



Report of: Principle Asset Management Officer

Report to: Chief Officer, Safer Leeds

Date: 14th November 2019

Subject: The Waiver of Contracts Procedure Rule 9.1 and 9.2 – To Support the Delivery of an extension to the existing Nowell Mount Community Centre.

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s): Burmantofts & Richmond Hill	
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number: Appendix number:	

Summary

1. Main issues

- In 2018, The Office of the Police and Crime Commissioner (OPCC) received funding from the Home Office to support the reduction of youth violence across the region. The funding was allocated from the Home Office Early Intervention Youth Fund and Leeds received £45,000 to develop an extension to the existing Nowell Mount Childrens Centre (Burmantofts & Richmond Hill ward). This funding would create a permanent community and youth hub connected to the existing building.
- Through discussion with young people in the local area, it became clear that the aspirations of the community would exceed the value of the grant funding available. A review of the options that would best support the community took place and securing additional funding to realise the communities goal was agreed. The development of the Nowell Mount Childrens Centre was temporarily on hold.
- As a result of recent funding allocations, the Office of the Police and Crime Commissioner (OPCC) has received further funding from the Home Office towards reducing youth violence across the region. Safer Leeds has been allocated a budget of £848,663 to spend on local projects that must be completed by 31st March 2020. Of that amount, £185,000 has been allocated to the Nowell Mount

Youth and Community Hub project and will support the previous allocation of £45,000 secured in 2018. It should be noted that the grant funding is made up of £150,000 capital, £15,000 fees and £20,000 allocated to a local delivery partner (CATCH) to engage and support young people in the area. Funds must be spent and any related building works delivered and handed over by 31st March 2020. Failure to achieve this would result in the unspent funding being withdrawn.

- Reducing the number of young people involved in violent crime is a priority for the city and the grant funding received from the OPCC is a significant financial investment in supporting this goal. Due to the time limitation imposed on the grant funding (to be spent and delivered by 31st March 2020) this project cannot be delivered via the Internal Service Provider or tendered through an existing Framework Agreement in time for the imposed completion date. These specific schemes can however be delivered by the LLEP (Leeds Local Education Partnership) via the existing Strategic Partnering Agreement between Leeds City Council and the LLEP, identified under the Additional Services Agreement.

The utilisation of the existing Strategic Partnering Agreement Leeds City Council has agreed with the LLEP, would facilitate immediate engagement with an appropriate contractor and significantly reduce the time required to meet the tender process as identified in the Leeds City Council CPR's. This would greatly reduce the risk of none delivery by the 31st March 2020.

2. Best Council Plan Implications

- The proposed works would directly support the following aspirations of the authority;
 - Keeping people safe from harm, protecting the most vulnerable.
 - Tackling crime and anti-social behaviour.
 - Promoting community respect and resilience.

3. Resource Implications

- The budget allocated to this scheme is a maximum of £240,000 funded through the Early Intervention Youth Fund and The Violence Reduction Unit. This will support an anticipated construction cost of £200,000 with the remaining £40,000 covering fees and contingency.
- The LLEP has reviewed the site and proposed works as noted above and identified that the scheme can be delivered within the notional programme constraints. The approval of the waiver will allow further engagement with the LLEP in order to generate the appropriate design solution in line with the existing Strategic Partnering Agreement. Once the scheme has reached design freeze budget cost will be identified in the subsequent Design Cost Report.

Recommendations

The Chief Officer, Safer Leeds is requested to;

- a) Approve the waiver of the following Contracts Procedure Rule to enable the delivery of essential accommodation on the existing Nowell Mount Community Centre Site in order to support the aspiration of the local community and discharge the authority's obligations towards reducing youth violence across the region.

- **CPR 9.1** *Where no appropriate internal provider, Exclusive Supplier, existing provider, LCC Approved Framework Agreement or Approved Framework Agreement exists, competition is required for procurements valued over £100k.*
- **CPR 9.2** *Where there are sufficient numbers of providers at least four written tenders will be invited. Tenders must be invited by publishing an open opportunity on the YORtender portal or inviting tenders from suppliers using Constructionline (if applicable, please see the construction and housing category team for advice). Authorised Officers should consider CPR 1.1.3 when deciding which approach to take.*

b) To approve the engagement of the LLEP via the existing Strategic Partnering Agreement and generate the appropriate solution that will be delivered on the Nowell Mount Community Centre site before the end of 31st March 2020.

