

Decision Maker:	PORTFOLIO HOLDER FOR RENEWAL, RECREATION & HOUSING
Date:	For pre-decision scrutiny by the Renewal, Recreation and Housing Policy Development & Scrutiny Committee on 4 October 2022
Decision Type:	Non-Urgent Executive Key
Title:	PROCUREMENT OF MODULAR CHANGING PLACES FACILITIES FOR CRYSTAL PALACE PARK AND HIGH ELMS COUNTRY PARK PART 1 (PUBLIC) REPORT
Contact Officer:	Jessica Naylor, Regeneration Project Support Officer Tel: 020 8461 7406 E-mail: Jessica.Naylor@bromley.gov.uk
Chief Officer:	Sara Bowrey, Director of Housing, Planning and Regeneration
Ward:	Crystal Palace & Anerley; Darwin

1. REASON FOR REPORT

- 1.1 In March 2022, the Council was awarded £220k grant funding from the Department of Levelling Up, Housing and Communities to deliver four Changing Places facilities at agreed locations across the borough. This includes the delivery of two modular Changing Places facilities; one in Crystal Palace Park and one in High Elms Country Park.
 - 1.2 Changing Places facilities contain specialist equipment and must meet design standards in order to meet the criteria for registration as a Changing Places facility and to best support the needs of users. There are therefore a limited number of suppliers who have experience providing Changing Places facilities which meet the required standard.
 - 1.3 The Council is seeking permission to proceed to procurement via an exemption from competitive tendering. Further detail is provided in the Part 2 Report.
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2. RECOMMENDATION(S)

- 2.1 The Portfolio Holder is recommended to approve the decision to proceed to procurement via an exemption from competitive tender to the Contractor named in the Part 2 Report for two modular Changing Places facilities, one at Crystal Palace Park and one at High Elms Country Park.
- 2.2 The Portfolio Holder should note that anticipated value of this procurement is circa £140k and £130k of this will be funded from the Changing Places Fund programme. Should additional funds be required following receipt of a quote from the provider named in the Part 2 report, match funding will be sought or the contract will not be awarded.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The delivery of two Changing Places modular facilities, one at Crystal Palace Park and one at High Elms Country Park will have a positive impact upon vulnerable adults and children. The completion of these facilities will enable residents to access their local communities, enjoy days out and visit green spaces in a safe manner.
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Children and Young People Supporting Independence Healthy Bromley Regeneration:
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Financial

1. Cost of proposal: Estimated Cost: up to £140k
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Changing Places Grant Fund
 4. Total current budget for this head: £220,000
 5. Source of funding: Department for Levelling Up, Housing and Communities
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Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
 2. Call-in: Applicable: Portfolio Holder Decision
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Procurement

1. Summary of Procurement Implications: Compliant with the Council's CPRs and PCR 2015.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): There are an estimated 1,260 Changing Places users in the borough
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes

Summary of Ward Councillors comments: Ward Councillors were supportive of the proposal to increase the number of Changing Places facilities within the borough.

3. COMMENTARY

- 3.1 In March 2022, the Council was awarded £220k grant funding from the Department of Levelling Up, Housing and Communities (DLUHC) as part of the Changing Places Fund. The Changing Places Fund provides capital funding to enable local authorities to deliver Changing Places facilities in existing buildings and for the provision of standalone modular Changing Places facilities.
- 3.2 The £220k grant funding awarded to the Council will deliver four Changing Places facilities, to be completed by 31 March 2024. This report focusses on the two modular Changing Places facilities for which the Council received grant funding to deliver.
- 3.3 Changing Places facilities support the needs of people with complex and multiple disabilities whose needs are not met by a standard accessible toilet. Changing Places facilities are larger and contain specialist equipment including an adult-sized changing bench and ceiling track hoist.
- 3.4 Consultation with service-users from the borough was carried out to determine the priority locations for new Changing Places facilities. The results of the consultation determined parks and green spaces were the priority location and Crystal Palace Park and High Elms Country Park were identified as the most suitable locations for a modular facility.
- 3.5 Two of the proposed facilities to be delivered as part of this Fund are within existing buildings and are therefore outside the scope of this procurement. One facility is being installed within the Princess Royal University Hospital (PRUH). The project is being managed by the PRUH and the ongoing management and maintenance of the facility will be the responsibility of the PRUH. The location of the second facility to be installed within an existing building is currently unknown. The funding bid submitted by the Council to DLUHC included the allocation of £40k for a facility at the Bromley Mencap Centre for Community Living. However, the Centre for Community Living has since not received the required planning permission and a new location within an existing building will be sought, subject to approval from DLUHC. The most likely replacement location is likely to be the Pavillion and MyTime will be responsible for the ongoing management and maintenance. The leisure centre facility is likely to be cheaper than the proposed facility at the Centre for Community Living and any additional funding could be reallocated to the two modular facilities outlined in this report, subject to approval from DLUHC.
- 3.6 The Council is now looking to proceed to procurement for a contractor to deliver two modular Changing Places facilities, one in Crystal Palace Park and one in High Elms Country Park. The contractor will be required to deliver a full turnkey solution which includes:
- Undertaking site feasibility studies and surveys
 - Securing all necessary planning permissions and consents.
 - Groundworks and Utilities Connections
 - Modular Build of the facility
 - Installation of the modular structure and all equipment
 - Handover including maintenance plan.
- 3.7 Planning permission will be required for both facilities. Crystal Palace Park is a Grade II* listed heritage site and sits within a Conservation Area and High Elms Country Park is a Site of Special Scientific Interest (SSSI) and a Local Nature Reserve and contains historic listed buildings. The external facades of each facility will therefore be clad in appropriate material that complements the surroundings.
- 3.8 The ongoing management and maintenance of each modular facility includes daily cleansing and restocking of materials, as well as a programme of six-monthly inspections and testing for

