

REQUEST FOR MAYORAL DECISION – MD2627

Title: COVID Pandemic Assistance

Executive Summary:

On 20 March the Secretary of State for Housing, Communities and Local Government announced an emergency funding package for local government of £1.6bn. The GLA's allocation of this funding is £9.3m. This decision requests approval for £9m of this funding to be spent on provision for rough sleepers at risk due to COVID-19, with the balance of £0.3m to support the London Resilience Team and other COVID-19 emergency work.

It also requests approval to supplement this expenditure with:

- a) £0.5m of Government funding allocated to the GLA for substance misuse services for rough sleepers; and
- b) £1.05m of GLA budget to be diverted from other rough sleeping services and projects.

The total of £10.55m will be used for temporary accommodation, support, food and other provision for rough sleepers from winter night shelters, services and on the streets who need to self-isolate.

Decision:

The Mayor approves:

- receipt of £9.3m from the Ministry of Housing, Communities and Local Government (MHCLG) as assistance towards the cost of providing services to vulnerable people in London during the COVID-19 pandemic;
- receipt of £0.5m from MHCLG towards the cost of services for rough sleepers at risk of COVID-19;
- expenditure of £10.55m on the provision of services, including temporary accommodation, support and food, for rough sleepers at risk of COVID-19;
- expenditure of £0.3m to support the London Resilience Group and other COVID-19 emergency work; and
- a delegation to each of the following officers, acting jointly or severally, to approve the allocation of monies within the £10.55m budget the subject of the third decision above including but not limited to the approval of exemptions from the requirement of the Contracts and Funding Code to run competitive procurements:
 - the Executive Director of Housing and Land;
 - the Head of Housing Delivery & Compliance; and
 - the Head of Housing Programmes and Services.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date: 17 April 2020

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1. On 20 March 2020 the Government announced £1.6 billion of funding to go to local authorities to help them respond to coronavirus (COVID-19) pressures across all the services they deliver. This includes increasing support for the adult social care workforce and for services helping the most vulnerable, including homeless people. The GLA portion of this emergency funding is £9.3m.

Rough sleepers

- 1.2. It is proposed that £9m of the funding is used to provide services to rough sleepers in London at risk of COVID-19. It is further proposed that £0.5m of Government funding allocated to the GLA for substance misuse services for rough sleepers, and £1.05m of underspend from the Winter Programme approved under MD251, supplements the £9m to be used for the same purpose. The total of £10.55m be spent on temporary accommodation, support, food and other provision for rough sleepers from winter night shelters, assessment centres and other services, and on the streets who need to self-isolate.
- 1.3. Rough sleepers are significantly more likely to have underlying health conditions than the wider population, and are far less likely to be in a position to follow many aspects of Public Health England guidance, for example, self-isolation, social distancing and handwashing:
- *rough sleepers age prematurely* and have very high rates of chronic disease, placing them at very high risk of death if infected with COVID-19. Their frailty age is often described as similar to the older population – a recent study found that it is equivalent to 90-year olds, and that rough sleepers have an average of about seven long term conditions;
 - *respiratory symptoms are particularly common*. Groundswell research found that almost two thirds of rough sleepers had had chest infections, 30 per cent had been admitted to hospital for ‘frightening breathlessness’ and around a quarter used an asthma inhaler, compared to eight per cent of the wider population. This makes rough sleepers particularly susceptible to being very ill if they contract COVID-19 and also makes respiratory symptoms a poor method of identifying cases among this group;
 - *the incidence of mental illness and substance misuse is also high*, with half of rough sleepers having mental health issues, 42 per cent drug support needs and 41 per cent alcohol support needs;
 - *rough sleepers are often frequent users of emergency services*. Hospital admission rates are four times higher than those in the most deprived circumstances and even higher still compared to the general population;
 - *there are considerable practical difficulties for this group in following coronavirus guidance* issued for the general population (e.g. hand-washing and self-isolation);
 - *the vast majority of hostel and shelter accommodation is unsuitable for self-isolation*; and
 - *there are challenges in ensuring compliance with guidance for this group*, given the high levels of mental health and substance misuse issues among this group – the provision of support to those self-isolating is vital.
- 1.4. As at 20 March, over 2,000 people were either on the streets, in services or in shelters where sleeping is communal. The rest were in hostels, where most people have their own bedroom but may share other facilities.
- 1.5. It is anticipated that around £20m will be needed to accommodate and provide support and other services to rough sleepers in London at risk of COVID-19 over a three-month period. The full funding has yet to be identified. The anticipated elements of the expenditure are set out in the table below,

with the £10.55m allocation shown in the centre column. It is estimated this will help approximately 1,500 rough sleepers.