1. Purpose of this report

- 1.1 The purpose of this report is;
- 1.2 To provide background information and detail to the Chief Officer, Safer Leeds to approve the engagement of the LLEP via the existing Strategic Partnering Agreement and generate / deliver a design solution that cannot be met by the Internal Service Provider or an existing Framework Agreement in time for the 31st March 2020 on the site of the existing Nowell Mount Children's Centre.
- 1.3 Seek authority to waiver CPR 9.1 and 9.2 to enable the delivery of essential accommodation that will be delivered on the Nowell Mount Community Centre site before the end of 31st March 2020.

2 Background information

- 2.1 In 2018, the Police and Crime Commissioner allocated £45,000 from the Home Office Early Intervention Fund to establish a new youth and community hub in the Nowells area. Through extended dialogue with the local community it was evident that the funding available would not meet the aspirations of the community and the proposed development of the existing Nowell Mount Children's Centre was on hold until additional funds could be secured.
- 2.2 Further funding to reduce and prevent youth violence has been allocated to Leeds City Council via the Office of the Police and Crime Commissioner (OPCC) to be spent in the 2019/20 financial year. It has been distributed to various projects across Leeds including deploying more resources into the Early Help and Front Door safeguarding hubs, providing peer advisors to young people vulnerable to exploitation and, a community grant fund. The remit of the funding is to reduce hospital admissions with a puncture wound, prevent and reduce knife enabled serious youth violence and reduce non-domestic homicides.
- 2.4 There is a lack of accessible indoor community venues in the area, and organisations wanting to deliver diversion and engagement activities for young people have struggled to secure venues to deliver quality youth work and support. A project team of officers from Safer Leeds, Children & Families, Public Health and Communities have identified land adjacent to the Nowell Mount Children's Centre as a suitable location for new accommodation that would support a base for youth work in the area, but also be available to other services and the wider community.

3.5 CATCH is a well-established community organisation delivering youth work and wider community support from its base next to Hovingham Primary School. It has a successful volunteering programme and close links to Early Help hubs, West Yorkshire Police and many other services. To support the delivery of the new youth base on the Nowell Mount site, CATCH will be commissioned to work with young people local to the Nowells, to help them develop and maximise the opportunities at the new youth centre. A separate DDR provides further details about this work and its implications.

3 Main issues

3.1 Reason for Contracts Procedure Rules waiver;

3.1.1 The proposed development at the Nowell Mount Childrens Centre cannot be delivered by the Internal Service Provider (LBS) due to existing resources being already committed and the frameworks that are readily available not being able to meet the compressed programme. Other options have been explored such as accessing the existing YORbuild Framework Agreement, in line with LCC's procurement guidelines. Unfortunately this potential delivery route would also exceed the date required to deliver the proposed accommodation thus increasing the risk of none delivery and the likelihood of any unspent grant funding being withdrawn.

3.1.2 Having liaised with Leeds City Council procurement colleagues regarding the above matters, it was identified that whilst the existing YORbuild framework is the preferred tender process, in this instance, it would not meet the stringent delivery dates as set by the Office of the Police and Crime Commissioner.

3.1.3 Following a discussion with the LEPP, the ability to support this project was acknowledged and could be delivered via the Strategic Partnering Agreement between LCC and the LLEP. This would however require the waiver of Contract Procedure Rules 9.1 and 9.2. to allow Leeds City Council to commission an appropriate contractor via the LLEP without further competition and reduce the risk of none delivery by 31st March 2020 and the likelihood of any unspent grant funding being withdrawn.

3.2 Consequences if the proposed action is not approved;

3.2.1 If the proposed waiver is not approved, engagement with an appropriate contractor would be via the YORbuild Framework. This process would exceed the critical delivery date to complete the required accommodation by 31st March 2020. The result would be any unspent funding secured for the project will be withdrawn, and the authority liable for any costs incurred to complete the project.

3.2.2 A new youth centre for the area will enable young people to be engaged on an ongoing basis all year round and will not be exposed to 'weather permitting'. In addition, some activities are currently delivered at a cost to the authority via hired venues, these activities could be delivered at the new Nowells Youth Centre, enabling a significant saving in venue hire for the authority.

3.2.3 As an area with high youth violence and poverty, it is a priority for young people to have access to safe all year round diversionary and support services in order to achieve the Best Council Plan ambitions.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Consultation has taken place with the Executive Members for Communities and Children and Families plus wider stakeholders through the Violence Reduction Strategic Partnership.
- 4.1.2 Consultation has taken place with local Ward Members who are fully supportive of the project.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 The Nowells is an ethnically diverse community and is classified as one of the 1% most deprived neighbourhoods in England according to the Indices of Multiple Deprivation.
- 4.2.2 The centre will increase the capacity of community based organisations to engage with young people and local residents and foster community cohesion through projects that bring people of different backgrounds together.

