

Report to	Cabinet
Date of meeting	28 th March 2023
Lead Member / Officer	Cllr Rhys Thomas - Lead Member for Housing and Communities / Angela Loftus - Strategic Planning and Housing Manager
Head of Service	Emlyn Jones - Head of Planning, Public Protection and Countryside Services
Report author	Andrea Fisher – Principal Built Project Surveyor
Title	Provision of a Dynamic Procurement System for Delivery of Disabled Facilities Grant

1. What is the report about?

1.1. The report seeks Members' approval to undertake the development and procurement of a Dynamic Procurement System (DPS) in regards to the delivery of Mandatory Disabled Facilities Grants (DFGs) in line with Denbighshire County Council's (DCC) Contract Procedure Rules. A further report will be provided at the end of the procurement process in regards to implementation of the DPS.

2. What is the reason for making this report?

2.1 An audit was undertaken on the procurement systems within DCC and a poor audit result was returned. Also the procurement of adaptation works does not accord with DCC Contract Procedure Rules.

2.2 A decision is required on the development and implementation of a Dynamic Procurement System (DPS) in partnership with Flintshire County Council (FCC) to procure and deliver the Mandatory Disabled Facilities Grant in line with current Contract Procedure Rules. An explanation of a DPS is contained in Appendix 1 of this report.

3. What are the Recommendations?

- 3.1 That Cabinet approve the development and implementation of a Dynamic Procurement System (DPS) in partnership with Flintshire County Council to deliver the Mandatory Disabled Facilities Grant in line with current Contract Procedure Rules.

4. Report details

- 4.1 Under the *Housing Grants, Construction and Regeneration Act 1996 Sections 19-24 as amended by Schedule 3 of the Regulatory Reform (Housing Assistance)(England & Wales) Order 2002* it is a statutory requirement for Local Authorities to provide adaptations, via Disabled Facilities Grant (DFG), to vulnerable persons to enable them to live safely and independently within their own home.
- 4.2 These means tested DFGs are available to private home owners or private rented tenants, with Landlord permission, following referral from an Occupational Therapist.
- 4.3 DFGs deal with medium and large adaptations which include provision of ramped access to property, stairlifts, adapted showering facilities, widening doorways, structural alterations and / or extensions to facilitate the adaptations.
- 4.4 Any vulnerable citizen requiring help to remain independent and safe within their property contacts Denbighshire County Council's Single Point of Access Team (SPOA). An Occupational Therapist will assess the citizen to determine level of assistance required. If a DFG is required, the OT will determine what is 'necessary and appropriate' in their care plan, which is then sent through to Housing Adaptation & Improvement Team for the allocated case officer to determine what is 'necessary and appropriate' and / or 'reasonable and practical' from a technical aspect. The case officer puts together a scheme of works, gets quotations from reputable contractors from the Housing Adaptation & Improvement Team approved contractor list and ensures all works are undertaken in accordance with the Care Plan and completed in a timely manner – in accordance with Welsh Government Housing Adaptation Service Standards.
- 4.5 Under the current system there is an approved list of general building (multi-skilled) contractors. A scheme of works is issued to 3-4 contractors for pricing and, after

tender assessment, the successful tenderer is awarded the contract. Although this system works well it does not accord with DCC's contract procedure rules and therefore it needs to be amended.

4.6 A Dynamic Procurement System (DPS) is similar to an approved list but is operated as a completely electronic process, and will be open throughout the period of validity of the purchasing system to any firm that satisfies the selection criteria.

4.7 The implementation of the Dynamic Procurement System (DPS) in partnership with Flintshire County Council will allow both local authorities to deliver DFG's across the border via a good cross section of competent contractors thus enabling vulnerable citizens to live independently and safely within their own homes.

5. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?

5.1. Provision of DFGs will contribute towards the following corporate plan themes:

- A Denbighshire of quality housing that meets people's needs – through ensuring homes are adapted to meet the needs of vulnerable people, assisting them to lead independent lives in appropriate accommodation for as long as possible.
- A healthier and happier, caring Denbighshire – through enabling people to live safely and independently.
- A fairer, safe and more equal Denbighshire – through supporting vulnerable people to live safely in their own homes
- A well-run, high performing Council – by improving our procurement system

The decision will have a neutral contribution to the Council becoming Net Carbon Zero and Ecologically Positive by 2030.

6. What will it cost and how will it affect other services?

6.1 Currently £1.5M capital allocation per year for Disabled Facilities Grants. The full allocation is committed every year but as the works required under Disabled Facilities Grants are reactive costs cannot be split down further, however costs are managed closely.

6.2 No additional resources will be required in terms of staffing etc.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. Well-being Impact Assessment has not been carried out at this stage, as this exercise is not a change to policy but a change to delivery of the policy.

Disabled Facilities Grants are a statutory function and look to provide adaptations to disabled citizens' homes to meet current needs and future needs - to enable them to live safely and as independently as possible in their own home for as long as possible and therefore reduce the reliance on the NHS.

The proposed DPS will allow employment of local SME's to deliver adaptations with due respect to climate change by ensuring that the sourcing of materials have as minimal as possible an impact on the environment.

8. What consultations have been carried out with Scrutiny and others?

8.1. No consultations have as yet been carried out as this is a change to operational procedure rather than policy.

9. Chief Finance Officer Statement

9.1 The report would appear to set out a plan for the effective and efficient procurement in this area. As indicated in section 6 the actual spend will need to be kept within the approved spending limits.

10. What risks are there and is there anything we can do to reduce them?

10.1. If procurement procedures are not amended Denbighshire County Council could be in breach of statutory undertaking as per Housing Grants, Construction and Regeneration Act 1996 Sections 19-24 as amended by Schedule 3 of the Regulatory Reform (Housing Assistance)(England & Wales) Order 2002.

10.2. We would not be able to contribute to the delivery of Denbighshire County Council's corporate theme of 'A Denbighshire of quality housing that meets people's needs'.

11. Power to make the decision

- 11.1. Cabinet is required to authorise the commencement of this procurement procedure pursuant to section 2.7.2 iii of the Council's Contract Procedure Rules.
- 11.2. Housing Grants, Construction and Regeneration Act 1996 Sections 19-24 as amended by Schedule 3 of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002.
- 11.3. The Council also has power to enter into contracts pursuant to section 111 Local Government Act 1972 (power to undertake any act to facilitate, or which is conducive or incidental to, the discharge of any of their functions); section 135 Local Government Act 1972 (power to make standing orders to govern entering into contracts), section 112 Local Government Act 1972 (appoint such officers as they think necessary for the proper discharge by the authority of the authority's functions); section 3(1) Local Government Act 1999 (general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised).