
4. See restricted appendix for further details.

Relevance to the Council's Plan

5. The contract will support the following objectives from the Corporate Plan.
6. Good homes in well-connected neighbourhood: The programme will improve the quality and safety of existing homes and therefore positively impact on the quality of life for our residents.
7. Sustain strong and healthy communities: Improving the existing homes where people desire to live will help to create and maintain strong sustainable communities.

8. Build our local economy to create a thriving place: Ensuring residents are able to fully participate, in activities within their neighbourhood.

Background

9. The 2020/21 capital programme has identified the need for a substantial programme of heating upgrades to ensure Council's residential stock achieves the Decent Homes Standard and its energy performance objectives.
10. These contracts will deliver heating and energy performance improvements to circa 1,200 properties per annum spread across the borough with a small number of out of borough properties in Hertfordshire. The properties have been selected based on stock condition information.
11. The scope of works includes gas boiler replacements, central heating upgrades and associated building works.
12. The project does not include works to leasehold properties.
13. Tenders were issued via the London Tender Portal (LTP) to seven contractors with a proven track record of delivery in this area and of a suitable size to deliver the works. In accordance with the Councils Contract Procurement Regulations (CPRs).
14. Indicative property lists for each area were included in the tenders. Whilst tenderers were permitted to submit tenders for both areas, tenderers were required to identify their preferred area, as they could only be awarded one of the contracts. In the circumstances that a tenderer be ranked first for both areas, they would be awarded their preferred option and the second ranked tenderer would be awarded the remaining area.
15. See restricted appendix for further details.

Main Considerations for the Council

16. The programme is required to ensure that the Council delivers homes that meet the Decent Homes Standard. The scheme will also deliver energy performance improvements, in line with the Councils Carbon reduction strategy.
17. See restricted appendix for further details.

Safeguarding Implications

18. The works will require Contractors to enter resident's homes and therefore the Contract Documents require Disclosure & Barring Services (DBS) and adherence with the Council's Safeguarding Policy.
19. In addition to the above the Contractor is required to provide a dedicated Resident Liaison Officer (RLO) whose role is to ensure that residents needs are reflected in both the works delivered and the processes adopted by the

Contractors. Evaluation of the Contractors offers in this area are a major component of the qualitative evaluation.

Public Health Implications

20. Good homes is a basic necessity for human health, the award of this contract will help secure this. It should also mitigate the risk from excess winter deaths as well as that of placing residents in a position of 'heat or eat' whereby poverty and expenditure places the resident in a situation of having to choose between the two.

Equalities Impact of the Proposal

21. It is not deemed relevant or proportionate to carry out an equality impact assessment/analysis for the approval of the tender that represents the winning bid and complies with the tender requirements of the Council for external repairs as part of the Council's Decent Home Programme.
22. Individual requirements are addressed prior to starting on site to ensure all relevant individual circumstances are considered during the works.
23. Any contract awarded should include a duty on the successful applicant to assist us with meeting our obligations under the Equalities Act 2010

Environmental and Climate Change Considerations

24. The Contractor's offers include several environmental commitments that will be delivered to the Council including related to waste management, recycling and carbon reduction.
25. In addition, the works will provide improved environmental performance from the resident's homes by providing modern facilities. Current installations are required to meet bespoke requirements and current regulations, and this will typically result in improvements in environmental performance of the home.

Risks that may arise if the proposed decision and related work is not taken

Risk	Likelihood	Impact
The Council will fail to meet Decent Homes Standard	High	High
Increased levels of resident dissatisfaction with the condition of their homes	High	Medium
Deterioration of property that may lead to increased future costs	Medium	Medium

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

Risk	Mitigation	Residual likelihood	Residual impact
Poor resident satisfaction caused by poor contractor performance	Contract Key Performance indicators and effective contract management will be employed; ultimately other contractors can be used to deliver works	Low	Low
Contractor claims for additional monies	Robust Quantity Surveying support/resource within the Council to ensure contract provisions applied	Low	Low
Incidents/accidents on site	Robust management of risk; Contractor submission of risk assessments etc	Low	Medium

26. See restricted appendix for further details.

Financial Implications

27. An investment budget was approved as part of the rent setting report in February 2020 and the costs of these works are included, in the HRA 30-year business plan.
28. See restricted appendix for further details.

Legal Implications

29. The Council has the power to alter, repair or improve its housing stock in accordance with section 9 of the Housing Act 1985. The Council further has power under s111 of the Local Government Act 1972 to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. It is empowered to enter into contracts for the discharge of its legal powers (section 1 Local Government (Contracts) Act 1997) and has a general power of competence under s1 (1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to public law principles.
30. Throughout the engagement of the contractors, the Council must comply with its obligations with regard to obtaining best value under the Local Government Act 1999.
31. The Council must ensure that the procurement and award of the contracts have been and continue to be carried out in accordance with the Council's Contract Procedure Rules. Although the contract values are below the EU procurement threshold for works, the contracts must nevertheless be awarded in compliance with TFEU principles of equality, transparency, proportionality and non-discrimination.
32. The use of framework agreements is encouraged under the Contract Procedure Rules provided best value can be demonstrated. The P&C Hub should first carry out due diligence on the framework in question to ensure the Council is clearly identified as a contracting authority able to use the framework, and the contract

awards must be in accordance with the process set out in the framework agreement.

33. The contracts must be in a form approved by Legal Services on behalf of the Director of Law and Governance and must be consistent with the requirements of the framework which govern the form of any call-off contracts. As the value of each contract exceeds £500,000, they must be sealed by Legal Services.
34. The Contract Procedure Rules require that where a contract is awarded with a value of £1 million or over (as is the case here), the contractor must be required to provide 'sufficient security' as defined in CPR Rule 7.3 (such as a performance bond or a parent company guarantee). Evidence of the form of security required, or why no security was required, must be stored and retained on the E-Tendering Portal for audit purposes. If this requirement is waived, then the Executive Director of Resources must approve the financial risk prior to any award, and this Authority Report must set out the reasons for the waiver and what measures are to be taken to manage the risk.

Workforce Implications

35. The above report has no direct implications on the current workforce at this time as these are works not completed by our employees.
36. There is sufficient capacity in the Capital Programme structure to adequately manager and supervise these works.

Property Implications

37. There are no property implications in connection with this report

Other Implications – Procurement

38. The procurement was undertaken using London Tenders Portal (ref DN503982)
39. As the contract is over £1M the service must ensure that the supplier has provided the required security.
40. The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.
41. The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements

Options Considered

42. Consideration was given to several alternative options to deliver the works that can be summarised as follows:

- Option A: A single contract covering the whole borough of a long duration i.e. 5 years or more
- Option B: 2 geographically based contracts covering all components

43. Option B was selected based upon the following:

44. Option A: Single Long-Term Contract

45. This approach is commonly used within the sector and does have benefits in terms of management input i.e. a single relationship to manage. However, the key factors that led to its rejection were:

- Failure or poor performance is systemic and provides a major risk for the Council
- Only Major Contractors have the capacity to tender for these works and therefore competition is limited
- The potential involvement of Small/Medium Enterprises (SMEs) is limited to working for the Main Contractor
- The Contract would probably exceed the OJEU threshold and would therefore require an OJEU Compliant approach which takes longer and is less cost effective than a sub-OJEU procurement.

46. Option B: 2 geographically based contracts covering all components

47. Officers considered that this option provides the optimum solution, it was selected because:

- Having two contractors reduces the impact of failure or poor performance
- The Council's management team and structure is ideally suited to this scale of Contract
- The size of the contract would enable smaller SMEs to tender
- The Council's experience in working with SMEs to deliver this type of work has been mixed but the experience gained would enable them to identify high performing contractors
- The Contracts would not exceed the OJEU threshold and procurement timescales would therefore be reduced

Conclusions

48. Taking into account all of the above the procurement process for the Decent Homes Heating Upgrades works has been conducted in accordance with the Councils Contract Procedure Rules and therefore recommend award to Contractor 3 for properties in the North and Contactor 6 for properties in South of the Borough.

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Appendices: Restricted Appendix
Background Papers: None

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