4.3 Council policies and the Best Council Plan

- 4.3.1 The proposed works would directly support the following aspirations of the authority;
 - Keeping people safe from harm, protecting the most vulnerable
 - Tackling crime and anti-social behaviour
 - Promoting community respect and resilience

Climate Emergency

- 4.3.2 The project team shall consider the impact of their proposals on the environment and take steps to mitigate their impact on climate change, in line with the Council's climate emergency declaration.
- 4.3.3 During mobilisation the contractors and CATCH will be asked to demonstrate how they will reduce their carbon footprint, including making best use of technology, energy saving materials and sustainable transport for the building and in the day to day future operations.

4.4 Resources, procurement and value for money

- 4.4.1 Funding for the project is secured from the budget allocated to the Council by the OPCC and meets the priorities set out by the Home Office.
- 4.4.2 The LLEP has reviewed the specific proposal as noted above and identified that the relevant work can be delivered within the notional programme constraints. The

approval of the waiver will allow further engagement with the LLEP in order to generate the appropriate designs solutions that will generate the most cost effective solution in line with the existing Strategic Partnering Agreement. Once the schemes have reached design freeze budget cost will be identified in the individual Design Cost Report.

- 4.4.3 As a shareholder, LCC also retains an element of control over the LLEP's activities and shares in any dividends produced as a result of any activities. The LLEP fees generated are being produced from first principles (reflecting actual costs). This provides LCC with clear visibility and confidence that they reflect value for money.

4.5 Legal implications, access to information, and call-in

- 4.5.1 This is a significant operational decision and will not be subject to call-in. There are no grounds for keeping the contents of this report confidential within the Council's access to information rules.

- 4.5.2 The Strategic Partnering Agreement between the LLEP and LCC complies with the OJEU process and procurement policies of LCC. The OJEU procurement of the LEP was an expensive process for LCC, and as such it is envisaged that the Authority would want to maximise the commercial and delivery advantages that this can provide.

- 4.5.3 Although there is no overriding legal obstacle preventing the waiver of CPR 9.1 & 9.2, the above comments should be noted by the appropriate senior officers in making the final decision as to whether to award this contract and be satisfied that to do so represents best value for the Council, against the context of the Council's requirement to meet its statutory duty to ensure the delivery of the proposed community provision.

4.6 Risk management

- 4.6.1 The waiver of CPR 9.1 & 9.2 would allow Leeds City Council to commission an appropriate contractor via the LLEP without further competition and reduce the current risk of not delivering the appropriate level of accommodation for 31st March 2020. Continuous dialogue with procurement colleagues has identified the potential risks associated with the waiver as identified above.

5 Conclusions

- 5.1 Funding for community projects that aims to reduce knife enabled serious youth violence has been made available to Safer Leeds through the Home Office via the OPCC.

- 5.2 Youth work delivered in quality venues can have a positive impact on diverting young people from participating in crime and can reduce the risk of young people becoming a victim of violent crime.

- 5.3 Having liaised with procurement colleagues regarding the above matters, the advice offered in this particular instance (waiver of CPR9.1 & 9.2) would allow Leeds City Council to commission an appropriate contractor without further competition and reduce the risk of none delivery of the appropriate level of accommodation for the 31st March 202. It should be noted the LLEP is currently providing support to identify the required work at the existing Nowell Mount Childrens Centre and the approval of

the waiver would enable the completion of a proposed design solutions with the budget cost being identified in the individual Design Cost Report.

6 Recommendations

6.1 The Chief Officer, Safer Leeds is requested to;

- c) Approve the waiver of the following Contracts Procedure Rule to enable the delivery of essential accommodation on the existing Nowell Mount Community Centre Site in order to support the aspiration of the local community and discharge the authority's obligations towards reducing youth violence across the region.
- **CPR 9.1** *Where no appropriate internal provider, Exclusive Supplier, existing provider, LCC Approved Framework Agreement or Approved Framework Agreement exists, competition is required for procurements valued over £100k.*
 - **CPR 9.2** *Where there are sufficient numbers of providers at least four written tenders will be invited. Tenders must be invited by publishing an open opportunity on the YORtender portal or inviting tenders from suppliers using Constructionline (if applicable, please see the construction and housing category team for advice). Authorised Officers should consider CPR 1.1.3 when deciding which approach to take.*
- d) To approve the engagement of the LLEP via the existing Strategic Partnering Agreement and generate the appropriate solution that will be delivered on the Nowell Mount Community Centre site before the end of 31st March 2020.

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.