

Notice of Meeting

CABINET

Tuesday, 20 April 2021 - 6:00 pm
Meeting to be held virtually

Members: Cllr Darren Rodwell (Chair); Cllr Saima Ashraf (Deputy Chair) and Cllr Dominic Twomey (Deputy Chair); Cllr Sade Bright, Cllr Evelyn Carpenter, Cllr Cameron Geddes, Cllr Syed Ghani, Cllr Margaret Mullane and Cllr Maureen Worby

Date of publication: 12 April 2021

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Please note that this meeting will be webcast to enable the press and public to view the proceedings. To view the webcast click [here](#) and select the relevant meeting (the weblink will be available at least 24-hours before the meeting).

AGENDA

- 1. Apologies for Absence**
- 2. Declaration of Members' Interests**

In accordance with the Council's Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.
- 3. Minutes - To confirm as correct the minutes of the meeting held on 16 March 2021 (Pages 3 - 11)**
- 4. Update on COVID-19 Issues (Page 13)**
- 5. Next Stage of Transformation of the Gascoigne Neighbourhood (Pages 15 - 41)**
- 6. Contracts for Provision of Bespoke Packages for Children's Care Services (Pages 43 - 51)**
- 7. Land at North Street / London Road, Barking - Disposal Update (Pages 53 - 65)**

8. **Procurement of a Cloud Support Contract and IT Database Administration Management Service (Pages 67 - 75)**
9. **Any other public items which the Chair decides are urgent**
10. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

The public and press have a legal right to attend Council meetings such as the Cabinet, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended). ***There are no such items at the time of preparing this agenda.***

11. **Any other confidential or exempt items which the Chair decides are urgent**

Our Vision for Barking and Dagenham

ONE BOROUGH; ONE COMMUNITY; NO-ONE LEFT BEHIND

Our Priorities

Participation and Engagement

- To collaboratively build the foundations, platforms and networks that enable greater participation by:
 - Building capacity in and with the social sector to improve cross-sector collaboration
 - Developing opportunities to meaningfully participate across the Borough to improve individual agency and social networks
 - Facilitating democratic participation to create a more engaged, trusted and responsive democracy
- To design relational practices into the Council's activity and to focus that activity on the root causes of poverty and deprivation by:
 - Embedding our participatory principles across the Council's activity
 - Focusing our participatory activity on some of the root causes of poverty

Prevention, Independence and Resilience

- Working together with partners to deliver improved outcomes for children, families and adults
- Providing safe, innovative, strength-based and sustainable practice in all preventative and statutory services
- Every child gets the best start in life
- All children can attend and achieve in inclusive, good quality local schools
- More young people are supported to achieve success in adulthood through higher, further education and access to employment
- More children and young people in care find permanent, safe and stable homes
- All care leavers can access a good, enhanced local offer that meets their health, education, housing and employment needs
- Young people and vulnerable adults are safeguarded in the context of their families, peers, schools and communities

- Our children, young people, and their communities' benefit from a whole systems approach to tackling the impact of knife crime
- Zero tolerance to domestic abuse drives local action that tackles underlying causes, challenges perpetrators and empowers survivors
- All residents with a disability can access from birth, transition to, and in adulthood support that is seamless, personalised and enables them to thrive and contribute to their communities. Families with children who have Special Educational Needs or Disabilities (SEND) can access a good local offer in their communities that enables them independence and to live their lives to the full
- Children, young people and adults can better access social, emotional and mental wellbeing support - including loneliness reduction - in their communities
- All vulnerable adults are supported to access good quality, sustainable care that enables safety, independence, choice and control
- All vulnerable older people can access timely, purposeful integrated care in their communities that helps keep them safe and independent for longer, and in their own homes
- Effective use of public health interventions to reduce health inequalities

Inclusive Growth

- Homes: For local people and other working Londoners
- Jobs: A thriving and inclusive local economy
- Places: Aspirational and resilient places
- Environment: Becoming the green capital of the capital

Well Run Organisation

- Delivers value for money for the taxpayer
- Employs capable and values-driven staff, demonstrating excellent people management
- Enables democratic participation, works relationally and is transparent
- Puts the customer at the heart of what it does
- Is equipped and has the capability to deliver its vision

MINUTES OF CABINET

Tuesday, 16 March 2021
(6:04 - 8:09 pm)

Present: Cllr Darren Rodwell (Chair), Cllr Saima Ashraf (Deputy Chair), Cllr Dominic Twomey (Deputy Chair), Cllr Sade Bright, Cllr Evelyn Carpenter, Cllr Cameron Geddes, Cllr Syed Ghani, Cllr Margaret Mullane and Cllr Maureen Worby

89. Declaration of Members' Interests

There were no declarations of interest.

90. Candlelight Vigil

Following the tragic murder of Sarah Everard, the Cabinet held a candlelight vigil for one minute to show support for her family and all women and girls who felt alone.

91. Minutes (15 February 2021)

The minutes of the meeting held on 15 February 2021 were confirmed as correct.

92. Update on COVID-19 Issues

The Cabinet Member for Social Care and Health Integration gave an update to the Cabinet on the latest COVID-19 issues.

The Cabinet Member advised with regret that 531 Borough residents with COVID-related symptoms had passed away since the start of the pandemic. On a more positive note, however, the Cabinet Member further advised that:

- The case rate in the Borough had fallen to 45 per 100,000 residents;
- There had only been three cases in the over 60's in the last two weeks;
- There had been a high take up of testing prior to young people returning to school and they were wearing masks in school environments;
- A new regional vaccination centre had opened at LondonEast, meaning residents no longer had to travel outside of the Borough for vaccinations that were booked via the national system; and
- Over 50,000 residents had received the first dose of the COVID-19 vaccine.

Cabinet **resolved** to note the update on the latest COVID-19 pandemic issues relating to the Borough.

93. Revenue Budget Monitoring 2020/21 (Period 10, January 2021) and Capital Programme Update

The Cabinet Member for Finance, Performance and Core Services presented a report on the Council's revenue budget monitoring position for the 2020/21 financial year as at 31 January 2021 (Month 10) and an update on Capital

Programme expenditure.

The Council's General Fund budget for 2020/21 was £155.796m. As a result of underlying financial pressures, demographic changes, increases in demand, savings not yet delivered and other risks, there was an underlying budget variance of £3.702m, largely in Care and Support and My Place service areas, which were offset by underspends in Central Expenses and Enforcement. In addition, as a result of the COVID-19 pandemic and subsequent economic impacts, the Council has experienced a high level of additional costs and pressures, including loss of service income from fees and charges.

The Cabinet Member referred to the proposal for a new scheme relating to Chequers Lane environmental improvements and the associated section 106 allocations. He also referred to proposals relating to the variation of the contract with Sports and Leisure Management Limited, who managed the Borough's leisure centres, and the constraints that the company had faced as a consequence of the COVID-19 lockdown.

Cabinet's attention was also drawn to funding for schools, in particular, the census date for free school meals which was changed, resulting in approximately £1m loss in pupil premium funding for the Borough. A second issue of funding related to school staff who were self-isolating as they were classed as clinically extremely vulnerable, the cost of which could not be set against the COVID-19 grant for schools. It was noted by the Cabinet that the Leader, along with other London boroughs, were lobbying the Government to address the issues.

Cabinet **resolved** to:

- (i) Note the projected revenue outturn forecast for the 2020/21 financial year as at 31 January 2021, as set out in sections 2 to 4 and Appendix A of the report, and the potential impact on the reserves position, as set out in section 7 of the report;
- (ii) Note the update on key savings programmes, as set out in section 5 of the report;
- (iii) Note the update on the impact of COVID-19 and the lockdown, as set out in section 6 of the report;
- (iv) Note the Capital Programme expenditure and forecast position as at 31 December 2020 (Q3), as detailed in section 9 and Appendix 2 to the report;
- (v) Approve a capital budget of £421,319.80 for the Chequers Lane environmental improvements scheme, to be fully funded from Section 106 contributions relating to the area, as set out in section 10 of the report;
- (vi) Approve, in the light of the Covid-19 public health emergency, a contract variation under Contract Rule 58 (c) with Sports and Leisure Management Limited (company no. 02204085) in respect of the management of the Borough's leisure centres, as set out in section 11 of the report; and
- (vii) Authorise the Finance Director, in consultation with the Cabinet Member for

Finance, Performance and Core Services and the Director of Law and Governance, to take any further decisions necessary in connection with the varied contract with Sports and Leisure Management Limited to ensure continuance of the service, including the entering into of any necessary documents, arrangements and/or further variations to give effect to recommendation (vi) above.

94. Be First and Be First Developments (Muller) Ltd Business Plans 2021-26

The Cabinet Member for Finance, Performance and Core Services presented the five-year rolling Business Plan of Be First, the Council-owned company launched on 1 October 2017, with the key objective of driving forward the delivery of the Council's regeneration agenda.

Be First had progressed a number of activities outlined within the 2019/20 Business Plan and had made tremendous strides in establishing a ground-breaking model of local authority regeneration, with over 100 staff and the organisation now fully established and operational. However, 2020 had been an exceptionally difficult year, with Be First's work impacted by a combination of global, national and industry-specific events, including the result of the EU referendum and subsequent uncertainty, the Grenfell Tragedy in 2017, the COVID-19 pandemic and uncertainty over the New Homes Bonus. Many of those events would have ramifications for the lifetime of the Business Plan.

The Cabinet Member drew attention to the key aspects within the new Business Plan which included:

- By 1 April 2021, Be First anticipated having projects on site which were forecast to deliver a total of 2,200 new homes in future years;
- In total, Be First anticipated completing 5,069 new homes over the next five years of which 3,747 (74%) had already received Investment Panel approval;
- 231 local people working for Be First as local contractors;
- The purchase of Dagenham Heathway, a gateway into the Borough which would be developed for both residents and visitors; and
- The Muller site, which was purchased to promote delivery of a revised mixed-use allocation for the Chadwell Heath area, supported via a new Masterplan to help accelerate strategic regeneration in the wider area.

Members welcomed the business plan and proposed new developments in the Borough. It was noted that work was taking place with partners to ensure infrastructure around schools and healthcare provision would be included as part of the new developments.

Cabinet **resolved** to:

- (i) Approve the Be First Business Plan 2021-26, as set out at Appendix 1 to the report.
- (ii) Approve the Be First Developments (Muller) Ltd Business Plan 2021-22, as set out Appendix 2 to the report;

- (iii) Authorise the Chief Operating Officer, in consultation with and on the advice of the Investment Panel, to take all necessary action to enable Be First or Be First Developments (Muller) Ltd to carry out its proposals under the Business Plan and to agree any minor variations to the Business Plans subject to the conditions in these recommendations;
- (iv) Approve Be First, Be First Developments (Muller) Ltd or the Council to enter into any procurement related agreement or commitment required to enable the delivery of the Business Plans, subject to compliance with relevant procurement regulation and with State Aid rules;
- (v) Agree that if Be First enter into contractual arrangements described in the Business Plans and the report, the Council shall give a guarantee to the contractor under such contract guaranteeing performance of the contract by Be First, subject to Be First being satisfied that the contractor is able to perform the contract and all necessary due diligence being undertaken;
- (vi) Authorise the Chief Operating Officer to enter into any such guarantee and any necessary documents to give effect to the contractual arrangements as described, subject to the above conditions and the advice of the Director of Law and Governance;
- (vii) Note the dividend strategy as set out within the Be First Business Plan and note that it may be necessary to increase the existing working capital loan facility to support the Be First cash positions as set out within the report;
- (viii) Authorise the Chief Operating Officer, in consultation with and on the advice of the Investment Panel, to grant loans and complete all necessary documents and negotiations to complete the projects set out in the Business Plans subject to all necessary due diligence and compliance with State Aid rules, the Public Contracts Regulations 2015 (or any replacement thereof) and the Council's Constitution;
- (ix) Delegate authority to the Chief Operating Officer, in consultation with the Shareholder Panel, to approve a long-term strategy for the use of Special Purpose Vehicles (SPVs) and authorise the Director of Law and Governance to complete any documents and legal agreements necessary to give effect to that strategy in future acquisitions; and
- (x) Note the progress in developing innovative mixed-use schemes, including 12 Thames Road as referred to in paragraph 3.3 of the report, and authorise the Chief Operating Officer, in consultation with and on the advice of the Investment Panel, to enter into all necessary legal documents to give effect to the schemes.

95. SEND Home to School and Post-16 Travel Assistance Policies 2021/22

The Cabinet Member for Social Care and Health Integration introduced a report on the SEND Home to School and Post-16 Travel Assistance Policies 2021/22.

The Cabinet Member stated that every local authority had a duty to publish its policies that set out how it would provide support to some of its most vulnerable

families and individuals with travel to and from school each day. More specifically, this requirement extended to the publication of two distinct policies, as follows:

1. The Council policy for providing home to school travel assistance for children and young people with special educational needs and/or disabilities (SEND); and
2. The Council policy for providing travel assistance and/or support for young people aged over 16 when travelling to or from further education settings.

The Cabinet Member advised that the home to school travel assistance policy for children and young people with SEND remained unchanged for families following review. It was noted that the current provision was COVID secure and would continue until the Council were advised otherwise.

The post-16 Travel Assistance Policy had been updated with two minor amendments. Firstly, the policy now made clear that transport would continue to be considered as part of the transition process for all SEND children. The second amendment was that independent travel training would be considered as a preference to enhance the independence of young people.

Cabinet **resolved** to:

- (i) Approve the 'Home to School Travel Assistance Policy 2021/22' for children and young people with special educational needs and/or disabilities (SEND), as set out at Appendix 1 to the report; and
- (ii) Approve the updated 'Post-16 Travel Assistance Policy 2021/22', as set out at Appendix 2 to the report.

96. Provision of a Children's Out of Hours Emergency Duty Service

The Cabinet Member for Social Care and Health Integration introduced a report on the provision of a children's out of hours emergency duty service.

The Cabinet Member advised that since 2014, the London Borough of Redbridge had delivered the Children's Emergency Duty services on behalf of the London Boroughs of Havering, Barking and Dagenham and Waltham Forest. In 2017, agreement was reached, following a report to the Health and Wellbeing Board (HWBB), to enter a further three-year partnership agreement for the shared Children's Emergency Duty service until 31 March 2020.

The 2017 HWBB report outlined that consideration would be given to establishing a single Adult and Children's Emergency Duty Service in Barking and Dagenham, post contract expiry on 31 March 2020. However, since that time significant development and improvement in the shared Children's Emergency Duty service had occurred, resulting in Ofsted recognising it as a highly effective service. Audit activity evidenced a 100% compliance in response to referrals within 30 minutes. As a result of those developments, the option of establishing a single Adult and Children's Emergency Duty service by March 2020 was not considered a favourable way forward and a further three-year contract for the shared Children's Emergency Duty service was entered into for the period 1 April 2020 to 31 March 2023.

The Cabinet also noted that the COVID-19 pandemic and the lockdown measures applied in March 2020 had required the shared Children's Emergency Duty service and Barking and Dagenham's Children's Care and Support to galvanise their efforts in safeguarding and protecting vulnerable children and families impacted by the virus and lockdown measures.

Cabinet **resolved** to grant retrospective approval for the Council to enter into a three-year contract for the delivery of the four-borough Children's Emergency Duty service from 1 April 2020, in accordance with the strategy set out in the report.

97. Redevelopment of Trocoll House, Wakering Road, Barking - Agreement for Long Headlease

The Cabinet Member for Finance, Performance and Core Services introduced a report on the proposed redevelopment of Trocoll House, Wakering Road, Barking.

Be First had been approached with the opportunity for the Council to bring forward the Trocoll House redevelopment opportunity, on an Agreement for Lease basis, in partnership with the development funder Rail Pen. The principles of the agreement would be that Rail Pen would take on all of the development risk, with no payment from the Council until practical completion. At practical completion, the Council would take a head leasehold interest in the building for a 50-year period, with an initial lease cost of £2.0675m per annum, and at the end of the 50-year period the freehold would transfer to the Council for £1.

The development would consist of up to 198 homes, comprising 35% affordable housing, and approx. 650sqm of commercial floor space. Be First would manage the transaction and monitor the development process on behalf of the Council to practical completion in 2023/2024. The scheme would then be held and operated by BD Reside as part of its residential portfolio, with any financial surplus made being paid back to the Council. It was also currently proposed that My Place would manage the commercial element of the development on the Council's behalf.

The Cabinet Member advised that planning approval for the overall development had been secured and he also referred to the financial benefits for the Council of entering into the Agreement for Lease arrangement which would bring forward the development of a key strategic site in Barking Town Centre.

In response to questions raised, the Cabinet Member confirmed that the Council had undertaken due diligence on the proposal and was satisfied with the proposed outcome.

Cabinet **resolved** to:

- (i) Agree the proposal to enter into an agreement for a long Headlease interest in up to 198 homes, comprising 35% affordable housing and approx. 650sqm of commercial floor space, subject to legal and technical due diligence;
- (ii) Agree to enter into an Agreement for Lease with the Freehold owner of the site to deliver these units on an agreement to lease, subject to acceptable

legal due diligence and the Council agreeing that the proposed specification is suitable for the intended purpose;

- (iii) Agree to the borrowing of up to £2,620,264 within the General Fund to finance the entire development period. This will cover development management fees and required professional fees;
- (iv) Note that the scheme met the Investment and Acquisition Strategy financial performance metrics, delivering a positive net present value of £14.2m;
- (v) Agree to the use of an existing or the establishment of a Special Purpose Vehicle(s) as required within the Barking & Dagenham Reside structure to develop, own, let, sell and manage and maintain the homes in accordance with the funding terms in a loan agreement between the Council and Special Purpose Vehicle;
- (vi) Allocate up to £50,000 to allow the necessary initial legal and technical due diligence work to be undertaken prior to entry into contract;
- (vii) Delegate authority to the Chief Operating Officer, in consultation with the Director of Law and Governance, to agree and execute any legal agreements and contract documents to fully implement the project; and
- (viii) Delegate authority to the Finance Director, in consultation with the Cabinet Member for Finance, Performance and Core Services and the Chief Operating Officer, to agree the funding and finance arrangements to fully implement the project.

98. Contract for the Provision of Council Insurance Cover

The Cabinet Member for Finance, Performance and Core Services introduced a report on proposals relating to the Council's insurance cover contracts.

The Council's existing main insurance contracts were due to expire on 30 June 2022. To bring the contracts in line with the standard accounting period, it was proposed to extend the current contracts to 31 March 2023 and procure new contracts commencing 1 April 2023. The new contracts were likely to be awarded to multiple providers and forecasts indicated that total expenditure over the potential five-year period would be approximately £7.3m.

Cabinet **resolved** to:

- (i) Agree the extension of existing insurance contracts due to expire on 30 June 2022, listed in paragraph 1.4 of the report, to 31 March 2023 for the reasons set out in the report;
- (ii) Agree that the Council proceeds with the procurement of new insurance contracts, to commence from 1 April 2023, in accordance with the strategy set out in the report; and
- (iii) Authorise the Finance Director, in consultation with the Cabinet Member for Finance, Performance and Core Services and the Director of Law and

Governance, to conduct the procurement and award and enter into the contract(s) and all other necessary or ancillary agreements with the successful bidder(s), in accordance with the strategy set out in the report.

99. Debt Management Performance 2020/21 (Quarter 3)

The Cabinet Member for Finance, Performance and Core Services introduced the performance report for the second quarter of the financial year 2020/21 in respect of the Council's debt management functions.

The Cabinet Member reminded Members of the COVID-19 restrictions that had impacted on collection rates over the past year and the actions being taken by the Council to support those who found themselves unable to pay their rent or Council Tax as a result. One of those actions was the launch of the Council's own ethical enforcement agency which would have a supportive attitude towards residents in difficulty and be able to refer them to, for example, the Citizens Advice Bureau for debt advice.

It was noted that there had been a stark increase in the number of residents claiming Universal Credit, up from 13,913 claimants in February 2019 to an estimated 32,244 claimants in December 2020. Discretionary Housing Payments had also increased significantly, with 93% of the 2020/21 allocation already spent compared with 79% for the same period in 2019/20.

Cabinet **resolved** to:

- (i) Note the performance of the debt management function carried out by the Council's Revenues service; and
- (ii) Note the impact of Covid-19 on collection levels across all revenue streams and the continued recovery techniques applied to reduce the impact of the pandemic.

(Standing Order 7.1 (Chapter 3, Part 2 of the Council Constitution) was suspended at this juncture to enable the meeting to continue beyond the two-hour threshold).

100. Private Business

Cabinet **resolved** to exclude the public and press for the remainder of the meeting by reason of the nature of the business to be discussed which included information exempt from publication by virtue of paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

101. Land Disposal in Chadwell Heath Ward

The Cabinet Member for Finance, Performance and Core Services introduced a report on the proposed sale of a 0.1 acre area of Council-owned land at Collier Row Road, adjacent to the Wellgate Community Farm, following protracted negotiations with Mendix Roofing Company regarding its use of the land over a number of years.

Cabinet **resolved** to:

- (i) Approve the sale of the Council owned land at Collier Row Road, adjacent to the Wellgate Community Farm, in Chadwell Heath ward, as shown edged red in the plan at Appendix 1 to the report, to the Mendix Roofing Company on the terms set out in the report;
- (ii) Delegate authority to the Chief Operating Officer, in consultation with the Director of Law and Governance and the Cabinet Member for Finance, Performance and Core Services, to agree the final terms and contract documentation to fully implement the sale of the site; and
- (iii) Authorise the Director of Law and Governance, or an authorised delegate on her behalf, to execute all the legal agreements, contracts and other documents on behalf of the Council.

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CABINET**20 April 2021**

Title: Update on COVID-19 Issues	
Report of the Cabinet Member for Social Care and Health Integration	
Open Report	For Information
Wards Affected: All	Key Decision: No
Report Author: Matthew Cole, Director of Public Health	Contact Details: E-mail: matthew.cole@lbbd.gov.uk
Accountable Director: Matthew Cole, Director of Public Health	
Accountable Strategic Leadership Director: Elaine Allegretti, Strategic Director, Children and Adults	
Summary: The Cabinet will be provided with an update at the meeting on the latest COVID-19 pandemic issues relating to the Borough.	
Recommendation(s) The Cabinet is recommended to: (i) Note the update on the latest COVID-19 pandemic issues relating to the Borough; and (ii) Comment on the latest issues and other matters pertaining to the Council's response to the pandemic.	
Reason(s) The ensure the Cabinet is kept informed of the latest Borough issues relating to the COVID-19 pandemic.	

Public Background Papers Used in the Preparation of the Report: None**List of appendices:** None

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CABINET

20 April 2021

Title: Next Stage of Transformation of the Gascoigne Neighbourhood	
Report of the Cabinet Member for Social Housing and Regeneration	
Open Report	For Decision
Wards Affected: Gascoigne	Key Decision: Yes
Report Authors: Darren Mackin, Head of Commissioning and Place, Inclusive Growth; Mark Crane, Head of Affordable Housing Delivery, Be First; Jennie Coombes, Head of Affordable Housing Strategy, Be First	Contact Details: darren.mackin@lbbd.gov.uk .
Accountable Director: Ed Skeates, Development Director, Be First	
Accountable Strategic Leadership Director: Graeme Cooke, Strategic Director of Inclusive Growth	
<p>Summary</p> <p>Between July 2010 and July 2016 Cabinet approved a series of reports related to the delivery of the Gascoigne Estate Renewal Programme These included approvals for the rehousing, leaseholder acquisitions, services of statutory notices, CPO and delivery arrangements for specific phases. Since the formation of Be First the delivery arrangements for specific phases have been dealt with approvals under the Be First Business Plan.</p> <p>The purpose of this report is to update Cabinet on the progress to date, key issues and next steps in the regeneration of the Gascoigne Estate.</p> <p>Significant progress has been made including:</p> <ul style="list-style-type: none"> - securing full planning consent to deliver 2375 new homes. - 408 units completed in Phase 1 – Weavers Quarter & Kingsbridge. - commencing construction works to deliver 253 units. - construction works on a further 890 units are due to commence in April 2021. - 930 secure tenants rehoused, and 174 Leaseholder interests bought back to enable development to progress. - design work has commenced to prepare a full planning application to deliver approximately 320 new homes in the southern part of Gascoigne East, which is due to be submitted in Summer 2021. - establishing a coherent placemaking strategy for the Gascoigne Estate, <p>Approximately 56% of the new homes that are either under construction or have full planning permission are affordable.</p> <p>Over the next 12 months we will build on the progress in the following ways:</p>	

- the establishment an estate management strategy for the Gascoigne Estate, to be in place prior to ensure current and future residents receive a high-quality management service.
- identifying funding to invest in the infrastructure required to create a sustainable vibrant neighbourhood.
- progressing the rehousing of the future development phases, to enable a start on site by March 2023.

Significant work has been completed to bring together a more comprehensive approach to delivery and this has identified the opportunities to bring forward future development phases that sit outside of the current approvals. These later phases will require a significant level of rehousing, new CPO's and likely to require ballots as a requirement of any grant funding. The paper sets out a series of requests for delegations to the relevant chief officers to allow the development parcels to be brought forward.

Recommendation(s)

The Cabinet is recommended to:

- (i) Delegate authority to the Managing Director, advised by Investment Panel and in consultation with the Cabinet Member for Finance, Performance and Core Services, to consider and agree investment proposals for individual parcels of the Gascoigne Estate regeneration as they are brought forward;
- (ii) Delegate authority to the Managing Director, in consultation with the Strategic Director of Law and Governance, to enter into a lease agreement with B+D Energy for the lease of land on Gudwara Way, to enable the delivery of the energy centre to provide energy to the new homes on the Gascoigne Estate and other town centre developments; and
- (iii) Re-affirm the approval given by Cabinet under Minute 31(xi) (24 July 2012) for the use by the Council of its Compulsory Purchase Order making powers pursuant to Section 17 of the Housing Act 1985 (as amended) for the acquisition of leasehold interests in relevant properties, for the purposes of securing land to facilitate the redevelopment of those areas.

Reason(s)

To assist the Council to achieve its priority of 'Inclusive Growth'.

1. Introduction and Background

- 1.1 The council's corporate plan sets out our approach to delivering inclusive growth in Barking and Dagenham. The plan commits us to ensuring that the growth that is underway in the borough will benefit all residents, and that no residents will be left behind.
- 1.2 The borough faces a particular challenge around ensuring that residents are able to access safe, affordable and good quality housing that meets their needs. The Council recognises that residents' needs will vary considerably depending on their

individual or family circumstances, and as such the corporate plan sets out a range of responses to addressing housing need. This includes building new homes via Be First, making better use of existing council housing stock, and a programme of work which is focused on providing housing for residents with specific vulnerabilities. This includes building homes for adults with ASD on the site of Brocklebank Lodge and extending and adapting existing properties for residents with complex needs.

- 1.3 The transformation of the Gascoigne Estate will make a critical contribution to the delivery of council owned new homes. It is the largest housing estate in Barking Town centre. Over the past 15 years the Council has been developing and delivering plans to transform the estate to secure a vibrant and sustainable long-term future for the local community. This includes replacing poor quality housing, at the same time as providing additional housing to help meet housing needs in the borough. As part of this, we are also investing in improving the public realm, including providing new open spaces, which will benefit the wider community, as well as existing and future residents of the neighbourhood.
- 1.4 This is the Council's largest single estate regeneration project. The initial phase of the programme was delivered by the Council in partnership with L+Q and delivered 380 affordable homes. When Be First was established in 2017 it took on responsibility for designing and delivering the future phases of the programme on behalf of the Council.
- 1.5 This purpose of this paper is to set out a review of the progress made to date in planning for and delivering this investment programme; while looking forward to the delivery of future phases and the place making strategy. In order to maintain progress on the programme the paper seeks delegations from Cabinet to officers which will allow schemes to progress through project gateways efficiently.

2. Delivery

Housing Development Projects

- 2.1 At the core of the regeneration of the estate is the desire to provide much needed new high-quality homes for residents of Barking and Dagenham, the majority of which being affordable homes and a significant proportion of which are affordable family size homes. As well as providing additional new homes, existing residents will be given the option to return. Current and future residents will then have the opportunity to form part of the new and growing community which will develop in the coming years.
- 2.2 In common with other housing developments which the council is delivering via Be First each of schemes which has not been built out will undergo further design work before the plans are finalised. This means that the tenure mix and bedroom size mix set out in this paper are currently indicative. There will be a particular focus on looking at opportunities to maximise the provision of family sized and adaptable units in the later phases.

Development Phases

- 2.3 A plan illustrating all the development parcels, and table showing the development programme are provided in **Appendix 1**. In summary:

- Gascoigne East Phase 1 was completed in 2019, providing 380 affordable homes.
- The development of the former Kingsbridge Care home provided 27 new Shared Ownership homes completed in 2018.
- Gascoigne West Phase 1, located in the south-west corner of the estate is currently under construction, and will deliver 200 new homes by March 2022.
- Gascoigne West Phase 2, and Gascoigne East Phase 2, located on the northern boundary of the estate, will commence construction in early 2021, and complete during 2023/24, providing approximately 900 new homes.
- Gascoigne East Phase 3a, located centrally within the eastern part of the estate, will commence construction in Spring 2021, and complete during 2023/24, providing approximately 220 new homes.
- Gascoigne East Phase 3b/4, located in the central and southern part of Gascoigne East, is forecast to commence construction during by March 2023 with a target completion by March 2028, providing over 1,000 new homes.

2.4 Approximately 57% of the new homes that will be delivered in the development phases set out above will be affordable homes. This goes beyond the GLA requirement that 50% of homes provided on public land should be affordable. Around 47% of the affordable units will be let at 'target rent' which is a Council rent equivalent level of rent. Many of these homes will go to residents who are on the Council's housing waiting list. The mix is summarised in the table below:

Development Phase Unit Numbers Summary	Market rent	Shared Ownership	LAR/Target Rent	Affordable Rent	Total
Gascoigne West					
Phase 1	79	0	42	80	201
Phase 2	158	0	106	122	386
Subtotal Gascoigne West Units	237	0	148	202	587
Tenure Mix Gascoigne West	40.5%	0%	25%	34.5%	100%
Gascoigne East					
Phase 2	256	79	107	84	526
Phase 3a	102	0	66	58	226
Phase 3b	116	0	132	76	324
Subtotal Gascoigne East Units	474	79	305	218	1,076
Tenure Mix Gascoigne East	44%	7%	28%	20%	100%
Gascoigne Development Total units	711	79	453	420	1,663
Gascoigne Development Tenure Mix	43%	5%	27%	25%	100%

Tenure Mix - Gascoigne West

Unit Type	Private Rent	Affordable Rent	LAR	Target Rent	Total
1 Bed	74	86	14	13	187
2 Bed	162	100	16	21	299
3 Bed	1	16	32	52	101
Total	237	202	62	86	587

Tenure Mix - Gascoigne East

Unit Type	Private Rent	Affordable Rent	LAR	SO	Total
1 Bed	151	59	49	23	282
2 Bed	277	106	158	16	557
3 Bed	46	53	92	40	231
4 Bed	0	0	6	0	6
Total	474	218	305	79	1,076

Tenure Mix - Gascoigne Combined

Unit Type	Private Rent	Affordable Rent	LAR	SO	Total
1 Bed	225	145	63	36	469
2 Bed	439	206	174	37	856
3 Bed	47	69	124	92	332
4 Bed	0	0	6	0	6
Total	711	420	367	165	1,663

- 2.5 Based on the development programme and housing tenure mix, the table below summarises the forecast unit completions over the next five years by tenure per annum:

Unit completions	2021/22	2022/23	2023/24	2024/25	2025/26	Total
Market rent	80	72	352	92	116	712
Shared Ownership	0	0	79	0	0	79
AR	107	66	170	0	76	419
LAR/Target Rent	66	145	110	0	132	453
Total Gascoigne	253	283	711	92	324	1,663

- 2.6 The forecast unit completions reflect the Be First Business Plan target completion dates for each year. The majority (over 70%) of unit completions in the first two years will be affordable homes., The prioritising of the affordable units means that we are able to provide homes for residents on the housing waiting list as well as homes for residents who wish to return to the area. The later phase of the programme will see the provision of more of the market rent properties. The successful delivery of the affordable housing, and investment in infrastructure this delivers will provide the platform to achieve the value from the market rent product which is critical to achieving the overall financial viability of the development, while creating a diverse community.

Funding of the Development Phases

- 2.7 The delivery of each development phase is funded through a mixture of Council long-term borrowing and GLA grant funding. Each phase of the scheme is subjected to a rigorous investment approval process, to ensure the schemes can deliver a long term financial return for the council which is a key element of the Council's financial strategy.
- 2.8 In common with Neighbourhood regeneration schemes across London, there are ongoing challenges around ensuring the projects are financially viable. This is a particular challenge where we are maximising the delivery of London Affordable Rent units (which are the most affordable rents levels for residents). Alongside this some of the phases of the development will deliver significant public realm improvements, and the cost of this also needs to be factored into the financial assumptions. This investment is critical not only to ensuring the neighbourhood is attractive for current and future residents as a place to live, but also to enable the delivery of the financial return in the long term.
- 2.9 To take account of the financial variations between different phases of the overall development, viability is tested across all of the elements that we are delivering. This ensures the Council can satisfy itself that it will be able to make a return on the investment it is making in the long term across the Gascoigne Neighbourhood as a whole. The total investment required to deliver all the development phases is approximately £700m.
- 2.10 Reside will manage the schemes from completion. The company will have a key role in managing the financial pressures across the portfolio to ensure the Council receives its forecast returns. It will be important that Reside can achieve the rental levels which underpin the scheme appraisals, and an important element of that will be creating an attractive place.
- 2.11 The new homes on the Neighbourhood will be connected to the town centre district heating network, which is being delivered by B+D energy. In order to enable the construction of the energy centre B+D Energy have identified a piece of Council owned land on Gurdwara Way as suitable for use for the delivery of the centre. This is a crucial piece of infrastructure which will not only provide energy to the Gascoigne Neighbourhood, but also the rest of the town centre.
- 2.12 They have therefore approached the Council to request that the land be leased to them. The lease would be entered into subject to planning consent being achieved for the centre at that location. As the land is currently derelict and unlikely to be suitable for other development or community uses it is currently proposed that the Council will lease the land to B+D Energy for a peppercorn rent. Cabinet is asked to agree to this proposal in principle and delegate authority for entering into the lease with B+D energy to the Managing Director in consultation with the Strategic Director of Law and Governance, once planning permission for the site has been achieved.