	Estimated total costs over three months	Proportionate summary of how the funding will be spent	Contractually committed 02-Apr	Expenditure to 2 April
Accommodation	£7,590,000	£4,423,979	£2,907,730	£362,600
Food	£4,278,000	£2,493,515	£16,000	£16,000
Support	£2,110,000	£1,229,854	£0	£0
Security	£2,782,080	£1,621,589	£508,032	£3,248
Cleaning	£1,049,030	£611,447	£54,732	£2,683
Transport (taxis)	£15,000	£8,743	£8,000	£8,000
Volunteer expenses	£276,000	£160,872	£0	£0
Total	£18,100,110	£10,550,000	£3,494,494	£392,531

- 1.6. In order to meet the urgent need for accommodation for rough sleepers, direct awards of contracts for the provision of the said accommodation will be made. To that end, the fifth decision of this decision form seeks a delegation to the Executive Director of Housing and Land, the Head of Housing Delivery & Compliance and the Head of Housing Programmes and Services to approve the allocation of monies within the overall £10.55m budget including the approval of exemptions from the requirement within the Contracts and Funding Code to run competitive procurements. In approving the direct awards, the listed officers will ensure that each such award be compliant with the Government's Procurement Policy Note – Responding to COVID-19 – Information Note 01/20 issued in March, which states that:

Contracting authorities may enter into contracts without competing or advertising the requirement so long as they are able to demonstrate the following tests have been met:

- There are genuine reasons for extreme urgency;
- The events that have led to the need for extreme urgency were unforeseeable;
- It is impossible to comply with the usual timescales in the Public Contract Regulations (PCRs); and
- The situation is not attributable to the contracting authority.

Other

- 1.7. In addition to the rough sleeping expenses, there is £160,000 to support the London Resilience Group on additional staffing costs to support the work of the London COVID-19 Strategic Coordinating Group. A further £140k will be used to meet staffing and other costs associated with the GLA's response to COVID-19.
- 1.8. It is recognised that the COVID-19 pandemic has created other acute needs in London and consequent demands on GLA Group funds. Given the scale of the rough sleeping challenge, and the expectations of the sponsoring Government department, it is recommended that funding be allocated as set out in this decision, and resources for other needs be pursued separately.

2. Objectives and expected outcomes

Rough sleeping

- 2.1. The aim of this expenditure is to support rough sleepers at risk of COVID-19 to help prevent the spread of the virus, by enabling them to self-isolate and otherwise follow Government guidance around COVID-19. This will not only assist rough sleepers, but also reduce risk to the wider community.
- 2.2. By 2 April more than 1,100 hotel rooms had been secured, and almost 700 rough sleepers had been accommodated in safe accommodation, mostly hotels. More accommodation is being procured.
- 2.3. The initial focus was on those in night shelters, because of their high risk due to shared sleeping spaces. Now the shelters have been cleared, those on the streets are now being triaged and moved into safe accommodation.

Other

- 2.4. The £160,000 made available to the London Resilience team for:
 - Overtime costs of staff to support the Strategic Coordination Group;
 - Software changes to adapt existing software to current needs; and
 - A military team of six, brought in to support the Strategic Coordination Group directly, currently anticipated to be on hand for four weeks.
- 2.5. The GLA is incurring additional costs relating to its response to the COVID-19 pandemic, for example the recruitment of a small number of fixed-term staff where specific additional skills are required. The further £140,000 is to be used for appropriate additional GLA costs, at the discretion of the Executive Director, Resources.

3. Equality comments

- 3.1. Under section 149 of the Equality Act 2010, as public authorities, the Mayor and GLA are subject to a public-sector equality duty and must have 'due regard' to the need to (i) eliminate unlawful discrimination, harassment and victimisation; (ii) advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and (iii) foster good relations between people who share a relevant protected characteristic and those who do not. Protected characteristics under section 149 of the Equality Act are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (all except the last being "relevant" protected characteristics).
- 3.2. Of those seen rough sleeping in 2018/19:
 - 51 per cent were non-UK nationals;
 - 50 per cent had a mental health need;
 - 16 per cent were women;
 - most of those seen rough sleeping (56 per cent) were in the 26-45 age group;
 - eight per cent were under 26 years old;
 - 12 per cent were over 55; and
 - five people were under 18.

- 3.3. Those with protected characteristics of race and disability are over-represented among rough sleepers. As the client group for these services is people with a history of sleeping rough, the proposals in this paper are likely to have positive impacts on these groups. Further it is likely to foster good relations between people who share a characteristic and those who do not via the work done.

4. Other considerations

Risks

Risk description	Impact	Likelihood	Mitigating action
<i>A lack of accommodation:</i> accommodation owners may not be willing for their buildings to be used for rough sleepers, or for particular groups of rough sleepers (such as those who are COVID-19 symptomatic, and those with medium/high support needs). A large proportion of those on the streets (as opposed to those in night shelters) have high support needs.	High	Low for low needs asymptomatic rough sleepers; high for others (particularly those who are symptomatic)	Provide assurances to owners around robust support, including clinical support where appropriate, as well as robust management and security. Seek public sector buildings for symptomatic rough sleepers. Free up hostel spaces for those with complex needs, moving those out of hostels into hotels where necessary.
<i>A lack of funding:</i> even with the £10.55m, the funding falls short of the estimated need.	High	Medium	The GLA is working closely with MHCLG on this operation and it is likely that further funding will be forthcoming.
<i>A lack of support staff:</i> there is a limited pool of rough sleeping support providers and it is likely that these will be affected by increasing sickness levels. In addition, given the other enormous current pressures on the NHS, securing clinical support will be a challenge.	High	High	The GLA is working closely with London's Strategic Transformation Partnerships to ensure adequate clinical support. There is some capacity from the providers already commissioned by the GLA, and potentially by boroughs – as well as from other providers. Rough sleeping support providers may use locums etc to supplement their staff.
<i>The lack of PPE:</i> currently there is a shortage of PPE, which is required to reduce the risk to staff working with high-risk groups of contracting the virus.	High	High	The GLA is working closely with health partners to secure PPE and other equipment.

<i>Management issues:</i> this group has significant needs and issues, and there is therefore a high risk of management issues within the accommodation – particularly in buildings with large numbers of units.	High	Medium	Support providers with an excellent track record will be managing the buildings and providing support (within the staffing constraints outlined above).
<i>Self-isolation:</i> given these needs and issues, ensuring that people placed in the accommodation remain self-isolated is a significant challenge.	High	Medium	
<i>Liability:</i> the GLA will have liability for loss and damage in the accommodation that is procured. Given that the group being accommodated has significant needs and issues, loss and damage could be significant.	High	Medium	The GLA's insurance has been amended to cover the GLA's liability.
<i>Flow of new rough sleepers:</i> those who lose their home or are insecurely housed may come onto the streets during the coming period, some specifically to access this accommodation. This could lead to a very large increase in demand.	High	High	This is already happening, and the GLA is working closely with the Government and boroughs on an approach to this issue.
<i>Exit strategy:</i> those accommodated will return to the streets, once the crisis is over, unless other solutions are found. Any exit strategy will need to involve access to large amounts of sustainable move-on accommodation, as well as support (both to support people to move on and to support them in their sustainable accommodation).	High	High	The GLA will lobby Government for resources to ensure a sustainable solution for rough sleepers placed in temporary accommodation during the COVID-19 emergency

Mayor's strategies and priorities

- 4.1. Since 2016, the Mayor has coordinated efforts through his Life off the Streets taskforce to identify, implement, lobby for, and monitor the effectiveness of interventions to tackle rough sleeping. In his London Housing Strategy, the Mayor set out his aim that there should be a sustainable route off the streets for every rough sleeper in London. In June 2018, he published his Rough Sleeping Plan of Action which outlines the steps that need to be taken by City Hall, the Government, and others to achieve this.
- 4.2. Since taking office, the Mayor has been expanding the pan-London rough sleeping services the GLA funds and commissions. These services collectively form his Life off the Streets programme. They are services for rough sleepers, or initiatives to tackle rough sleeping, that cannot or would not be provided at a London borough level, as they are pan-London or multi-borough in their remit.

Conflicts of interest

- 4.3. The drafting officers have no known conflicts of interest.