all lifting equipment. Organisations proposed responsible for the ongoing management and maintenance of each facility have been identified. Prior to Contract Award, each organisation will be required to enter into a formal maintenance agreement to accept ongoing responsibility for the facility. At Crystal Palace Place, ongoing maintenance will be managed through the broader park maintenance arrangements. If either organisation does not agree to this agreement or an alternative organisation cannot be identified, the Changing Places facility in this location will not progress.

- 3.9 To supplement the £220k grant funding received, the Council made an application for match funding from the National Lottery Communities Fund, namely to provide an activity programme to support users to access the new Changing Places Toilets. This application was however unsuccessful. Officers are now seeking approval to proceed to procurement in order to obtain costings for the full turnkey modular solution at both sites. These costings are needed to determine whether additional match funding must be sought to cover the costs of both facilities. If additional match funding is needed and cannot be identified, an alternative solution to the provision of modular facilities as part of the Fund will be sought. No funding will be required from the Council. In both locations contractual commitments will be required from the site owners that the revenue costs of the facilities will be covered by them alongside all management and maintenance requirements before the works are progressed.

Summary of Business Case

- 3.10 There are over 250,000 people in the UK who require a Changing Places facility. The Changing Places Consortium provides a list of all registered publicly accessible Changing Places facilities within the UK. There are only two registered Changing Places facilities in the borough listed by the Changing Places Consortium, both of which are in Bromley Town. The lack of provision of adequate facilities results in residents, their families, assistants and carers being excluded from their local communities, prevented from having days out and enjoying large areas of the borough. This leads to increased isolation and has negative impacts upon health and wellbeing.
- 3.11 The delivery of two modular facilities in the parks will increase inclusivity and accessibility within green spaces in the borough, which are vital for health and wellbeing.
- 3.12 The provision of modular facilities in Crystal Palace Park and High Elms Country Park will significantly increase the geographical spread of Changing Places facilities across the borough. In addition,

Service Profile / Data Analysis

- 3.13 The outcome of this service is the delivery of two modular Changing Places facilities situated in different locations; one in Crystal Palace Park and one at High Elms Country Park
- 3.14 The chosen contractor will be expected to deliver a full turnkey solution, from feasibility studies through to handover and in use.
- 3.15 The facility will be required to meet the Changing Places Consortium registration standards. Registration of a facility is only granted if the facility contains all necessary specialist equipment and the design and layout meets required standards. These include British Standard BS 8300

Options Appraisal

- 3.16 See Part 2

4. MARKET CONSIDERATIONS

4.1 See Part 2

5. SOCIAL VALUE AND LOCAL / NATIONAL PRIORITIES

- 5.1 There are over 250,000 people in the UK who require the use of a Changing Places facility and current provision does not meet this need.
- 5.2 The provision of modular Changing Places facilities in Crystal Palace Park and High Elms Country Park will enable residents to visit parks and green spaces. Improved accessibility and inclusivity at these spaces will improve health and wellbeing amongst service users and will tackle loneliness and isolation.
- 5.3 The Council obtained feedback from service users to determine the impact that new Changing Places facilities would have. Respondents stated that the provision of facilities would reduce anxiety and stress, would enable days out and would enable individuals to use facilities in a safe environment.

6. STAKEHOLDER ENGAGEMENT

- 6.1 The Council is working in partnership with community organisation Need2Change to bring forwards the delivery of the proposed Changing Places facilities as part of the Changing Places Fund programme. Need2Change are a local community organisation with direct experience of needing and using Changing Places facilities. The organisation exists to raise awareness of the need for fully accessible facilities within the local community.
- 6.2 The Council has set up a working group to progress the delivery of Changing Places facilities throughout the borough. The Changing Places Project Group is a cross-department group comprising service users, Commissioners and officers from the Council, NHS South East London CCG and Need2Change. Service areas represented from the Council include Adult Learning Disabilities and SEND; Environment and Community Services; Culture and Regeneration; and Occupational Therapy, as well as representatives from community organisations Need2Change, Bromley Mencap and Your Voice in Health and Social Care.
- 6.3 Service users were consulted on priority locations for Changing Places facilities within the borough. Parks and greenspaces were found to be the top priority location

7. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

- 7.1 **Estimated Value of Proposed Action:** £140k
- 7.2 **Other Associated Costs:** N/A
- 7.3 **Proposed Contract Period:** 12 months
- 7.4 It is proposed that the provider be appointed under a Pre-Construction Services Agreement. Subject to planning permission being granted for each site, the provider will then be appointed under a JCT Design and Build contract.