Placemaking Objectives – a Gascoigne neighbourhood

- 2.13 In order to ensure that the Gascoigne Neighbourhood regeneration remains successful for the long term, the programme needs to deliver more than simply new

homes. As a result, the Council and Be First have developed a placemaking strategy for the neighbourhood which sets out an ambitious plan to create a vibrant, safe and coherent neighbourhood that is better connected to its surroundings. The plan in **Appendix 2** provides some more detail on the interventions required.

2.14 The approach focuses on improving the external environment, stitching the neighbourhood together and improving connections to surrounding areas and assets including Abbey Green, Greatfields Park, Barking Town Centre and the River Roding.

2.15 Objectives for the strategy include:

- Improve the health and wellbeing of Gascoigne residents.
- Enable a confident and coherent identity that is rooted in its place.
- Develop a network of routes and streets that prioritise pedestrian and cycle movement.
- Develop a neighbourhood with attractive accessible open spaces that are open to all.
- Develop the neighbourhood in a sustainable manner that addresses the climate emergency.
- Promote civic life.

2.16 The strategy has been informed by engagement with current residents in the area. This has included specific placemaking consultation events, including with young people in local schools. This has been complimented through the numerous consultation events related to the development parcels across Gascoigne East and West.

2.17 Based on the feedback gained through resident engagement a number of neighbourhood projects have been identified within the placemaking strategy shown in the plan in **Appendix 2**, which are listed in the following table:

Neighbourhood Project
St Pauls Rd improvements (item 1,2,3 in the plan in Appendix 2)
Gascoigne Road South (item 4)
Gascoigne Road play on the way (5)
Gascoigne Road North improvements (6)
The Orchard (item 7)
Western Green Corridor (item 8)
Eastern Green Corridor (item 9)
East-West Green corridor (item 10)
Wayfinding Strategy (item 11)
Meanwhile Projects e.g. a viewing platform (Item 12)

2.18 A number of these initiatives have already secured funding through individual scheme appraisals that the Council has agreed to finance through the programme to date. The same approach will need to be considered for future activity and will be factored into the decision-making process.

- 2.19 As this strategy is delivered the Council and Be First will continue to engage with residents on the 'big picture' and neighbourhood projects as they are brought forward throughout the development period.
- 2.20 Through the current consultation, residents have made clear their concerns on the safety and attractiveness of the spaces between buildings at Gascoigne. The placemaking strategy responds to these concerns, recommending the creation of attractive, safe and accessible public spaces that are welcoming to all ages. This will be achieved through the use of robust and durable materials, new tree planting, better play spaces and integrating sustainable urban drainage (SUDs) into the public realm. The use of SUDs provides an environmentally friendly and attractive way of handling drainage, that can encourage wildlife habitats to develop. A key outcome of the strategy is reducing the number of small, often overlooked public spaces, to create fewer, but bigger and more vibrant parks that residents and the wider community can enjoy safely.
- 2.21 In addition, the strategy sets out an aim to improve the physical environment and promote pedestrian and cycle movement. Currently, cars dominate the public realm and a poor road layout make it difficult for pedestrians and cyclists to navigate the neighbourhood. The strategy proposes safe, direct and uncluttered routes are created through the area that will prioritise pedestrians and cyclists. The routes will connect residents and visitors to schools, shops, places of work, transport nodes, open spaces and the town centre to create a connected and walkable 15 minute neighbourhood.
- 2.22 As well as improving the physical environment, the strategy sets out an approach to making the neighbourhood easier to navigate, and to feel more like one place, rather than a series of separate developments. This is achieved through the meanwhile and wayfinding projects that will create spaces for existing and new residents to meet outside, such as in the proposed new orchard or one of the community growing areas. Bold new signage will provide a strong visual identity and help navigate the long-term physical transition of the neighbourhood.
- 2.23 The objectives of the placemaking strategy will be delivered through future development phases as well as 12 neighbourhood projects. Be First will continue to work closely with residents and ward councillors and other interested stakeholders to ensure the strategy is delivered in line with community aspirations.

Managing the Gascoigne neighbourhood

- 2.24 The Council is investing a significant amount of funding in the delivery of the new neighbourhood. It is therefore critical that the value of the investment is maintained over the long term, and that the area remains a place that residents are proud to call home. It is also vital that current residents, and future residents who move in through the development phases all have a positive experience. This relies on delivering an effective housing and place management service.
- 2.25 In the short to medium term the key challenge will be to ensure that residents who are living in the neighbourhood, and those moving in, or back in, as individual development parcels progress benefit from a high-quality management service. This will require close cooperation between Reside (who will manage the new housing) and My Place (who manage existing stock). This will include ensuring that the

impacts of construction are minimised and any reports of anti-social behaviour are dealt with promptly. Effective communication with residents will play an important part in this, as will close liaison between housing management and the Be First construction team.

- 2.26 The public realm in the area will not be leased to Reside, and the Council will retain the responsibility for its ongoing maintenance and management. However there will be an important role for Reside in working with My Place to ensure that there is an effective overall strategy for managing the place as a whole to the benefit of the residents and wider community.
- 2.27 In the longer term the importance of managing public realm effectively will be critical in maintaining the attractiveness of the new neighbourhood. Well-designed public realm is as instrumental as the design and build of the homes themselves. The recently published Be First design guide, drafted in partnership with the Council and Reside, details principals for designing public realm, highways and open spaces that are robust, functional and can be effectively maintained. This new approach to design is expected to lead to changes in the way public spaces will need to be maintained and managed in the long term.
- 2.28 One example of this change will be the decision the Council has taken to introduce a new approach to waste management in the area. Instead of installing traditional bin stores an underground system will be provided, which frees up ground level space for additional homes, while creating a more attractive public realm. This approach is common on other new developments across London, however it will be the first time the Council has taken this approach. This will require some changes to the way waste teams operate and these will be planned for in advance.

Risks

- 2.29 Over the next year there will be an acceleration of delivery of this programme. In common with any programme of this size and complexity there are a number of risks which will need to be monitored and managed. Specifically:
- Changes to market conditions adversely impacting viability.
 - Changes to grant conditions adversely impacting viability (grant reductions, more stringent requirements increasing development costs).
 - Programme delays (for example due to decanting or construction delays).

Market Conditions

- 2.30 The viability of the developments being delivered in the Gascoigne is dependent upon the income generated by the rent or sale of the market homes, which is cross subsidising the affordable homes, particularly the LAR homes.
- 2.31 Due to the impact of Covid, market data is indicating that rental demand is significantly below rental supply at the present time. Until lockdown is released and the economic recovery is well underway there is likely to be little upward pressure on rents, which could impact on the viability of the development phases currently being brought forward.

- 2.32 In order to address this risk, while still moving forward with the delivery of new homes, the intention is to bring forward the delivery of the affordable elements of the development parcels earlier than the market rent. This will ensure there is an immediate and steady income from the development; while allowing time for the market to recovery from any downturn it may experience as a result of the pandemic. As a result, the majority of the market units will be completed between late 2023 to mid-2024, by which time the economic recovery should be well underway.
- 2.33 Alongside this the successful delivery of the place making strategy and high quality management, that help to both create and sustain a place people choose to live will be critical. The area will benefit from the wider strategy to improve Barking town centre which was approved by Cabinet in October 2020. This includes delivering improvements to Barking station and supporting the delivery of the vicarage field redevelopment.

Changes to Grant Conditions

- 2.34 The current modelling for future phases assumes some Grant will be available to support viability – but changes to the funding available for re-provision on Estate Renewal schemes under the new GLA grant programme is likely to have a significant impact on the amount of grant funding achievable.
- 2.35 Schemes that start on site before March 2023 have funding under the Building Council Homes for Londoners (BCHFL) for re-provision units. Schemes which start after this time are unlikely to receive a similar level of funding. This is a significant risk to the viability and modelling to look at ways to mitigate this is being completed. This includes lobbying the government and GLA to change this requirement and looking at alternative funding options.
- 2.36 The new grant programme introduces other changes to funding that will change the types of rent levels which grant funding will support. A right to shared ownership is also introduced for any rental properties funded through the programme.
- 2.37 The new programme also introduces new requirements in respect of design, sustainability and use of Modern Methods of construction – all of which Be First have already made progress in delivering in its programme so do not represent any need for additional measures.

Rehousing Programme & Acquisition of Leasehold Interests

- 2.38 GEP2 was vacated at the end of 2019 and is now under construction. Rehousing is almost complete on GEP3a, and GWP2. The rehousing team are currently working on GEP3B with a target VP date of August 2022. The GEP4 has approximately 280 tenants and 58 Leaseholders, this phase contains the last 4 large panel system high-rise blocks and current survey work is being conducted to inform the priority given to these for future rehousing.
- 2.39 To facilitate the delivery of development phases during the life of the project CPO's have been served, and a small number of properties vested to obtain vacant sites. The approvals for the service on these CPOs were contained in the various reports for both Gascoigne East and West. The approval in place to serve CPO across the

final phase 4 area dates back to a Housing Capital Programme Report approved on 24th July 2012 and is therefore included in the recommendations of this report to reconfirm this is still necessary to deliver the final phase of the current Gascoigne East Programme.

Consultation & Community Engagement

- 2.40 The detailed feedback and engagement plan is included in **Appendix 3** to illustrate all the consultation and engagement carried out to date and planned as the development progresses. The recent recruitment of the first Residents' Forum will help residents shape the detailed plans for the projects which have been set out in placemaking strategy. The Gascoigne Residents' Forum has 18 members who live across the area from a diversity of backgrounds and age groups.
- 2.41 Due to recent Covid restrictions these forum meetings have been held online and have been well attended, recently they have focused on a co-design project for a meanwhile use pop up park on Abbey Road. Future sessions are planned to focus on community space, safety, security, parking, public realm.
- 2.42 The Be First Engagement & Communication Teams continue to produce the Quarterly Gascoigne Gazette providing information about all aspects of the Regeneration programme and local community interest articles, this is distributed to around 2,500 homes across the neighbourhood and adjacent areas. The teams are also working on plans to expand Youth engagement by supporting initiatives with the 2 schools and other Youth Groups in the area and continue to brief the Lead and Ward Members regularly on all facets of the programme.

3. Next Steps

- 3.1 The following table lists the next steps and priorities for the next 12 months:

Activity	Start	Finish
Submit the planning application for GEP3B	Dec 2020	July 2021
Carry out resident engagement and rehousing for GEP3B	April 2021	March 2023
Develop marketing strategy for new private homes	April 2021	September 2021
Develop neighbourhood management strategy	Jan 2021	March 2022
Develop community space offer for the Gascoigne	Jan 2021	July 2021
Secure funding to deliver the priority Neighbourhood Projects	March 2021	March 2022

4. Financial Implications

Implications completed by: David Dickinson, Investment Fund Manager

- 4.1 This report updates Cabinet on the progress to date, key issues and next steps in the regeneration of the Gascoigne neighbourhood.

- 4.2 Funding for the Gascoigne is from a mixture of grants for certain types of tenure, but the majority of the funding is from long term borrowing. A breakdown of the current forecast costs, grants and net costs are summarised in the table below:

Scheme	Gross Cost £	RTB £	GLA £	HRA £	Net Cost £	Units
Gascoigne East Ph2 - Block E1	43m	0m	0m	-3m	40m	92
Gascoigne East Ph2 - Block E2	72m	-1m	-8m	-3m	59m	159
Gascoigne East Ph2 - Block F	109m	-6m	-2m	-8m	92m	223
Gascoigne East Ph2 - Block c	21m	-3m	-2m	-2m	13m	52
Gascoigne East 3B	145m	-9m	-13m	-3m	119m	324
Gascoigne East Phase 3A	89m	-6m	-7m	-5m	72m	226
Gascoigne West Phase 1	85m	-10m	-3m	-5m	66m	201
Gascoigne West Phase 2	165m	-14m	-11m	-11m	130m	386
Total	729m	-50m	-47m	-41m	592m	1,663

- 4.3 A total net borrowing requirement to fund the schemes is £729m and the schemes will be completed in phases between 2021/22 and 2025/26.
- 4.4 As outlined in the report most schemes are viable but there are a few years where there are negative cashflows (i.e. there is insufficient income to cover the costs). The negative years are relatively small, and work is being done to smooth out some of the cashflows to reduce the impact of the negative cashflows or, where possible, to eliminate them.
- 4.5 Overall, the surpluses for the whole Gascoigne regeneration have reduced as schemes have passed through the various Gateways as a result of increased build costs generally and increased build costs due to fire regulations. The impact of this has had a greater impact on the LAR schemes where a fixed grant from the GLA, although essential, has not increased to match the increased build costs, resulting in the additional costs being met by the Council. Despite these pressures, a high level of social housing (952 units or 57% has still been provided).
- 4.6 Although there are cost pressures on the whole Gascoigne Regeneration, it is important to highlight that the financial models used for each scheme include all costs, including management and maintenance, lifecycle over the life of the asset, debt repayment over 52 years and interest. Specifically, for the interest costs, there is a margin, which is currently approximately 0.8%, that is there to provide an additional income stream to the Council but also provides a buffer to cover any financial pressures. A two-year stabilisation period is also included from when the schemes become operational, where there is no debt repayment, this provides some additional margin for each scheme should there be initial issues around letting or sales.
- 4.7 The report also covers a number of proposals around place making and management of the properties and surrounding areas. This is an essential part of ensuring that the area is a place that people want to live, which will have a positive impact on the Council's investments. For each proposal, a strategy, including funding, will be taken to the Council's Investment Panel for agreement by the Managing Director.

- 4.8 The report also outlines changes to grant conditions, and these changes will potentially impact the types of property provided in some of the latter Gascoigne developments.

5. Legal Implications

Implications completed by: Dr Paul Feild, Senior Governance Lawyer

General Power

- 5.1 The general power is set out in section 1 of the Localism Act 2011 and permits the Council to do anything which an individual may do. The general power is subject to several limitations which include that it cannot be used to circumvent any prohibition or restriction which exists in legislation which precedes the general power.
- 5.2 The general power is also subject to the limitation under section 4 of the Localism Act 2011, namely that if it is used for a commercial purpose then the Council must do that thing through a company or society registered or deemed to be registered.
- 5.3 This Report in its recommendations asks the Cabinet to agree subject to consideration of the matters to re-affirm its decision of 24 July 2012 set out in the report to make a Compulsory Purchase Order (“CPO” / “the Order”) pursuant to Section 17 Housing Act 1985. This is a Cabinet decision (see Constitution Part 2 Chapter 6 (vi)). A summary of the CPO powers follows.

Achieving Vacant Possession

- 5.4 A key aspect of the regeneration programme is to address the requirements of the existing residents. This requires a decanting policy. The standard operating position will be that the change is brought about through negotiation and agreement. In the case of a Council tenant, they have right under the section 105 of the Housing Act 1985 to be consulted on tenancy management issues including demolition. After the position regarding demolition has been confirmed demolition notices will be served. These prevent the tenant exercising the option of right to buy. If the tenant decides they do not want to co-operate with a voluntary arrangement, then possession proceedings on the ground of need for possession to facilitate regeneration by the landlord can be taken under the Housing Act 1985 Schedule 2 part II. It requires that possession is dependent upon the offer of reasonable alternative accommodation available provided by the landlord. There are also Human Rights considerations (discussed below). This possession power is in the discretion of the court, and in current Coronavirus circumstance the courts are not ordering evictions. This may cause some delay which may be exacerbated by the courts prioritising serious tenancy breach cases first when normality returns. Having said that the Council’s teams are highly experienced in managing decanting without needing to resort to the courts.
- 5.5 However leasehold owners have a long lease and interest in land so their interest needs to be acquired. Again, the preferred route is through negotiation. As a last resort there is the option of a CPO. The exercise of the CPO power is to take action to force a property owner to sell to a local authority their interest in land be it

freehold or if a flat their leasehold interest. It involves an interference in property rights which are protected in law and specifically by the Human Rights Act. Justification has to be made by providing a statutory Statement of Reasons.

- 5.6 Section 17 of the Housing Act enables a Local Housing Authority (the Council) to acquire property for the purposes of erecting housing either by agreement or with the authority of the Secretary of State by CPO. Guidance has been issued on the use of CPO's and process to be followed (Ministry of Housing, Communities and Local Government's Guidance on compulsory purchase process and The Crichel Down Rules (February 2018)). It is a key requirement that the acquisition under the Section 17 power must achieve a quantitative or qualitative housing gain.
- 5.7 This report also proposes the granting of a lease for a site located at Gurdwara Way for the Energy Company. The Council's Constitution Part 4 Chapter 4 provides that the granting of leases for 20 years or more or for more than £2 million are reserved to the Cabinet.
- 5.8 The Section 1 Localism Act power considered above enables the granting of such a lease together with section 123 of the Local Government Act 1972 provides that a local authority may dispose of land held by them in any manner they wish providing that the disposal is for a consideration that is the best that can be reasonably obtained. If the consideration passing between the Council and the B & D Energy Company for the land to deliver the development is not the best consideration reasonably obtainable in an arm's length transaction, the disposal will require the consent of the Secretary of State. Whether the consideration obtained for the disposal is the best that can be reasonably obtained is a valuation question. Officers should instruct a valuer to determine the S.123 valuation for the property before a final decision to grant the lease. Furthermore, any disposal of the land at less than best consideration could also be considered to be a form of state aid. While the UK has left the European Union (EU), issues regarding state aid have not ceased. For example, the UK membership of the World Trade Organisations agreement on trade also has requirements regarding state aid albeit somewhat less prescriptive than the EU.