5. Financial comments

- 5.1. This decision requests approval for the receipt and expenditure of £9.3m – the GLA's share of the Government's emergency funding package for local government.
- 5.2. It also requests approval for the receipt and expenditure of £0.5m from MHCLG from their Rough Sleeping Initiative fund for 2020/21, and for expenditure of £1.05m of GLA rough sleeping budget. The £1.05m of GLA rough sleeping budget comprises underspend from the Winter Programme and funding diverted from a forthcoming substance misuse project and the 2020/21 Rough Sleeping Innovation Fund.
- 5.3. The total of £10.55m will be spent on services for rough sleepers at risk of COVID-19. A breakdown of the £10.55m costs is set out in the table at paragraph 1.5.
- 5.4. In addition, £160k will be spent to cover additional staffing costs of the London Resilience Team and £140k on other COVID-19 response related costs.
- 5.5. The expenditure is estimated to be spent between March 2020 and August 2020.

6. Legal comments

- 6.1. The foregoing sections of this report indicate that the decisions requested of the Mayor fall within the statutory powers of the Authority to promote and/or to do anything which is facilitative of or conducive or incidental to promoting social development within Greater London and in formulating the proposals in respect of which a decision is sought officers have complied with the Authority's related statutory duties to:
 - (a) pay due regard to the principle that there should be equality of opportunity for all people;
 - (b) consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom; and
 - (c) consult with appropriate bodies.

Provision of Accommodation to Rough Sleepers

- 6.2. More specifically, in the fourth decision of this decision form, the officers have requested approval for the expenditure of £10.55m on temporary accommodation, support and food for rough sleepers at risk of COVID-19. Section 31(3) of the Greater London Authority Act 1999 (the “GLA Act”) prohibits the Authority’s incurring expenditure to provide, inter alia, social services where such provision may be made by a London borough council or any other public body. However, pursuant to sections 31(5A) and 31(5B) of the GLA Act, the incurring of expenditure for the following by the Authority falls outside the said prohibition:
- 6.2.1. The provision of services and facilities for promoting improvements in or protecting public health; and
 - 6.2.2. The doing of anything for the purposes of, or relating to, housing and regeneration.
- 6.3. In light of this, the GLA’s general and subsidiary powers provide the necessary statutory basis for expenditure requested in the fourth decision.
- 6.4. In taking the decisions requested of him, the Mayor must have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010, and to advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149 of the Equality Act 2010). To this end, the Mayor should have particular regard to section 3 (above) of this report.

Procurement of Accommodation and Services

- 6.5. The officers are reminded to comply with the requirements of the Authority’s Contracts and Funding Code in relation to the procurement of accommodation and other services for rough sleepers during the current COVID-19 crisis. As set out in paragraph 1.6 of this decision form, the Authority must have regard to the current guidance, which has been provided by the Cabinet Office as at the date of any decision, in relation to urgent procurements during the COVID-19 pandemic.

Non-UK Rough Sleepers

- 6.6. As indicated in paragraph 3.2 above, some of the support, which is detailed in this report, may be provided to non-UK rough sleepers. In undertaking any projects aimed at assisting this group of rough sleepers, the officers should take note of the UK government’s derogation from Article 24(2) of the Free Movement Directive as regards the need to provide equal treatment between UK and EEA citizens during the first three months following EEA citizens’ arrival in the UK (the “Derogation”). Furthermore, the officers should have regard to the fact that the Derogation is currently suspended until 31 December 2020. If the Authority wishes to use any of its resources to provide rough sleeper support services for newly-arrived EEA citizens after that date, the Authority must first obtain written approval from the Secretary of State for Housing, Communities and Local Government.

Delegation

- 6.7. Any function exercisable by the Mayor on behalf of the Authority may also be exercised by a member of the Authority’s staff albeit subject to any conditions, which the Mayor sees fit to impose. To this end, the Mayor may make the requested delegation to Executive Director of Housing and Land, the Head of Housing Delivery & Compliance and the Head of Housing Programmes and Services, acting jointly or severally, if he so chooses.

7. Planned delivery approach and next steps

Activity	Timeline
Procurement of hotels, support, food, security, cleaning, transport and other services	From 20 March
Delivery of the operation, including triaging, placing people into hotels and other safe accommodation, delivering support etc	From 20 March
Delivery end date	End of June – but will depend on developments regarding COVID-19 and public health guidance

Appendices and supporting papers:

None.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 – Deferral

Is the publication of Part 1 of this approval to be deferred? NO

Until what date: (a date is required if deferring)

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Paul Middlemas has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Rickardo Hyatt has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

David Bellamy has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

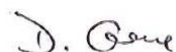
Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 6 April 2020.

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature



Date

7 April 2020

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature



Date

8 April 2020