8. IMPACT ASSESSMENTS

- 8.1 The delivery of two modular Changing Places facilities will support vulnerable adults and children. The delivery of facilities within two of the borough's parks will ensure that these spaces are more accessible and inclusive for individuals with complex and multiple disabilities, their families and carers. This will enable days out, reduce anxiety and stress and reduce isolation.
- 8.2 The delivery of facilities within parks is of particular importance. Parks and green spaces were identified as the key priority location for new facilities in both local engagement coordinated by the Council and national research conducted by Muscular Dystrophy UK.
- 8.3 The delivery of a Changing Places modular facility at Crystal Palace Park will have positive benefits not only for residents of the borough but for residents and visitors to the neighbouring five London Borough's which border the Park.

9. POLICY CONSIDERATIONS

- 9.1 Making Bromley Even Better: Ambition 1 Children and Families
- 9.2 Making Bromley Even Better: Ambition 2 Adults and Older People

10. STRATEGIC PROPERTY

- 10.1 Officers in Property have been made aware of the proposals

11. PROCUREMENT RULES

- 11.1 This report seeks Approval to award a contract via exemption from competitive tendering for provision of two modular Changing Places Facilities at Crystal Place Park and High Elms Country Park at a value of £140k.
- 11.2 This is a works contract and the value of this procurement falls below the thresholds set out in Part 2 of the Public Contracts Regulations 2015, so is only subject to Part 4 of the Regulations.
- 11.3 This action is permissible under the general waiver power of the Council (CPR 3.1). The Council's specific requirements for authorising an exemption are covered in CPR 13 with the need to obtain the Approval of the Portfolio Holder following Agreement by the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance for a contract of this value. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 11.4 As the contract value is over £25k, an award notice will need to be published on Contracts Finder.
- 11.5 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

12. FINANCIAL CONSIDERATIONS

- 12.1 The Council have been awarded grant of £220k with which to provide four Changing Places facilities in the Borough. Of this amount, £130k was earmarked for the two sites subject to this report. It is important to note that the grant has been accepted on the basis that these facilities can be installed without any funding requirement from the Council nor that there will be any future running cost or maintenance liabilities that will not be met from the operators of each site.

- 12.2 Service officers currently estimate that the cost for the two sites in question will now exceed the grant funding provision of £130k and therefore this report is requesting permission to seek a quote from one specialist supplier in order to better inform the actual cost of installation. In event that the cost does exceed £130k, officers will review the funding allocations across the 4 original installation sites, seeking further match funding if necessary.
- 12.3 Service officers advise that a contract will not be awarded until all required funding has been secured to meet the full costs of these installations.

13. LEGAL CONSIDERATIONS

- 13.1 The Council has the legal power to hold, maintain and develop its landholdings and buildings in connection with its functions including powers available under various Parks and Open Spaces legislation .In particular the Council has the legal power to provide and maintain Changing Places facilities at Crystal Palace Park and High Elms Country Park under section 19 of the Local Government Act 1976 and has the implied power to enter into the proposed works contract for the Modular Changing Places facilities as outlined in this report.
- 13.2 As a works contract of this value is below the Public Contracts Regulations 2015 (the Regulations) works threshold, a full procurement exercise under the Regulations is not required. However, the procurement must still comply with the Council’s Contract Procedure Rules (CPRs) and the Council’s fiduciary duty to achieve good value in terms of the cost and use of resources .
- 13.3 Under the CPRs the direct award of a contract by way of an exemption between £100k and £1M must be approved by the Portfolio holder with the agreement of the Chief Officer, Assistant Director of Contracts and Governance, Director of Finance, and the Director of Corporate Services through this Gateway Member Report. The decision maker must be satisfied that the reasons for agreeing the exemption to the CPRs is justified in all the circumstances . Reasons to justify this course have been set out more fully elsewhere in the report
- 13.4 The report has explained that the engagement of the contractor is to be on the basis of a ‘turn-key’ approach which will include a Pre-Construction Services contract and subject to the achievement of certain conditions including planning entering into a JCT Design and Build 2016 works contract. Should officers require ant legal input then contact should be made with the Legal Team.
- 13.5 In addition, this report explains that as a pre-condition to proceeding with each facility, a maintenance agreement will need to be agreed . Consideration will need to be given as to the basis and extent of any such agreement and the cost .Also officers will need to give consideration as to the management of the facilities and whether a Change of Control may be needed under the Parks Management and Maintenance contract.
- 13.6 Officers must ensure all Grant conditions are understood and adhered to at all times.
- 13.7 It would appear from the content of this report which has described the reasons to justify the direct award is compliant with the Council’s CPRs and fiduciary duty

Non-Applicable Sections:	IT and GDPR Considerations; Personnel Considerations
Background Documents: (Access via Contact Officer)	[Title of document and date]