6. Other Implications

- 6.1 **Staffing Issues - Project Delivery** - The delivery of the development and neighbourhood projects will be undertaken by Be First for the agreed development management fee that covers all staff costs. Reside will be responsible for the management of the completed new homes and the associated public realm will be managed by My Place). Given the number of units, and amount of public realm that will need to be managed, additional Council staff may be required. A review of resourcing will be undertaken during the next 12 months.
- 6.2 **Corporate Policy and Equality Impact** – The regeneration of the Gascoigne will create a more inclusive and accessible environment. The proposals will also enhance the priority to develop aspirational and affordable homes and shape great places and strong communities through regeneration. Whilst these sites are under construction local engagement will be undertaken to ensure that disruption to neighbouring residents is minimised and they are fully aware of the site contacts etc in case of emergency. Contractors are required to demonstrate a commitment to

supporting the Council's own teams in implementation of high-quality customer care.

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

- Appendix 1 - Development Parcels and Programme
- Appendix 2 - Placemaking Strategy Plans and Projects
- Appendix 3 - Gascoigne Engagement and Communications Action Plan

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Appendix 1. Development Parcels and Programme

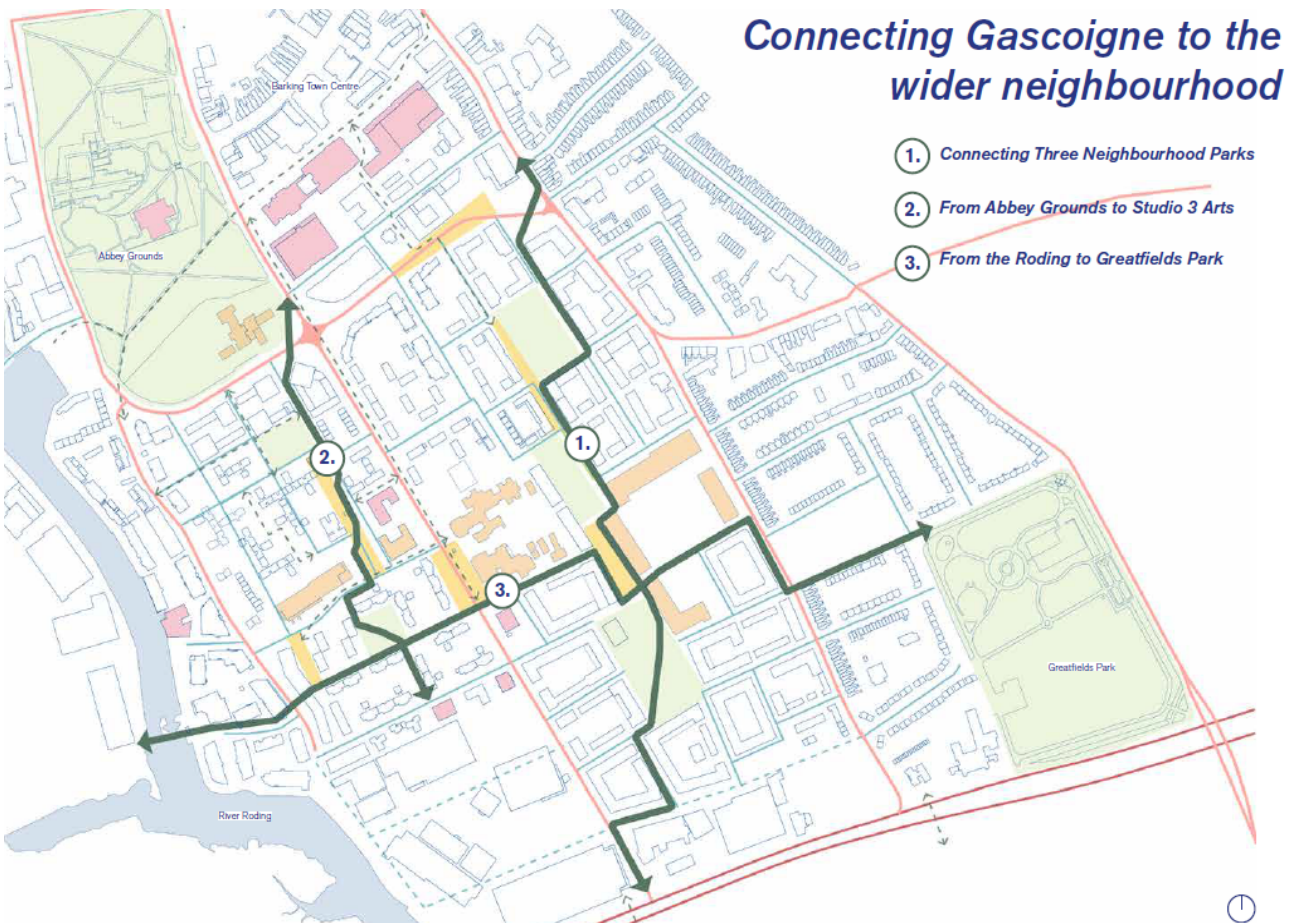
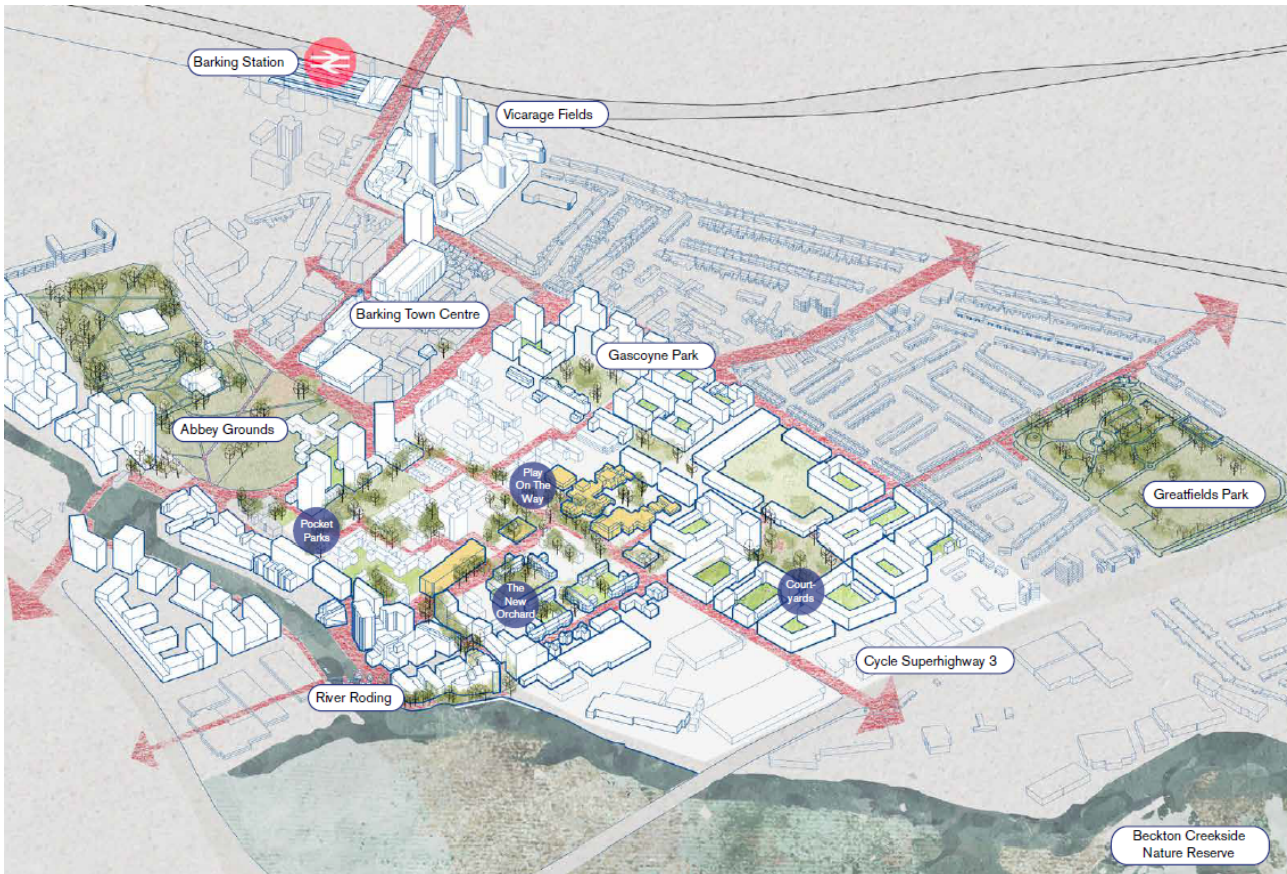


Development Programme

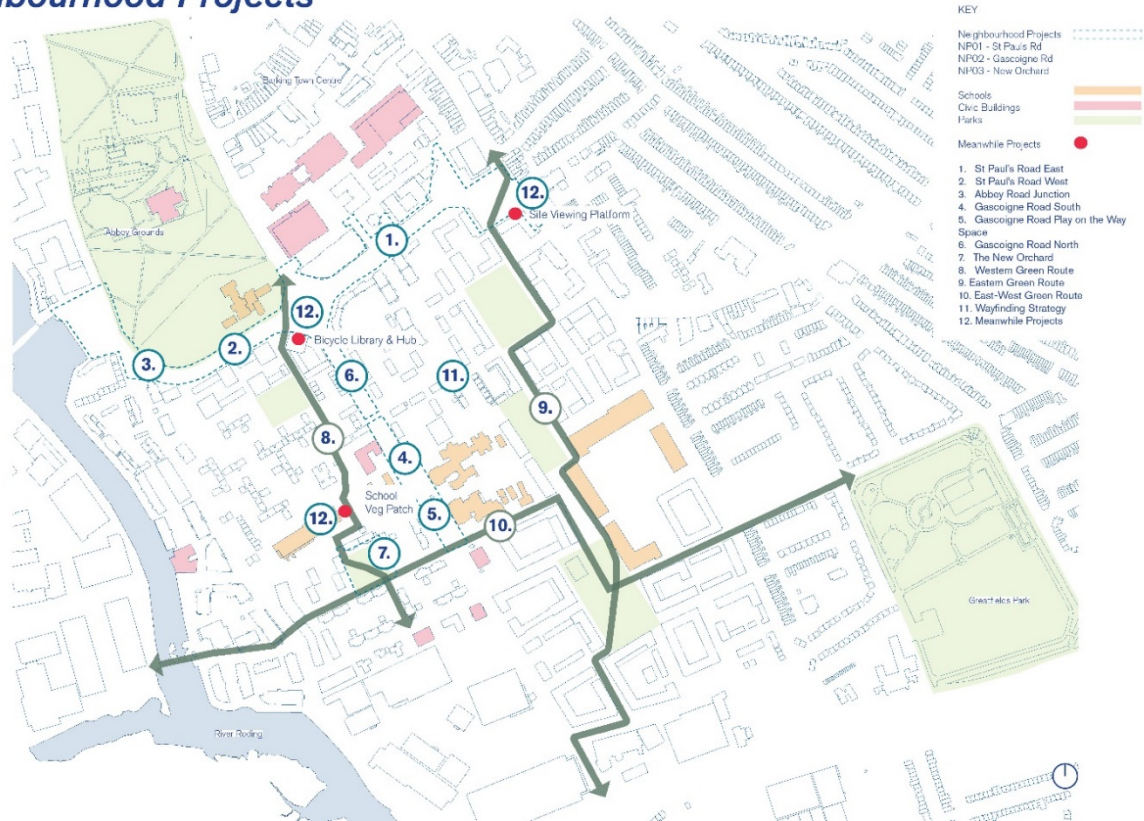
Gascoigne West	Unit no.	Start	Finish
GWP1	201	Apr-20	Mar-22
GWP2	368	Apr-21	Mar-24
GWP3/Rest of GW	1,500	Apr-25	Apr-30
Gascoigne East			
GEP1	381	Complete	
Kingsbridge Terraces	21	Complete	
GEP2 Block C1	52	Apr-20	Dec-21
GEP2 E2&F	382	Jan-21	Dec-23
GEP2 E1	92	Oct-22	Mar-24
GEP3a	226	Apr-21	Sep-23
GEP3b/4	324	Mar-23	Mar-26
GEP4 Gascoigne South	1,400	TBC	
Total	4,947	Apr-20	Apr-30

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Appendix 2. Placemaking Strategy Plans and Projects



Neighbourhood Projects



The following Neighbourhood Projects (NP) have been identified and costed as part of the strategy, illustrated by the plan above:

1. St Paul's Road East

Description:

Carriageway improvements including the narrowing of the highway, removal of the St Pauls road-Gascoigne Road roundabout, pavement widening, SUDs, tree planting and new level crossings.

Impact:

Road improvements to St Paul's Road will have significant positive impacts on the health and wellbeing of residents. It will reduce the severance caused by the road between Gascoigne and the town centre, improve conditions for pedestrians and cyclists and introduce significant new tree planting and SUDs, contributing to improved biodiversity. Removing the roundabout and replacing it with a traditional junction will create a safer and more pleasant environment to cross the road as well as provide new public realm opportunities to the front of St Joseph's Catholic School, the Axe street development and Gascoigne West Phase 2.

2. St Paul's Road West

Description:

Provision of carriageway improvements, pavement widening, SUDs and trees at the junction of Gascoigne Road and The Shaftesbury's. Play on the way (informal street playspace) and a new pocket park opposite the Gascoigne school.

Impact:

In combination with St Paul's Road East, upgrading St Paul's Road west will reduce the dominance of cars and support a better environment for pedestrians and cyclists to create a step change in the connectivity between the Town Centre, Abbey Grounds and the Gascoigne neighbourhood. Tree planting and SUDs will improve biodiversity and reduce traffic noise.

3. Abbey Road junction**Description:**

Provision of neighbourhood garden project including raised beds for productive landscaping, apple trees, seating areas and community landscape gardens. Associated pathways and paving.

Impact:

Realigning the Abbey Road junction will create a gateway space for residents and users of Gascoigne and Abbey Road areas with a focus on community gardening space. This will improve the connection between the Abbey Road area, the Gascoigne neighbourhood and Abbey Grounds as well as create a sense of arrival and a small public space for people to dwell. Public realm improvements will improve air quality and biodiversity in the area.

4. Gascoigne Road street improvements - south**Description:**

Carriageway improvements, SUDS, pavement improvements and traffic calming measures, new trees and paving along Gascoigne Road.

Impact:

Streetscape improvements will reduce the severance of the road, making it a more attractive environment for pedestrians and cyclists and appropriate for the 'front gates' of Gascoigne Primary School and the two nurseries that front the road. Improvements will create a safe cycle connection between Barking Town Centre and Cycle Superhighway 3 that is located to the south of Gascoigne.

5. Gascoigne Road play on the way**Description:**

Provision of carriageway improvements, SUDS and traffic calming measures in front of Gascoigne Primary School with a new play space located on unused green space to the eastern side of Gascoigne Road.

Impact:

A new public play space in the heart of the neighbourhood that faces the primary school will create a social space for school kids and parents providing an opportunity to improve social cohesion. This will support the objectives to create better and safe open spaces and reduce severance between the eastern and western parts of Gascoigne caused by the existing poor road design and provide opportunity for biodiversity improvements.

6. Gascoigne Road street improvements - north

Description:

Carriageway and pavement improvements, SUDS and traffic calming measures, new trees and paving between Gascoigne Primary School and St Paul's Road

Impact:

Similar to NP4, streetscape improvements to Gascoigne Road north will reduce the severance caused by the poor design of the road and significantly improve the environment for pedestrians and cyclists. The north section of the road forms an important gateway to the area where it meets St Paul's Road, adjacent to Abbey Grounds and the new development on Axe Street. Public realm improvements will improve air quality and biodiversity in the area.

7. The New Orchard

Description:

Development of existing square and playground into a productive landscape with allotment gardens and apple orchard with associated landscaping and play equipment.

Impact:

A new orchard in the existing area of Gascoigne will support community, social and health and wellbeing objectives in the neighbourhood as well as draw on the history of the area. The redesigned courtyard space will provide new outdoor community activity space, playspace and enhance movement through the area for pedestrians and cyclists. It will also improve the overall environment for residents living in close proximity to the courtyard.

8. Western Green Route

Description:

Improved pedestrian north-south route connecting Studio 3 Arts to the new public square on Gascoigne West phase 2, the St Pauls Road improvement and new crossing to Abbey Green.

Impact:

The new route will support safe and attractive pedestrian and cycle movement through the neighbourhood, improve wayfinding and improve connections to local nodes such as Studio 3 Arts and Abbey Green. The new route will be the primary north-south corridor for pedestrians and cyclists travelling through the western part of Gascoigne. The project will support the creation of safe and accessible outside public space, play on the way (informal on-street playspace) and enhance the biodiversity in the area through tree planting and SUDs.

9. Eastern Green Route

Description:

Improved pedestrian north-south route connecting Kingsbridge Park in the south with Gascoigne Park and St Paul's Road improvements and new crossings to Barking Town Centre.

Impact:

Similar to NP8, a green north-south route through the eastern part of Gascoigne will improve pedestrian and cycle movement through the neighbourhood. The route will support better wayfinding and connections between new areas of development to the south with the north of Gascoigne and beyond to Barking Town Centre. The design of the route will support the creation of safe and accessible outside public space, play on the way and improve the biodiversity of the area.

10. East-West Green Route**Description:**

Improved pedestrian east-west route connecting the River Roding to Greatfield Park via the orchard and Kingsbridge Park.

Impact:

Improve pedestrian and cycle connections between surrounding local assets, such as the River Roding and Greatfields Park as well as through the Gascoigne neighbourhood. Will support the creation of safe and accessible outside public space, play on the way and improving the biodiversity of the area.

11. Wayfinding Strategy**Description:**

Signage implemented across the neighbourhood including bespoke wayfinding signs, milestones and tree tagging alongside creative paving interventions to aid wayfinding.

Impact:

A successful wayfinding design will positively impact the way residents and visitors enter and move through the neighbourhood. Engaging and attractive signage, coupled with public space interventions, will support the ambition to encourage multi-generational use of public spaces across the neighbourhood.

12. Meanwhile Projects**Description:**

Three meanwhile projects: viewing platform and hub, cycle library and growing space for local schools.

Impact:

Meanwhile projects across the neighbourhood will support residents through the significant transition that is taking place across the area. The projects will support community cohesion and engagement in the regeneration of the area and provide attractive and safe places for the community to meet and engage in public activities.

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APPENDIX 3: Gascoigne Engagement & Communications Action Plan

Objective	Key Activities	Desired outcomes
Engagement and Communications Strategy	<ul style="list-style-type: none"> • Agree engagement and communication approach • Finalise the strategy • Establish information and communications infrastructure 	<ul style="list-style-type: none"> • Clear strategy with detailed next steps • Establishing that we have the right relationships, mechanisms and systems in place to facilitate extensive engagement. • Residents are informed about the regeneration process and proposed development timescales • Clear lines of communication enable ongoing engagement between residents and Be First/LBBD • Creating and sustaining momentum so that residents and the local community remain involved throughout the different regeneration phases
Establish stakeholder group	<ul style="list-style-type: none"> • Draft and agree the overarching vision for the estate • Establish clear 'Terms of Reference', purpose of group and its governance. • Define membership • Set up regular meetings 	<ul style="list-style-type: none"> • A shared vision for the future development of the area • The group will oversee the projects on Gascoigne • The group will ensure that there is joined up working between Be First and LBBD • Joined up communications between LBBD departments, Be First, My Place, Reside and residents
Establish and support resident forum	<ul style="list-style-type: none"> • Establish clear 'Terms of Reference', purpose of forum and roles and responsibilities. • Recruit the panel to be representative of Gascoigne • Introductory sessions with an overview of developments to date, current and future plans • Build members knowledge and understanding of the estate regeneration process • Build skills and capacity of residents to engage in more deliberative discussions including participatory/ co-design 	<ul style="list-style-type: none"> • The group will not be a decision-making body but will have significant influence and will make direct recommendations, as well as provide local residents with information and updates. • Residents know how they can get involved, and feel up to date about time frames and key decisions. • Residents are actively engaged and supported in developing options for the future. • Residents are confident that Be First/LBBD are listening to them and incorporating their views. • Residents champion the estate and its regeneration • Residents actively organise events and activities that develop community cohesion and a sense of pride
Establish community network	<ul style="list-style-type: none"> • Continue to build links with groups and partner organisations to enable inclusive engagement of all residents • Continue to build a wider network of active residents • Stakeholders liaison - newsletter/email group and twice-yearly event (multi-agency approach) • Work with specialist groups and agencies – to help us engage residents who are less often heard. 	<ul style="list-style-type: none"> • Widening our reach and engagement • Inclusive engagement • Develop a wider network of interested residents, to help ensure we 'hear' from the widest range of voices as possible throughout our engagement programme. • The network will complement the Residents Forum and act as a further 'sounding board', providing feedback on both the process as well as the regeneration proposals. • Community groups, voluntary organisations and local services act as valuable partners in helping to deliver targeted engagement with young people, older people, vulnerable people and those who speak English as an additional language.

		<ul style="list-style-type: none"> Coordinated activity from the voluntary sector to support residents, develop social cohesion and inclusion and help to deliver the vision for the area
Community centre relocation / establish Gascoigne temporary hub	<p>Establish Gascoigne Temporary Community Hub</p> <ul style="list-style-type: none"> Design Internal space for info/exhibition about the area Work with RF to promote and launch the space (tbc) Develop a programme to launch the community space – could include an exhibition, series of events (dependent on Covid-19), promotional communications (tbc) Develop this as home for one-off and engagement/consultation activity and displays Develop Activity programme (linked to social outcomes - jobs, health/activity, cycling, environmental) (tbc) 	<ul style="list-style-type: none"> Real opportunity for this to become a community space/hub for residents to access services, workshops etc via LBBB Com Sol, Reside and also a place for information, discussion and consultation about the future of the estate Base for relevant BF staff group providing visible and accountable leadership Include contractors' liaison and decants
Meanwhile projects	<ul style="list-style-type: none"> Establish sites for potential meanwhile projects Develop a strategy and plan for meanwhile projects Work closely with the Residents' Forum to explore opportunities and develop projects 	<ul style="list-style-type: none"> To involve residents in the design and future of the area Involve local stakeholders in the design and future of the area To generate excitement, activity and to start to change perceptions of the area and generate community pride
Engagement – ongoing	<ul style="list-style-type: none"> Provide ongoing opportunities for engagement for residents and stakeholders Ensure residents and stakeholders receive regular communications 	<ul style="list-style-type: none"> Continue to build trust between residents, stakeholders and Be First All residents are kept up to date and have opportunities to contribute at all stages. Residents/stakeholders are aware of how the design process is progressing.
Communications - ongoing	<ul style="list-style-type: none"> Area-based website focussed on events and key information Quarterly newsletters to residents and neighbours Commission place-making brand/marketing agency Stakeholders briefing 	<ul style="list-style-type: none"> All residents are kept up to date and have opportunities to contribute at all stages. Residents/stakeholders are aware of how the design process is progressing.
Gascoigne branding and marketing strategy	<ul style="list-style-type: none"> Develop a brief for a branding strategy for Gascoigne Appoint an agency 	<ul style="list-style-type: none"> Residents feel pride and sense of ownership of the area they live in Potential residents are attracted to live in the area The area has a positive, authentic reputation Values are increased
Gascoigne Gazette	<p>Quarterly newsletters to residents and neighbours</p> <ul style="list-style-type: none"> Establish timetable for newsletter 	<ul style="list-style-type: none"> Residents are informed about the regeneration process and proposed development timescales
Consultations	<ul style="list-style-type: none"> Joined up consultation activity on East, West, School and placemaking. 	<ul style="list-style-type: none"> Coordinated and joined up consultation activity on East, West, School and

	<ul style="list-style-type: none"> • Move towards co-design of next phases of development • Develop an area-wide vision and exhibition 	<p>placemaking; providing clear information with timelines.</p> <ul style="list-style-type: none"> • Residents and stakeholders are sufficiently informed about the regeneration process and proposed development timescales without feeling overwhelmed • Residents and stakeholders are involved in the design and future of the area.
Placemaking projects	<ul style="list-style-type: none"> • Establish placemaking projects • Provide opportunities for co-design • Work closely with Residents Forum • Work with residents and stakeholders 	<ul style="list-style-type: none"> • Residents and stakeholders are involved in the design and future of the area.
Gascoigne Arts & Public Realm Strategy	<ul style="list-style-type: none"> • Establish opportunities for art in the public realm for local and national artists/creatives to be involved in • Develop a strategy and plan • Launch competitions/commissions 	<ul style="list-style-type: none"> • Residents and prospective residents feel that this is an exciting, dynamic place to live • External audiences associate the Gascoigne area as an exciting and attractive place to live
Decant policy	Publicise and promote right to return for decant residents.	
Social values	<ul style="list-style-type: none"> • Develop a strategy and plan for contractors for community engagement • Introduce local engagement and comms plan for each contractor to complete and update regularly, set up a review mechanism • Introduce guidelines for comms and engagement to support local plans 	<ul style="list-style-type: none"> • Joined up approach from Contractors managed by Be First • Contractors working collaboratively on local projects and initiatives set by and with Be First • Continue to build trust and relationships with stakeholders and residents, process managed by Be First

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CABINET**20 April 2021**

Title: Contracts for Provision of Bespoke Packages for Children's Care Services	
Report of the Cabinet Member for Social Care and Health Integration	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Valerie Tomlinson – Lead Commissioner– Children's Care and Support	Contact Details: Tel: 020 8227 3549 E-mail: valerie.tomlinson@lbbd.gov.uk
Accountable Director: April Bald, Operational Director Children's Care and Support	
Accountable Strategic Leadership Director: Elaine Allegretti, Strategic Director, Children and Adults	
<p>Summary:</p> <p>This report provides an update on proposals to procure a four-year Framework Agreement for the provision of Bespoke Packages of Care Service for Children in Need, Children in Care and Children subject to a Child Protection Plan.</p> <p>By Minute 53 (13 November 2018), the Cabinet approved original proposals to procure a four-year framework contract. However, a new Target Operating Model was developed within Children's Care and Support which impacted on those original proposals and Cabinet subsequently agreed proposals to procure a two-year framework agreement (Minute 134, 21 April 2020).</p> <p>Further work between operational colleagues and commissioning has taken place and agreement has been reached that the Bespoke Family Intervention Service should also reflect services for children with disabilities. Due to the proposed changes and a reassessment of the market, interim arrangements were put in place which expire on 30 September 2021 and approval is now being sought to procure a four-year framework contract.</p>	
<p>Recommendation(s)</p> <p>The Cabinet is recommended to:</p> <ul style="list-style-type: none"> (i) Agree the procurement of a four-year framework contract for the provision of a Bespoke Packages of Care Service for Children in Need, Children in Care and Children subject to a Child Protection Plan, in accordance with the Council's Contract Rules and the strategy set out in the report; and (ii) Delegate authority to the Director of People and Resilience, in consultation with the Cabinet Member for Social Care and Health Integration, the Chief Operating Officer and the Director of Law and Governance, to award and enter into the 	

framework agreements and all other necessary or ancillary agreements with the successful bidders.

Reason(s)

- To enable the Council to fulfil its statutory duties as prescribed in accordance with the Council's Contract Rules for 'light touch regime' contracts.
- To support the Council's vision to "protect the most vulnerable, keeping adults and children healthy and safe".
- To provide an appropriate, best-value service that delivers excellent outcomes for children and young people.

1. Introduction and Background

- 1.1 The Access to Resource Team (ART) was originally established as a special intervention service focused on preventing the breakdown of fragile placements of children in care. The role of ART has since been expanded and refined to cover a number of areas. The Team has so far spent time working with a small group of providers on the development and co-ordination of bespoke targeted and time – limited intervention packages, enabling existing placements to be maintained and avoiding the potentially costly move of children/young people into more expensive settings, such as residential care.
- 1.2 A full tender of this service took place in 2015, but only three providers were eventually awarded contracts. This evidenced that the service is of a specialist nature requiring a combination of specialist knowledge coupled with significant operational experience. Two of the original companies no longer provide this service while the third no longer provides services in this locality, although Kelwel Care Ltd, the current provider, is a company run and managed by previous employees of Potten Kare Services, a former provider.
- 1.3 This original framework contract was due to expire on 31 March 2019 with an option to extend for a further twelve (12) months. Interim contracts have been awarded until 30 September 2021 with Kelwel Care Ltd. Due to the specialist nature of this provision, work has been undertaken to identify the best possible way to deliver the services whilst ensuring quality for the service users.
- 1.4 A number of providers have previously expressed an interest in delivering this type of service but due to the high intensity of the work involved and the need to deliver good outcomes for the family it is vitally important to ensure that any providers are able to deliver what is required. All of the current matches are currently delivered by Kelwel Care Ltd but Commissioners are concerned that alternative providers need to be available in the event that Kelwel do not have the resources to take on additional cases.
- 1.5 Following discussions between commissioners and the Care Management team it was agreed that the best way forward is to put in place a Framework Agreement. A Framework Agreement will enable the Council to have an agreement with several providers to ensure that demand is managed appropriately and avoid situations where a single provider is unable to meet demand.
- 1.6 Advantages of a Framework Agreement are listed below:

- Quality assurance monitoring can take place across the service both with regards to statistical returns, as well as regular meetings with providers;
- A pre-agreed pricing structure that commits the providers to maintain their prices across the term of the contract;
- Guaranteed pricing structure to enable LBBD in our financial planning and forecasting for budget setting and monitoring purposes.

1.7 The framework contracts will have no minimum value as services will only be sought when required. The final value of the contracts will depend on the number of referrals made to the providers, if any. However, it is estimated that the value of this contract will be no more than £510k per annum. (£390k for the Specialist Intervention Service and £120k for the Disability Service).

1.8 It is envisaged that the tender process be completed by September 2021 as tender documents have already been drawn up and engagement with key stakeholders has taken place. The procurement timetable is as follows:

Activity	Completion Date
Procurement strategy submitted considered at Pre-Procurement Board	1 March 2021
Procurement strategy report considered at Procurement Board	15 March 2021
Cabinet	20 April 2021
Procurement/tender exercise	20 May – 20 July 2021
Contract begins	1 October 2021

2. Proposed Procurement Strategy

2.1 Outline specification of the works, goods or services being procured.

2.1.1 The new framework will allow the Council to deliver bespoke early intervention support of Care Service for Children in Need, Children in Care and Children subject to a Child Protection Plan. The intervention will be targeted and will cover:

- Edge of care:** intervention is targeted at families who are in crisis and on the brink of having their child placed into care. Bespoke packages will be specifically focused on ameliorating familial issues, dispelling the need of children and/or young people into the care system.
- Rehabilitation:** intervention is targeted at families who have children and/or young people that are already in the care system. Bespoke packages will be specifically focused on preparing the children/young people and their families for reunification, and thus exit from the care system.
- Fragile Placement/Outreach Packages:** intervention is targeted at children and/or young people who are already in the care system with a placement that is on the verge of breakdown. Bespoke packages will be specifically focused on preventing placement breakdown.

2.1.2 Support packages could be put in place for hours, days, weeks or months. The type of support required will vary from case to case. Support packages will be tailored

specifically to meet the needs of the child/young person and/or their families and will be delivered by a range of specialist external providers, under the co-ordination of the Access to Resources Team.

2.1.3 To establish the new Framework; the Council will invite responses from suitably qualified and experienced private and voluntary providers interested in joining a Framework Agreement to deliver bespoke early intervention support of Care Services.

2.1.4 There are a number of accepted advantages to agreeing a contractual framework over spot-purchasing:

- Quality assurance monitoring can take place across the service both with regard to statistical returns, as well as regular meetings with providers;
- Good practice and training opportunities can be shared amongst providers through forums and bulletins;
- Good quality services lead to more consistent, needs-focused intervention.

2.1.5 The contractual method recommended to Cabinet, that is a Framework Agreement, would have additional advantages as it would not oblige the local authority to purchase any volume from any provider.

2.2 Estimated Contract Value, including the value of any uplift or extension period.

2.2.1 The new Framework Contract will have no minimum value, nor will any commitment to expenditure by the Council be stipulated within the contract itself. Expenditure will only be incurred when referrals are made. The current expenditure for the Council is circa. £390,000 per annum for the Specialist Intervention Service and £120,000 for the Disability Service.

2.2.2 The total value of the Framework Contract would, therefore, be circa. £2,040,000.

2.3 Duration of the contract, including any options for extension

2.3.1 The framework contract will be for 4 years (2 years +1 +1) with a three-month no-fault termination clause to allow the Council to exit the framework for any reason.

2.4 Is the contract subject to (a) the (EU) Public Contracts Regulations 2015 or (b) Concession Contracts Regulations 2016? If Yes to (a) and contract is for services, are the services for social, health, education or other services subject to the Light Touch Regime?

2.4.1 Yes - The contracts with each provider fall under the 'light touch regime.

2.5 Recommended procurement procedure and reasons for the recommendation

2.5.1 There is clear evidence that the service required is of a specialist nature. The nature of the requirements – seeking a combination of specialist knowledge in an area where this is scarce, coupled with significant operational experience, has resulted in a very limited pool of providers.

2.5.2 Approval has been given previously to establish another four (4) year Framework Contract and commence a procurement exercise to ensure a new framework of providers is in place. This report is seeking approval to commence a tender exercise to enable a framework of providers to be established in order to provide services for the Specialist Intervention and Disability Service.

2.5.3 This will be a single stage tender using the Open Process. The tendering of this service will be advertised on the Council's website and on Contract Finder Contracts as well as in the Official Journal of the European Union.

2.6 **The contract delivery methodology and documentation to be adopted**

2.6.1 The Service will be provided by external providers.

2.7 **Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract**

2.7.1 **Outcomes**

- a) Reduced levels of placement disruption for those children already in care.
- b) A reduction in the number of children going into care.
- c) An increase in children, who are in care being reunified with their families/carers.

2.7.2 **Savings**

Since ART began in 2012, when a case closes and has been successful, the ART Team continue to track the family for a year on the finance spreadsheet, so future potential costs had the service not supported the family are measured.

Cost savings for the period 2018/2019 was £1,656,542.

It should be noted that absolute forecasting is difficult with this cohort, due to it not being possible to prove absolutely what the outcome would have been were an intervention not to be made. For this reason, forecast financial impact has been confined to the short-term returns and do not include the potential savings over the life of the child or young person were they to remain out of the care system for the remainder of their childhood. This would, clearly, only serve to increase potential savings forecast and serves as an indication of the potential.

2.8 **Criteria against which the tenderers are to be selected and contract is to be awarded**

2.8.1 The price/quality ratio upon which contracts will be awarded will be 30% price, 60% quality, 10% Social Value. Providers will be ranked based on their tender submission.

2.8.2 The Council will select suppliers to provide services via a "direct call-off". If a direct "call off" is not feasible then a mini competition will be held with the providers within the specific category to ensure that the most suitable provider is selected, the selection will be based on price, quality, and the needs of service users.

2.8.3 The particular contractual method recommended to Cabinet, that is a Framework Agreement, would have additional advantages. It would not oblige the local authority to purchase any particular volume from a provider. The 'call off' contract would be for a term that can range for a couple of weeks, months or years based on the needs of service users. Each Call-Off Contract to be awarded pursuant to the Contract shall be awarded on the following basis:

- The Call-Off Contract shall be awarded to the Provider with the lowest total cost for that Care Package.
- In cases where the Service User or their parents / carers have expressed a choice of Provider or where particular specialist input is required, the Authorised Officer may at his / her discretion award the Call-Off Contract for that Care Package to a particular Provider irrespective of whether that Provider offers the lowest price for that Care Package. Additionally, where there is a need for a complex Care Package requiring extensive input, the Authorised Officer may select three or more suitably qualified Providers from the Framework to quote an inclusive price for the Care Package. In these cases, the Authorised Officer shall record his / her reasons for doing so. Where the Authorised Officer has invited a select number of Providers to quote for a complex Care Package, that Care Package shall be awarded to the Provider who has submitted the most economically advantageous quotation for the specific Care Package.

2.8.4 For each individual Package purchased, the Council shall issue to the selected Provider an Individual Service User Agreement letter This Agreement together with the previously executed Contract shall form the Call-Off Contract

2.9 **How the procurement will address and implement the Council's Social Value policies.**

2.9.1 The Council continues to be committed to promoting the welfare of and protecting the most vulnerable children and young people in Barking and Dagenham. The underlying foundation of this service/intervention lies in its commitment to ensuring that children and young people remain within their families wherever possible or if already in the care system in a stable placement. The Council wants to ensure that all children and young people enjoy their childhood, transition smoothly into and succeed in adult life.

2.9.2 Providers will be encouraged to recruit locally where required.

2.9.3 The Council's Social Value policies and the Social Value Act 2012 are broadly aligned, and thus, these contracts will help address and implement the aims by:

- **Promoting employment and economic sustainability:** tackle unemployment and facilitate the development of skills;
- **Building the capacity and sustainability of the voluntary and community sector:** enabling groups to provide the service and encourage volunteering and employment of local residents;
- **Creating opportunities for SME's and social enterprises:** enabling the development of local businesses in the provision of this service.

3. Options Appraisal

- 3.1 **Option 1: Do nothing** - The Council may choose to 'do nothing'. This is not the recommended option because this would result in the Council not having any formal contracts in place for this service.

Furthermore, not having contracts in place impacts on the Council's ability to effectively monitor the quality of the service.

- 3.2 **Option 2: Join an existing Framework Agreement** - There are no suitable existing frameworks in place that the LBBD can call-off.

- 3.3 **Option 3: Create a dynamic purchasing system (DPS).**

Although a DPS will allow new providers to join the system throughout the life of the agreement; the requirement to allow 10 days for providers to respond at each call-off does not make this an option as often the service is needed quickly and many times on the same day that the request is received.

- 3.4 **Option 4: Cease to provide** - If this service ceases to be provided, then there is a risk that a higher number of children who are on the edge of care would need to be accommodated by the Local Authority.

4 Equalities and other Customer Impact

- 4.1 The service will impact on Children in Need, Children in Care and Children subject to a Child Protection Plan. The service will ensure reduced levels of placement disruption for those children already in care, a reduction in the number of children going into care and an increase in children, who are in care being reunified with their families/carers.

5. Other Considerations and Implications

- 5.1 **Safeguarding Children** - Referrals will be made by the Access to Resource Team. The Team manager will work closely with the allocated workers throughout the intervention period to ensure close communications and sharing of relevant information.

As this is a service for one of our most vulnerable groups the chosen providers will be required to conform to all our local and national safeguarding procedures. This will be checked at the tender stage and post-appointment by regular meetings and unannounced monitoring meetings where required.

- 5.2 **Health Issues** - The wellbeing of children in the borough is a fundamental responsibility of the council which will result in positive health outcomes for the children and young people.

6. Consultation

- 6.1 Consultation has taken place with key stakeholders and has formed part of the commissioning process.

- 6.2 The procurement arrangements were considered and endorsed by the Procurement Board on 15 March 2021.

7. Corporate Procurement

Implications completed by: Francis Parker, Senior Procurement Manager

- 7.1 The proposed procurement strategy is compliant with the Council's contract rules and the PCR2015. It is subject to the light touch regime and will need to be advertised accordingly.
- 7.2 An Open tender process is likely to yield the best value for money for this service.
- 7.3 The proposed procurement timetable is realistic.

8. Financial Implications

Implications completed by Florence Fadahunsi, Finance Business Partner

- 8.1 This report seeks authorisation for the Council to go out to tender for a 4- year contract for a provider(s) to deliver bespoke targeted and time limited intervention packages to Children in Need, Children in Care and Children subject to a Child Protection Plan.
- 8.2 The scope of this has been extended to include the Specialist Intervention Service and the Disability Service. There is historic evidence to suggest that this type of intervention work achieves tangible cost savings due to their effectiveness which would have a long-term benefit against the Children's placement budgets.
- 8.3 The annual contract value is expected to be £510,000 (£390,000 for the Specialist Intervention Service and £120,000 for the Disability Service). There will be no minimum value and the overall amount over the 4-year period would be £2.040m. Due to the nature of the contract, costs would only be incurred when cases are referred. There is an existing budget within the Specialist intervention service and within Disability Service available to fund the contract. The services would need to ensure that cases referred are contained within the funding available.

9. Legal Implications

Implications completed by: Jean Nweke, Contracts & Procurement Lawyer

- 9.1 This report is seeking approval for the Council to procure a 4-year framework contract for the provision of Bespoke Packages for Children's Care Services in accordance with the strategy set out herein.
- 9.2 The Council shall conduct an open tender exercise following an advertisement on Contracts Finder, OJEU and on the Council's e-tendering portal, in accordance with the normal tendering requirements set out in Part C of the Contract Rules. The contract shall be considered as part of the Light Touch Regime and will therefore also comply with the European Treaty principles. The weighting criteria against which the framework contract will be awarded will be 35% price and 65% quality.

- 9.3 The framework contract shall be set up, in accordance with Rule 34 of the Contract Rules, with an estimated value of £2,040,000.00 over the full term of the contract. The framework contract will be based on the Council's standard terms and conditions and the contract term will be 4 years (2 years +1 +1).
- 9.4 The Council intend to select suppliers under the framework contract to provide services via a "direct call-off" mechanism. If this is not feasible then a mini competition will be held instead. The "call-off" selection will be based on price, quality and the needs of service users.
- 9.5 The proposals set out in this report would appear to be legally permissible and compliant with the Council Contract rules.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None

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CABINET**20 April 2021**

Title: Land at North Street / London Road, Barking – Disposal Update	
Report of the Cabinet Member for Regeneration and Social Housing	
Open Report	For Decision
Wards Affected: Abbey	Key Decision: No
Report Author: David Harley, Head of Regeneration, Be First	Contact Details: E-mail: david.harley@befirst.london
Accountable Director: Ed Skeates, Development Director, Be First	
Accountable Strategic Leadership Director: Graeme Cooke, Strategic Director of Inclusive Growth	
Summary	
<p>In September 2018 Cabinet agreed to enter into a joint development scheme on land owned by the Council and Robyna Ltd (the "Developer") whereby the Council would acquire the freehold ownership of the Developer's land and grant the Developer a head lease on the combined sites for 250 years subject to the payment of a head rent. In addition, the Council would provide the Developer with a construction loan of up to £35m.</p> <p>In March 2020 Cabinet agreed to acquire the Developer's land and to appropriate land within its own ownership, in each case for planning purposes, and in October 2020 Cabinet agreed to increase the construction loan to £44m following a substantial increase in the size of the development.</p> <p>On 5 February 2021 Planning Consent was granted for residential-led development at the land (the "Development") (reference 19/00855/FUL).</p> <p>As a consequence of the planning negotiations, a marginal amendment is required to the proposed site boundary to facilitate the Development requiring an amendment to the previously agreed plans for both the ground lease and the acquisition and appropriation.</p> <p>The Developer is also now intent on transferring the Developer's land to a wholly owned UK registered company before such land is acquired by the Council for planning purposes. This successor company will then also undertake the Development.</p> <p>Approval is therefore sought to the revised area of: (i) land comprised in the lease for the combined sites (the "Land") shown on the plan at Appendix 1; (ii) the developer's land (as shown edged green on the plan at Appendix 3) (the "Developer's Land") to be acquired by the Council for planning purposes; and (iii) the land within the Council's ownership to be appropriated for planning purposes (being the remainder of the land edged red (and excluding the Developer's Land) as shown on the plan at Appendix 2 (the "Council's Land") (together with the Developer's Land, the "Appropriation/Acquisition Land") to enable the Development to proceed in accordance with the Planning Consent; and to contract with the associated legal entity of the Developer on the same terms as previously</p>	

agreed. For the avoidance of doubt, the red line shown along the northern boundary of each of the areas of land shown on the plans appended to this report at Appendix 1 and Appendix 2 is intended to abut the adjacent land title.

Recommendation(s)

The Cabinet is recommended to:

- (i) Agree, otherwise on the same terms as previously agreed by Cabinet under Minute 117 (17 March 2020), to:
 - (a) the acquisition of the Developer's Land for planning purposes pursuant to section 227 of the Town and Country Planning Act 1990, as shown edged green on the plan at Appendix 3 to the report;
 - (b) the appropriation of the Council's land for planning purposes pursuant to section 122 of the Local Government Act 1972 as required to deliver the Development in accordance with Planning Consent 19/00855/FUL, as shown edged red on the plan at Appendix 2 to the report;
 - (c) the disposal of the revised site area as required to deliver the Development in accordance with Planning Consent 19/00855/FUL, as shown edged red on the plan at Appendix 1 to the report;
- (ii) Approve the principle of contracting with a UK registered wholly owned subsidiary of the Developer on the same terms as previously agreed for the development;
- (iii) Delegate authority to the Managing Director, in consultation with Strategic Director of Law and Governance and the Cabinet Member for Regeneration and Social Housing, to agree (a) the new contracting party after appropriate due diligence had been undertaken, and (b) the contract documents to fully implement and effect the proposals set out in the report;
- (iv) Authorise the Strategic Director of Law and Governance, or an authorised delegate on her behalf, in consultation with the Managing Director, to execute all the legal agreements, contracts and other documents on behalf the Council; and
- (v) Delegate authority to the Managing Director to acquire the Developer's land pursuant to s227 of the Town and Country Planning Act 1990, appropriate the Council's land pursuant to section 122 of the GLA and use of the Council's powers pursuant to sections 203-206 of the Housing and Planning Act 2016 in respect of the land to override third party interests infringed by the development.

Reason(s)

The recommendations in the report will help to facilitate new affordable homes in the borough and regenerate an empty site and as such are aligned to its strategy for Inclusive Growth and the Barking Town Centre Regeneration Strategy.

1 Background

- 1.1 In September 2018 Cabinet agreed (Resolution 33) to enter into a residential-led joint development scheme (the Development) on land owned by the Council and Robyna Ltd (the Developer) whereby the Council would acquire the freehold ownership of the Developer's site and grant the Developer a head lease on the combined sites for 250 years subject to the payment of a head rent. In addition, the Council would provide the Developer with a construction loan of up to £35m.
- 1.2 In March 2020 Cabinet resolved (Minute 117) to acquire that part of the combined sites and within the Developer's ownership for planning purposes (namely the construction of the proposed development) in accordance with section 227 of the Town and Country Planning Act 1990 and to appropriate that part of the Land within the Council's ownership for planning purposes in accordance with section 122 of the Local Government Act 1972, noting that the land is no longer required for the purpose for which it is currently held; and subsequent use of the Council's powers under sections 203 – 206 of the Housing and Planning Act 2016 in respect of the combined sites to override third party interests of neighbouring properties infringed by the Development.
- 1.3 In October 2020 Cabinet resolved (Minute 33), as part of the Investment Acquisition Strategy Update, to increase the construction loan to £44m following a substantial increase in the size of the Development.
- 1.4 On 5 February 2021 planning consent for the Development (reference 19/00855/FUL) was secured following GLA Stage 2 approval and signing of the Section 106 agreement.
- 1.5 During the planning consultation process, various amendments were requested by the planning authority to improve the scheme. These included a slight re-orientation of the frontage towards Abbey Park which resulted in an amended site area. As a result, the area now required to facilitate the Development is marginally bigger. Accordingly, the Developer has now requested that the Cabinet is asked to re-consider its resolution of 17 March 2020 by reference to the full extent of the Appropriation/Acquisition Land required to implement the Development consented pursuant to the planning permission (reference 19/00855/FUL) as shown on the plan at Appendix 2.
- 1.6 In addition, the Developer now intends to transfer the ownership of the Developer's Land to a wholly owned UK registered company before undertaking the Development. Approval is therefore sought for the Council to contract with this associated legal entity on the same terms as previously agreed.

2 Proposal

- 2.1 The Development, as now approved by the planning authority under planning permission 19/00855/FUL, occupies a slightly amended plot with a marginally greater area (4%). The revised plot remains on land that is entirely within the control of the Developer or the Council.

- 2.2 The land to be acquired (being the Developer's Land) and the land to be appropriated (being the Council's Land) will be similarly subject to minor variation as shown on the plan at Appendix 2.
- 2.3 In recognition of the marginally increased site area, the Developer's consideration for the ground lease will be increased on a pro-rata basis.
- 2.4 The Developer has confirmed they will undertake the Development through a UK legal entity and will be transferring the property to a wholly owned company before contracting with the Council. The Council's solicitors will undertake appropriate due diligence on the new contracting party and ensure that the obligations and safeguards previously secured are maintained.

3 Community Engagement and Consultation

- 3.1 Please refer to earlier Cabinet reports. For the avoidance of doubt, the Developer remains subject to the Community Engagement and Consultation requirements of the Cabinet report of 17 March 2020, which shall be interpreted as applying to the extent of the Appropriation/Acquisition Land shown on the plan at Appendix 2. No specific community engagement and consultation points arising from this further report.

4 Options and Analysis

- 4.1 Do nothing: if the Council decides not to agree the revised area to be subject to acquisition and appropriation (as applicable) or contract with the associate company of the Developer, it is unlikely the Developer would proceed with the Development such that the key benefits of the Development (as set out in the Cabinet Report of 17 March) will not be realised.
- 4.2 The change in identity of the developer presents no additional risk to the Council. As previously agreed, the new party will be required to transfer the freehold of the Developer's Land to the Council upon exchange of contracts and will only be granted a building licence during construction. A long interest in the Land will only be granted once the Development is complete.
- 4.3 If the Development of the Land were not to proceed jointly, each party would retain the ability to develop their own sites in isolation. This would fail to maximise the potential of the development of both the Council's Land and the Developer's Land at this strategically important gateway to the centre of Barking, directly leading to less units being delivered for residents of the borough and reducing the benefits previously considered by Cabinet.

5 Financial Implications

Implications completed by: David Dickinson, Investment Fund Manager

- 5.1 The only direct financial implication arising from this report is the marginal additional consideration being paid as a direct result of the increased the larger site area based upon a pro rata increase to the original sum.

- 5.2 The arrangements for the construction loan remain as before, with the new party being required to invest 20% of the cost of delivering the scheme before the Council's construction loan is drawn. The right to take over in the event of default, project monitoring and to charge the completed scheme until repayment remain.

6 Legal Implications

Implications completed by Dr Paul Feild, Senior Governance Lawyer, Legal

- 6.1 This report is necessitated by the Developer seeking assurance that the decision of the Cabinet is informed by the definitive plan of the land to be appropriated. The legal implications of this report remain as those stated at paragraph 6 of the report to Cabinet dated 17 March 2020 and follows from paragraph 6.2 below.

Statutory Power to appropriate/Acquire

- 6.2 The Council's power to appropriate land under section 122 of the LGA is exercisable on the determination that the Council's Land "is no longer required for the purpose for which it is held immediately prior to appropriation." The Council's Land comprises of an area of hardstanding used for a combination of bus services including the terminus for the No. 169 bus route, rail-replacement bus provision and service resilience generally. The public do not access the lay-over facility. A report setting out alternative arrangements for bus provision in the town centre has been prepared and Be First has secured TfL's approval to its proposals. It is proposed that the bus lay-over facility will be relocated to a combination of three other nearby locations depending on service requirements. It is therefore the case that the Council's Land will no longer be required by the Council for the purpose for which it is currently held. It is now required for planning purposes namely the construction of the Development. Officers therefore consider that the requirements of section 122 of the LGA are satisfied.
- 6.3 In respect of the Developer's Land, section 227 of the TCPA provides that the Council may acquire by agreement any land which they require for any purpose for which a local authority may be authorised to acquire land under section 226, as to which see further below.
- 6.4 Any reference to acquisition for planning purposes and, by virtue of the provisions in section 246 of the TCPA, appropriation for planning purposes is regarded as a reference to acquisition or appropriation for purposes for which the land can be compulsorily acquired under section 226 TCPA. By virtue of the provisions in section 226(1A) of the TCPA a local authority must not exercise the power granted under section 226(1)(a) unless it thinks the development, redevelopment or improvement on or in relation to the land is likely to contribute to the achievement, the promotion or improvement of any one or more of the following objectives – the economic, social and/or the environmental well-being of the area.
- 6.5 The key objectives of the Development are to provide much needed housing to attract working residents who can help support a widening of the town centre's retail and leisure offer as well as social, economic and environmental benefits to Barking's community. In addition to bringing employment opportunities, the flexible commercial floorspace will also serve to re-activate currently blank frontages along

North Street and London Road. The following have also been identified as benefits of the Development:

- (a) the provision of 196 high quality residential units (125 for let within the Private Rented Sector and 71 affordable dwellings provided as discount market rent);
- (b) 472 sqm (GEA) of flexible commercial ground floor space capable of responding to future occupier demand to accommodate retail, office, community and/or leisure uses;
- (c) public realm and highway improvements to enhance the appearance of the existing street scene and encourage footfall along London Road; and
- (d) residential-led development in accordance with the Barking Town Centre Strategy, Barking Town Centre Housing Zone and the GLA's London Riverside Opportunity Area, where there is a primary focus on the delivery of new homes.

6.6 It is the view of officers that the Council's Land and the Developer's Land could be acquired compulsorily under section 226(1)(a) in order to facilitate the carrying out of redevelopment and that such redevelopment would advance all three objectives identified at section 226(1A) (namely, the promotion or improvement of the economic, social and environmental well-being of the area). Accordingly, it is considered that the requirements of section 226 and section 227 of the TCPA are satisfied so as to engage section 203 of the HPA 2016. However, a local authority cannot properly exercise these powers unless it considers that it has good reason to interfere with third party rights etc or breach restrictions that would be overridden by section 203 of the HPA 2016 as outlined below.

Power to interfere with rights

6.7 As can be seen from the above, reliance in due course on section 203 of the HPA 2016 in order to override the rights etc of adjoining owners in respect of the Appropriation/Acquisition Land is possible where the requirements of section 226 of the TCPA are met. Therefore, the requirement to be satisfied, that is, that there is a compelling case in the public interest so as to engage powers under section 203 of the HPA 2016 having regard to the European Convention on Human Rights, must apply before construction of the Development commences.

6.8 The enabling provisions in s203 (1) and (4) of the HPA are required for the construction, maintenance and use of the Development, to the extent that this will interfere with private rights of adjoining owners. The operative provisions in section 203-205 are necessary in order to override these rights etc, including any unknown rights that may impede the construction or use of the Development.

6.9 If the Council does not exercise its powers under section 203 of the HPA 2016 and the works are commenced, the Development would potentially be infringing those affected owners' rights etc over the Appropriation/Acquisition Land. Various remedies up to and including injunction would be available to the injured parties depending on the rights infringed on. The consequences of an injunction for the Council would be a delay in the delivery of the Development or the Development (and the benefits that it would bring to the local community) not coming forward at all.

Equalities impact assessment

- 6.10 In deciding to proceed with the exercise of appropriation and acquisition so as to engage section 203 of the HPA 2016, the Council must pay due regard to its Public Sector Equality Duty (PSED), as set out in Section 149 of the Equalities Act 2010 (the **2010 Act**). The PSED provides that a public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.11 Consideration must also be given to whether, if the decision is made to go ahead, it will be possible to mitigate any adverse impact on a protected group, or to take steps to promote equality of opportunity by, for example, treating an affected group more favourably.
- 6.12 Officers are mindful of this duty in making the recommendations in this Report. Generally, it is considered that the impacts of the Development are positive. The proposals would comprise measures to ensure that 10% of the residential units are wheelchair accessible homes. The proposed residential and commercial elements will also have level pedestrian access from London Road with 4 car parking spaces exclusively for use by blue badge holders. This is considered a significant improvement on the current offer.
- 6.13 Within the process of engaging and negotiating with affected third parties, allowances will be made to account for vulnerable parties in accordance with the PSED.

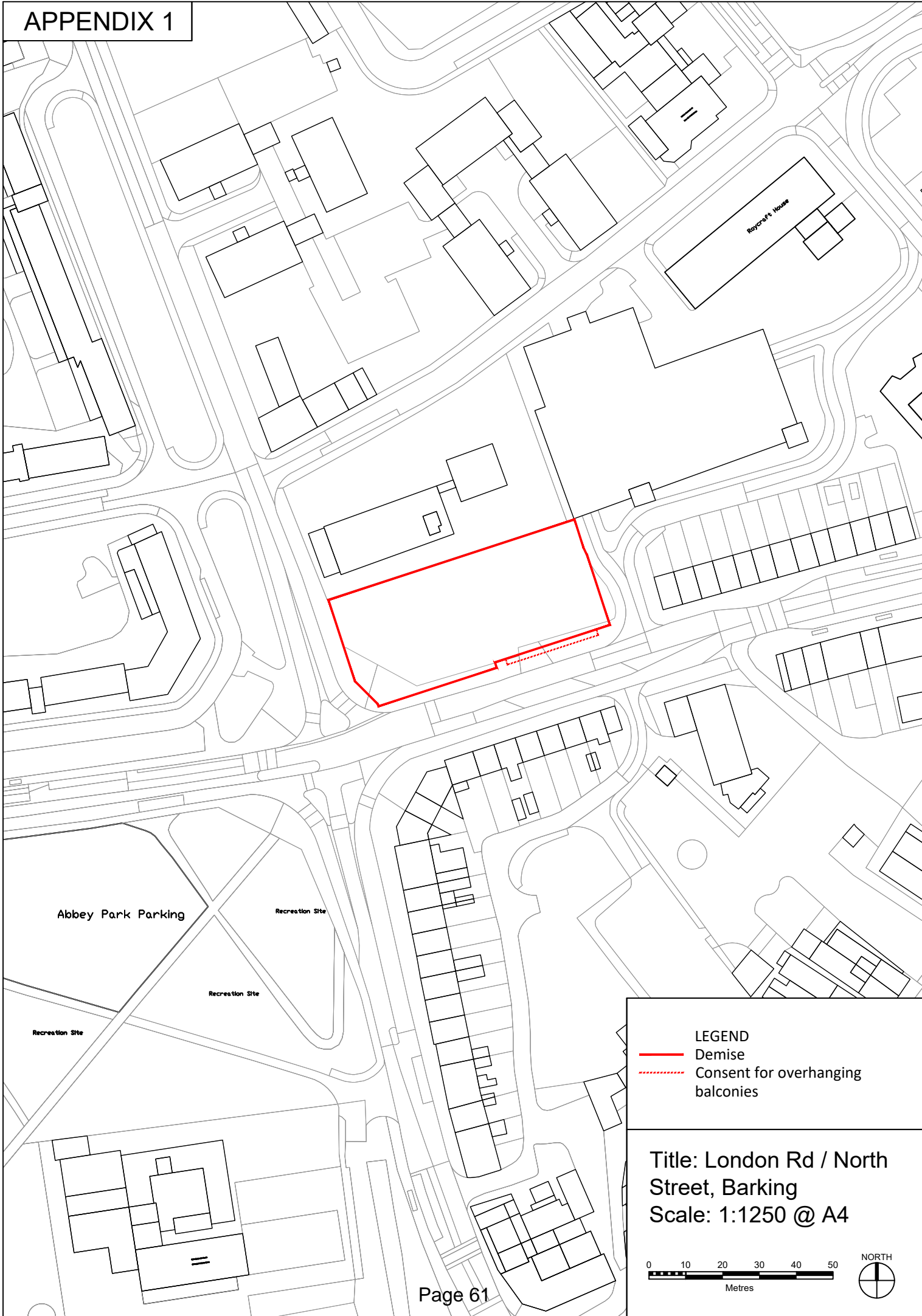
Human Rights

- 6.14 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (the **ECHR**). In this case a decision to override easements and other rights represents an interference with rights protected under Article 1 of the Protocol to the ECHR (the right to peaceful enjoyment of possessions) and Article 8 of the ECHR (right to respect for private and family life, home and correspondence). Any decision to interfere with such rights must strike a fair balance between the public interest associated with the Development and the interference with private rights. In light of the clear public benefit associated with the Development and a compelling case in the public interest for the use of the powers to override rights and given that any person who can show that they held an interest in any of the Appropriation / Acquisition Land will be entitled to compensation in accordance with the relevant statutory provisions, it is considered that the interference with the private rights of those affected would be lawful, justified and proportionate.
- 6.15 The Council is of the view, therefore, that the exercise of its powers in accordance with this Report is compatible with the ECHR.

Public Background Papers Used in the Preparation of the Report: None

List of Appendices:

- Appendix 1 – Revised site plan (for the Development Agreement and 250 year ground lease) shown outlined in red (the Land)
- Appendix 2 – Revised plan showing land to be acquired and appropriated shown outlined in red (the Appropriation/Acquisition Land)
- Appendix 3 – Revised plan showing the Developer's Land



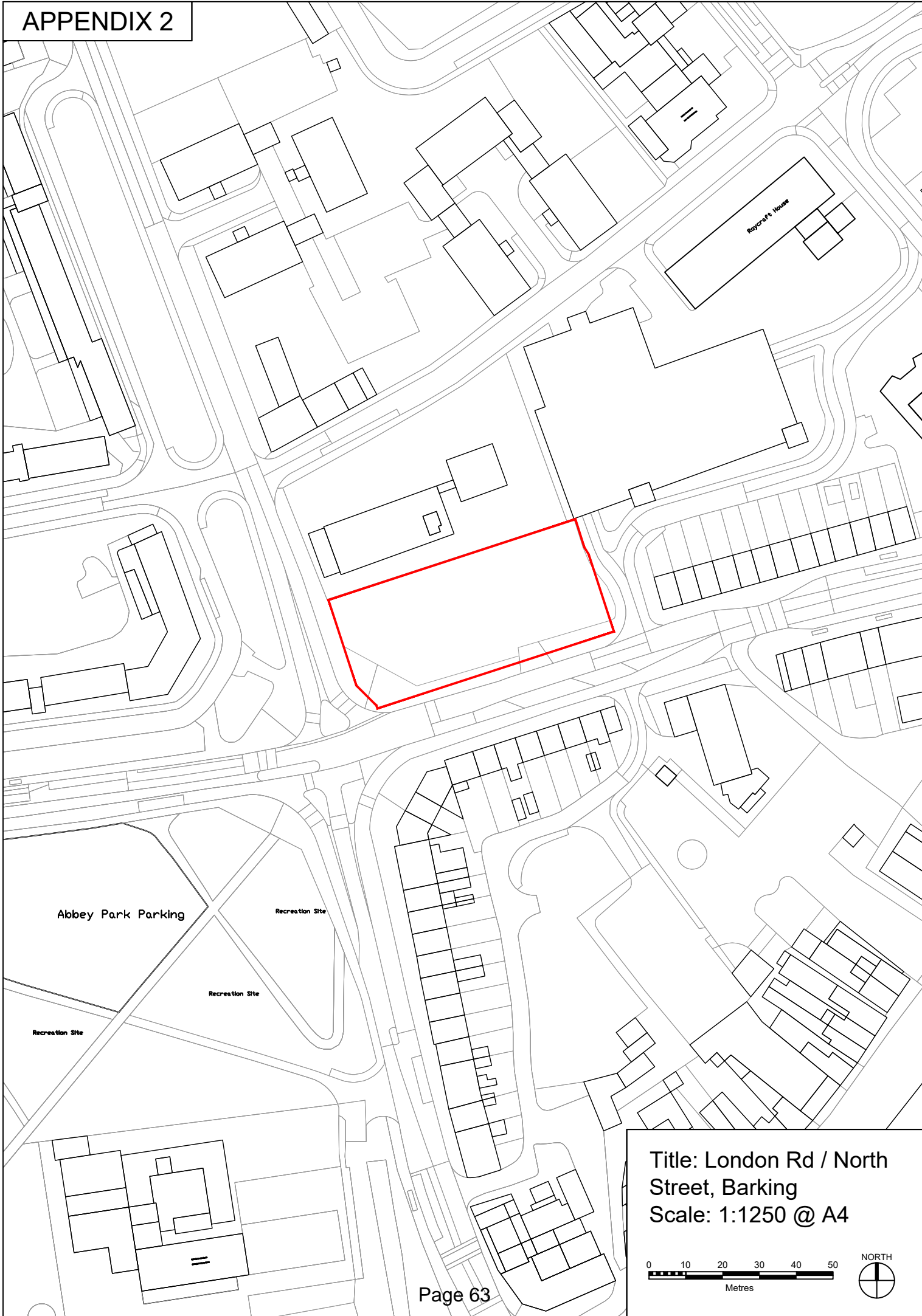
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- - - Consent for overhanging balconies

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Abbey Park Parking

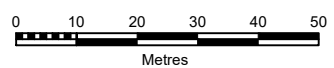
Recreation Site

Recreation Site

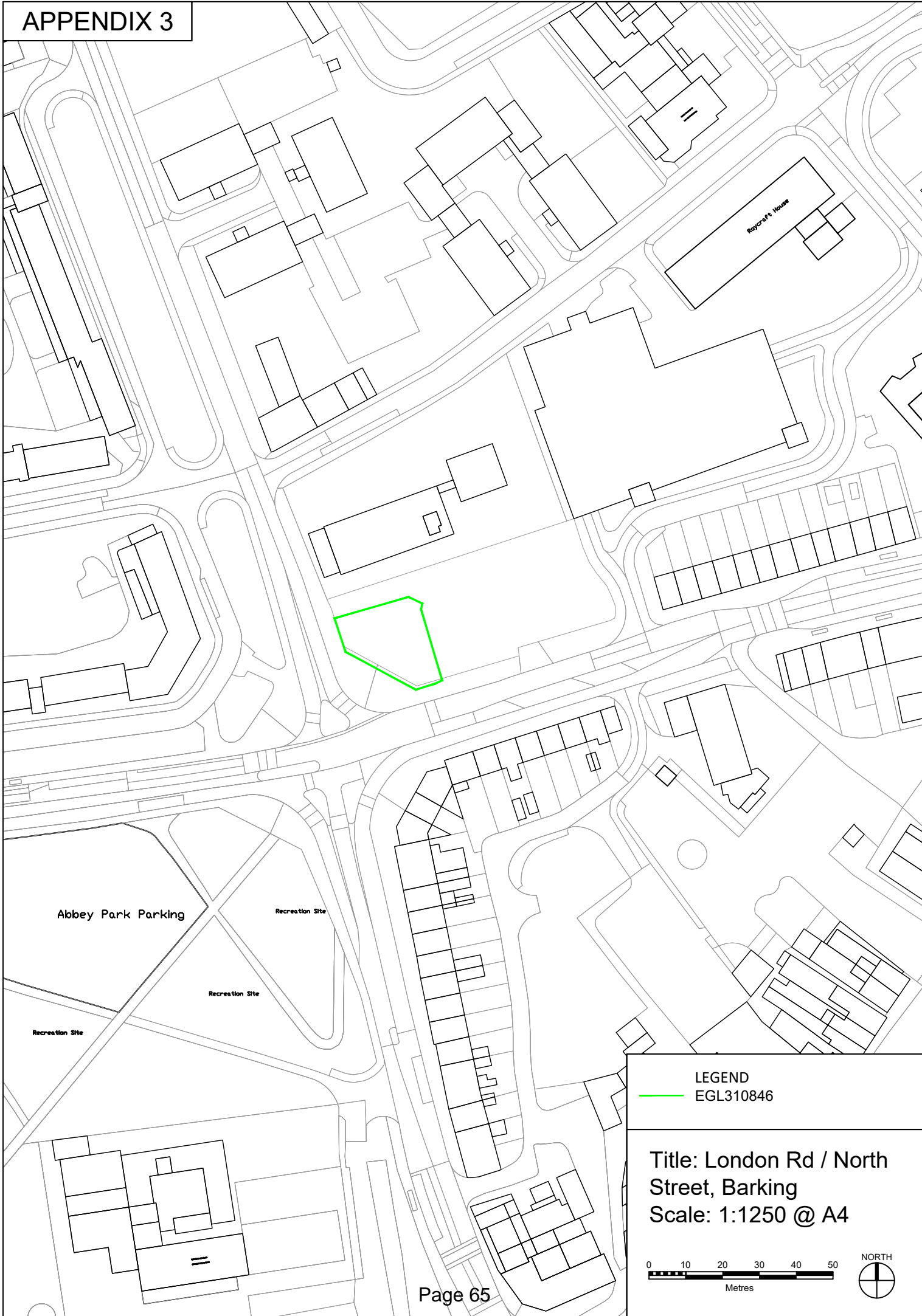
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Raycraft House

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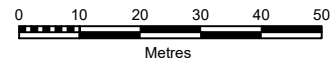


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CABINET**20 April 2021**

Title: Procurement of a Cloud Support Contract and IT Database Administration Management Service	
Report of the Cabinet Member for Finance, Performance and Core Services	
Open Report	For Decision
Wards Affected: None	Key Decision: Yes
Report Author: Ben Davis, IT Project Manager	Contact Details: E-mail: ben.davis@lbbd.gov.uk
Accountable Director: Paul Ingram, Chief Information Officer	
Accountable Strategic Leadership Director: Claire Symonds, Managing Director	
<p>Summary:</p> <p>This report requests authorisation for the Council to procure a replacement managed service contract for Cloud Services, specifically: Microsoft Azure, Windows Virtual Desktop (WVD), Database Administration (DBA) Service and a Cloud Service Provider (CSP) agreement</p> <p>Azure Managed Service Microsoft Azure, commonly referred to as Azure, is a cloud computing service created by Microsoft for building, testing, deploying, and managing applications and services through Microsoft-managed data centres. In late 2020 the Council migrated from its private Agilisys datacentre to Azure, most of the Council's servers and software applications now reside on servers in Azure and as a result it is essential that we continue to have high quality services to support this computing environment.</p> <p>Windows Virtual Desktop (WVD) In 2020 the Council moved away from Citrix to Windows Virtual Desktop (WVD) which is an Azure service. This service is key to the reliable provision of key Council applications to internal and partner organisations. A short contract was put in place post implementation to manage the WVD environment this contract now needs to be replaced with a longer-term contract to support this key technology service.</p> <p>Cloud Solution Provider (CSP) Agreement or Azure Partner Agreement (APA) A CSP agreement is a contractual mechanism required to enable the Council to purchase Microsoft's cloud services. Microsoft do not sell directly to customers, although the agreement will be between the Council and Microsoft. The CSP partner must be the same company as that providing the Azure Managed Service, the provider will provide Azure billing and advice on optimising Azure costs.</p> <p>An alternative to a CSP agreement is to use the Azure Partner Agreement mechanism from Crown Commercial Services which works differently from the CSP and may provide cost efficiencies to the Council.</p>	

It is critical to the continued provision of the Council's Azure services to have either a CSP or APA contract continually in place.

Database Administration (DBA) Service

The Elevate joint venture partnership between LBBD and Agilisys ended in December 2020. The Elevate partnership provided this service through a contract with Agilisys. The service is currently supplied using a short-term contract from Agilisys. The current contract will expire in August 2021.

The DBA service is critical to the secure and reliable operation of many Council applications and data sets. A longer-term contract is needed. There are efficiencies arising from taking the DBA service from the same provider as the other Cloud Management services above.

Recommendation(s)

The Cabinet is recommended to:

- (i) Agree that the Council proceeds with the procurement of managed service contracts for Azure, Windows Virtual Desktop and IT Database Administration and Cloud Solution Provider Agreement to purchase services from Microsoft, in accordance with the strategy set out in the report; and
- (ii) Delegate authority to the Managing Director, in consultation with the Strategic Director of Law and Governance, to award and enter into contract(s) / agreement(s) and any periods of extension with the chosen suppliers in accordance with the strategy set out in the report.

Reason(s)

To assist the Council to achieve its priority of a 'Well Run Organisation'.

1 Introduction and Background

- 1.1 The Council, until late 2020, had most of its servers and software applications in the Agilisys Private Datacentre (IaaS). Before the Elevate partnership ended on 9 December 2020, servers and software applications were moved to Microsoft's Public Cloud Platform (Azure).
- 1.2 Agilisys, through the Elevate partnership, were managing the IaaS environment and built the Azure environment for LBBD, where now most of the Council's servers and software applications reside. Contracts were extended for continued support for the Azure environment (based on the IaaS contract) and the CSP agreement until 9 June 2021.
- 1.3 LBBD also had its Citrix environment co-located with IaaS. Citrix, thin client technology, was used to deliver certain applications including Capita Housing (now known as Open) and Academy used in the Revenues and Benefits department. Citrix infrastructure was end of life and rather than upgrade and move Azure a decision was taken to move from Citrix to Windows Virtual Desktop (WVD) technology to deliver the applications that were on Citrix. The WVD environment is

built on Microsoft technology and resides in Azure.

- 1.4 The build and migration from Citrix to Windows Virtual Desktop (WVD) was completed in November 2020 and a short-term contract was entered into to support the WVD environment which expires on 9 June 2021.
- 1.5 The Council also currently use several critical key line of business IT systems such as the Capita Academy system, Capita OPEN Housing system, Oracle ERP system, etc. for managing and storing customers records, financial transactions, benefit payments, council housing assets, staff records, etc. These systems manage approximately £100m circa of Council funds in any fiscal year. Delivery of these applications is dependent on WVD being available.
- 1.6 The Council has a short-term contract with Agilisys, for the provision of Database Administration (DBA) services for the major database systems in use: Oracle, Ingres, Microsoft SQLServer for a period of 6 months until 9 June 2021. These database services are key to the operation of several our key business applications.
- 1.7 IT have opted to conduct a joint procurement for Azure, WVD, DBA and a CSP agreement as per option 2 in section 3.2 of this report.

Current system overview

- 1.8 LBBD's current contract for Azure supports:
 - System maintenance- Periodic & emergency operating system patching for all servers hosted on Azure.
 - System protection - Maintenance of anti-malware software across each server hosted in Azure.
 - Backup and archive services- System backups, archiving and restoration for all servers hosted within Azure.
 - Service security - Baselining and improving the security posture of all in-scope services within Azure.
 - Cost management - Visibility of consumption across Azure
 - Service support - Incident management, monitoring and service request fulfilment.
- 1.9 LBBD's current contract for WVD covers:
 - Support for 5 images in WVD.
 - 3 production, 2 dev images.
 - 24x7x365 monitoring of the WVD environment.
 - Monthly patch management for the WVD environment (5 images).
 - Management of WVD host pools, application groups and session hosts.
 - Out of hours image deployment, including weekend deployment.
 - Unlimited number of deployments.
 - Weekend support.
 - 24 hours service hours for P1 incidents, 8 am – 6 pm Mon-Fri (service desk).
 - WVD and Fslogic management.
- 1.10 LBBD's contract for DBA Support Services covers:
 - Provision of Non-ERP Oracle DBA Support Services
 - Provision of Ingres DBA Support Services

- Provision of SQL DBA Support Services

- 1.11 LBBB's CSP agreement covers:
- Supply of Microsoft Azure services.

2. Proposed Procurement Strategy

2.1 Outline specification of the works, goods or services being procured.

- 2.1.1 Sufficient time will be required to on-board a new supplier (if chosen), for the joint procurement of managed services for Azure, WVD, DBA and a CSP agreement.
- 2.1.2 CCS has negotiated a new pricing arrangement (APA) with Microsoft to provide discounted pricing for public sector organisations to use Azure Cloud Services. LBBB will consider bidders that could offer the new pricing arrangement for Azure services.
- 2.1.3 It would be ideal if a single supplier can offer all the services above, but LBBB will enter separate contracts if deemed advantageous to do so. Therefore, we may have suppliers managing one, a couple or all services above.
- 2.1.4 Agreed with legal on the 02/02/2021, that LBBB will seek to extend current contracts in place for Azure, WVD, DBA and CSP until 09/09/2021 using the council's waiver process. This will allow time to carry out a fully compliant tender, co-terminate current contracts, time to transition to a new supplier and allow time for bidders to respond to the tender. The ideal would be for a single supplier to manage all services as they all reside in the Azure datacentre.

2.2 Estimated Contract Value including the value of any uplift/extension period.

- 2.2.1 The table below illustrates the estimate contract value for each of the services above. The costs are based on current contracts and estimated future growth.

Item	Annual cost	2 Year costs	3 Year costs	4 Year cost
Azure Costs	220,000	440,000	660,000	880,000
WVD Costs	60,000	120,000	180,000	240,000
CSP/APA Agreement	640,000	1.280 M	1.920 M	2.560 M
DBA Support	215,000	430,000	645,000	860,000
Total Cost	1.135 M	2.270 M	3.405 M	4.540 M

*excludes internal LBBB resource costs and supplier on-boarding costs during implementation.

2.3 Duration of the contract, including any options for extension.

- 2.3.1 The contract will be for 24-months, with the option to extend twice for 12-months each time (2 + 1 +1 Year).

2.4 Is the contract subject to the (EU) Public Contracts Regulations 2015? If Yes and the Contract is for services, is it subject to the light touch regime?

2.4.1 Yes, this is subject to the thresholds for goods and services which are currently £184k contract value.

2.5 Recommended procurement procedure and reasons for the recommendation.

2.5.1 Conduct the procurement for the management service contracts for Azure, WVD, DBA and a CSP agreement before the 9th of September 2021, when the current contracts expire.

2.5.2 The most appropriate procurement approach will be to carry out an open market tender for the procurement of these services, this will provide the best spread of competition and pricing for the council. The proposed route to market will also enable the council to lot these items together, which could reduce the number of suppliers providing the services to LBBD which brings a host of benefits.

2.5.3 The recommendation is to undertake a joint procurement exercise via the open market method for the advantages outlined in section 3.2.1 of this report, and with the intention of going to market for four services in one procurement. The suppliers identified will be shortlisted and evaluated based on the services they can offer, and the pricing.

2.5.4 The table below summarises the expected procurement timescales:

Procurement Board Sub-Group Meeting	Mon 1 st Feb 2021
Procurement Board Meeting	w/c 22/02 Feb 2021
Portfolio Holder Meeting and director for IT	March 2021*
Corporate Strategy Group Meeting	March 2021*
Cabinet Meeting	April 2021*
Approach and evaluate shortlisted suppliers	April 2021*
Complete supplier evaluation	May 2021*
Approval and award of contract	May 2021*
Start of project implementation	June 2021*

*dates to be confirmed.

2.5.5 If during the procurement it is discovered that a joint procurement is not to the Council's advantage, then LBBD will be required to undertake individual procurements for some of the services.

2.6 The contract delivery methodology and documentation to be adopted.

2.6.1 All services will need to be on-boarded as they are complex environments, and the winning bidder will need to familiarise themselves fully with each environment. On-boarding may last several weeks and will require resources from IT services to assist with the on-boarding.

2.6.2 Project management and IT resource costs have not been factored into this paper.

2.6.3 The on-boarding plan will be developed with the chosen supplier(s) prior to contract

signoff.

2.6.4 At the end of the 2-year initial contract period, LBBD will be required to make provisions to continue with the contracted supplier for another 12-months or undergo a re-procurement exercise.

2.7 Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract.

2.7.1 It is expected that by going through an open market process, LBBD will be able to procure one supplier for all the outlined services in this report. One supplier could see reduced downtime and easier management of contracts.

2.7.2 An opportunity to rectify any shortfall in the current managed service contract(s) and add in penalty clauses if a supplier does not meet expected service delivery that has an adverse effect on IT services provided to the Council and the public.

2.8 Criteria against which the tenderers are to be selected and contract is to be awarded.

2.8.1 The price/quality criterion split will be:

55% Functionally/Quality
35% Cost
10% Social Value

2.9 How the procurement will address and implement the Council's Social Value policies.

2.9.1 Potential supplier(s) will need to address the Council's Social Value commitments and LBBD will expect bidders', based on LBBD's Social Value Framework and the five priority themes (Investment in Local People, Investment in Local Economy, Environmental Sustainability, Community Participation and Engagement and People, Independence and Resilience) to make commitments which will be part of the assessment criteria.

3 Options Considered

3.1 Option 1 – Do nothing (Rejected)

3.1.1 This is not a feasible option as it means that LBBD will be left without support contracts for essential IT services and goes against the Councils Contract Rules.

3.2 Option 2 – Joint procurement (Recommended)

3.2.1 Managed service contracts for Azure, WVD, and a CSP agreement all with a single supplier. However, it is understood that this may not be possible so one or more elements may be tendered separately using the criteria in section 2.8.

Joint Procurement	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Potentially a reduced on-boarding and on-going support cost. • A single procurement for all systems will mean a reduction in overall procurement time and costs, which will result in increased efficiencies and better contract value. • Easier to manage a single supplier. 	<ul style="list-style-type: none"> • We could be at risk of having a supplier that does not fully meet all the individual requirements for all services. • There is an overall reduced market selection available due to limited suppliers being able to deliver all services. • The supplier may not have the capacity to deliver services within our timeframe.

3.3 Option 3 – Individual procurements (Viable but Less-Preferred)

3.3.1 Purchase of different contracts with different suppliers.

Individual Procurements	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Suppliers will be evaluated purely based on whether they meet the individual requirements. • Individual procurement means that contracts can be delivered in parallel. 	<ul style="list-style-type: none"> • Separate procurements will need to be undertaken, which means that a solution may not be delivered within the required time. • A costly option, in that suppliers will need to be approached and evaluated separately therefore effort may be duplicated.

3.4 Inhouse Provision (DBA Specific; Rejected)

3.4.1 The DBA Support Services has not been provided inhouse for more than 10 years. Hence, there are no dedicated staff inhouse for this service. The options are to train existing IT staff which would still need additional resources to be recruited to cover the other business as usual activities as there is no spare capacity within the team to cover this additional work. Further, the skillset & experience required to manage the complex databases used within the Council will require a substantial lead time which cannot be achieved by the end of the support contract by June 2021.

3.5 Strategic Services Framework (Rejected)

3.5.1 IT have considered the Strategic Services Framework for all the aforementioned items, however due to the quantity lotting of the IT products and services, if we were to aggregate four or five elements, we would be unable to achieve this on the framework, which is not desirable for LBBs IT strategy.

4 Waiver

4.1 Not applicable.

5 Equalities and other Customer Impact

5.1 Cloud Support Contract - This contract is to manage IT services and consume IT services from a cloud datacentre which will not have any direct impact on equality issues for customers.

5.2 DBA - The new contract will enable continuous & ongoing support for LBBD applications underpinned by the DBA service which are critical for Officers and Residents of the Council.

6 Other Considerations and Implications

6.1 Risk and Risk Management

Risk Description	Mitigating Actions	RAG Status
Any costs included in this report are estimate only and are likely to change.	Costs will need to be finalised with the supplier upon contract award, and resource costs will need to be ratified.	A
A joint procurement may not be feasible as some services may not meet all the requirements.	LBBD may be required to fallback to individual procurements.	A
Not meeting approval deadlines.	LBBD will engage with relevant individuals to ensure they have been briefed and are aware of the procurement timelines.	A
Supplier is not able to deliver on the joint procurement and implementation.	LBBD will need to decide if individual procurements will be more advantageous.	A

6.2 **TUPE, other staffing and trade union implications** - Not applicable

6.3 **Safeguarding Children and Vulnerable Adults** - Any procured managed service contracts will be fully GDPR compliant.

7 Consultation

7.1 IT service heads have been consulted to understand requirements for each of the tendered services.

8 Corporate Procurement

Implications completed by: Francis Parker – Senior Procurement Manager

8.1 The recommended route to market is compliant with the Councils contract rules and the PCR 2015.

- 8.2 G-cloud is a suitable procurement route which is specifically for IT goods and services. It is not the most flexible approach and doesn't allow for competition, on this basis it is hard to gauge whether value for money will be achieved. However, large elements of the overall cost are stipulated by Microsoft which offers a degree of price assurance.
- 8.3 The G-Cloud process will need to be adhered to correctly and records kept accordingly by the IT officers carrying out this procurement.
- 8.4 The Price/Quality splits are reasonable, there is unlikely to be much variation in costs due to the nature of the procurement and quality will be the most important criteria.

9 Financial Implications

Implications completed by: Sandra Pillinger, Group Accountant

- 9.1 The cost of these contracts is £1.135m in Year 1 or £4.54m in total over the 4-year contract period including a 2-year extension. These contracts have been budgeted at £1.136m pa in the IT revenue budget. Internal LBBB resource costs and supplier on-boarding costs will be met from within the existing IT budget.

10 Legal Implications

Implications completed by: Tessa Odiah, Interim Snr. Contracts Solicitor (Law & Governance)

- 10.1 The estimated contract value of the service to be procured are over the threshold specified in the Public Contracts Regulation 2015 and are therefore subject to the tendering requirements set out in the body of this report.
- 10.2 The acquisition of these services must also comply with the Contract Rules set out in the Constitution.
- 10.3 As the services are to be acquired through an established framework to which the council have access; the CCS G-Cloud 12 Framework, the proposed acquisition would appear to be compliant with both the PCT and the Council's Contract Rules.
- 10.4 Therefore, the proposals set out in this report would appear to be legally permissible and Legal Services support the recommendations made in this report.

Public Background Papers Used in the Preparation of the Report: None

List of Appendices: None

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