



**NOTTINGHAM CITY COUNCIL**  
**COMMISSIONING AND PROCUREMENT SUB-COMMITTEE**

**Date:** Tuesday, 11 September 2018

**Time:** 10.00 am

**Place:** LH 0.06 - Loxley House, Station Street, Nottingham, NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

**Corporate Director for Strategy and Resources**

**Governance Officer:** Kate Morris, Governance Officer **Direct Dial:** 01158764353

**AGENDA**

**Pages**

<b>1</b>	<b>APOLOGIES</b>	
<b>2</b>	<b>DECLARATIONS OF INTERESTS</b>	
<b>3</b>	<b>MINUTES</b> To confirm the minutes of the meeting held on 10 July 2018	3 - 8
<b>4</b>	<b>COMMUNITY AND VOLUNTARY SECTOR UPDATE</b> Verbal update from Community and Voluntary Sector Representative	Verbal Report
<b>5</b>	<b>PURCHASE OF MICROSOFT LICENCES - KEY DECISION</b> Report of the Corporate Director for Strategy & Resources	9 - 14
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<b>8</b>	<b>TENDER FOR ACCREDITED HOMECARE PROVIDERS - KEY DECISION</b> Report of the Assistant Chief Executive and Corporate Director for Strategy and Resources, the Corporate Director for Children and Adults and the Director of Adult Social Care (DASS Nottingham City)	23 - 28

- 9 CRIME & DRUG PARTNERSHIP BUDGET UPDATE 2018/19 - KEY DECISION** 29 - 32  
Report of the Head of Commissioning, the Head of Contracting and Procurement, the Director Public Health and the Director Community Protection
- 10 EXCLUSION OF THE PUBLIC**  
To consider excluding the public from the meeting during consideration of the remaining item(s) in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regards to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 11 TENDER FOR MORTUARY SERVICES - KEY DECISION - EXEMPT APPENDICES** 33 - 36  
Report of the Portfolio Holder for Housing and Planning
- 12 CRIME & DRUG PARTNERSHIP BUDGET UPDATE 2018/19 - KEY DECISION - EXEMPT APPENDIX** 37 - 40  
Report of the Head of Commissioning, the Head of Contracting and Procurement, the Director Public Health and the Director Community Protection

ALL ITEMS LISTED 'UNDER EXCLUSION OF THE PUBLIC' WILL BE HEARD IN PRIVATE. THEY HAVE BEEN INCLUDED ON THE AGENDA AS NO REPRESENTATIONS AGAINST HEARING THE ITEMS IN PRIVATE WERE RECEIVED

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT [WWW.NOTTINGHAMCITY.GOV.UK](http://WWW.NOTTINGHAMCITY.GOV.UK). INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

**NOTTINGHAM CITY COUNCIL**

**COMMISSIONING AND PROCUREMENT SUB-COMMITTEE**

**MINUTES of the meeting held at LB 31 - Loxley House, Station Street, Nottingham, NG2 3NG on 10 July 2018 from 10.21 am - 10.27 am**

**Membership**

Present

Councillor Toby Neal (Vice Chair)  
Councillor Dave Trimble

Absent

Councillor Graham Chapman  
(Chair)  
Councillor David Mellen  
Councillor Sam Webster

**Colleagues, partners and others in attendance:**

Chris Carter - Head of Transport Strategy  
Mark Garlick - Team Leader,  
Rasool Gore - Lead Commissioning Manager  
Kate Morris - Governance Officer  
Christine Oliver - Head of Commissioning  
Simon Salmon - Head of IT

**Call-in**

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 18 July 2018. Decisions cannot be implemented until the working day after this date.

**10 APOLOGIES**

Councillor Graham Chapman - Leave  
Councillor David Mellen - Council Business  
Councillor Sam Webster - Council Business

In the absence of the Chair, Councillor Toby Neal - Vice-Chair, chaired the meeting.

**11 DECLARATIONS OF INTERESTS**

None.

**12 MINUTES**

The minutes of the meeting held on 12 June 2018 were confirmed as a true record and signed by the Chair.

**13 APPROVAL TO TENDER FOR LOCALLINK AND EASYLINK BUS SERVICES - KEY DECISION**

Mark Garlick, Transport Strategy, presented a report on the Approval to tender for Locallink and Easylink bus services seeking approval to tender for the operation of contracts for the Dial-a-Ride services.

He explained that the service specifications can be altered depending on the transport coverage of the commercial network around them.

**RESOLVED to:**

- (1) To undertake a procurement process for the Easylink and Locallink bus services; and**
- (2) To delegate authority to the Corporate Director of Development and Growth to award a contract to the successful provider following the outcome of the tender (for 3+1+1 years), subject to the costs being within current budget levels.**

Reasons for decision

- (1) Current contracts for this service run out in January 2019. By tendering for the service at this point it allows Nottingham City Council to ensure a continuation of service for citizens .
- (2) These services are generally used by elderly and disabled residents who live in areas of the city where there are no commercial bus routes. Retendering for the provision of these services reduces the need for the City Council and Health sector to rely on more expensive forms of transport to and from specialist provision and will ensure the risk of social isolation for these residents is reduced;
- (3) Retendering for these services allows Nottingham City Council to identify efficiency savings and opportunities to reduce costs;

Other options considered

The option of withdrawing these services due to rising cost was considered and rejected. Removal of access to public transports for some areas of the city, where commercial services would be more than 400m away would cause disruption for passengers and residents.

**14 COMMISSIONING OF DOMESTIC AND SEXUAL VIOLENCE SERVICES - KEY DECISION**

Rasool Gore, Lead Commissioning Manager, presented a report on the Commissioning of domestic and sexual violence services.

Approval is sought to commission a number of services, some of which are direct awards. Funding is mainly through Nottingham City Council, however there are some partnership contributions, mainly through the Police and Crime Commissioner funding stream.

During discussion it was highlighted that commissioning these services will help the Council fulfil statutory duties under the Housing Act, Care Act and Children and Families Act.

**RESOLVED to:**

- (1) Approve to undertake a tender process for the Domestic Violence Service for Female Survivors service for a contract period of 3+2+2+2 years. This will be for an annual contractual value of up to £584,185;**
- (2) Delegate authority to the Head of Service for Contracting and Procurement to approve and sign off the outcome of the tender process for the Domestic Violence Service for Female Survivors and to award a contract;**
- (3) Approve the award and a contract to Equation for the male survivors service (as set out in the report and appendix 1) for a contract period of 3+2+2+2 years for an annual contractual value of up to £49,000;**
- (4) Approve the award and a contract to the current providers of domestic violence refuges (as set out in the report and appendix 1) for a contract period of 3+2+2+2 years for a total annual value of up to £472,487;**
- (5) In accordance with Financial Regulation 3.29 to grant dispensations to Contract Procedure Rule 5.1.2 in respect of the contracts to be awarded under decisions 3 and 4 with a value of £5.812m;**
- (6) Approve the award of a grant to Women's Aid Integration Service for supporting the delivery of the Domestic Violence Helpline (as set out in this report and appendix 1). It is recommended that this be for a grant period of 3+2+2+2 years for a total annual value of up to £173,330;**
- (7) Delegate authority to the Head of Service for Contracting and Procurement to sign, or arrange for the sealing of, all contract documents arising under the recommendations of this report, including agreeing any extensions (based on performance and budget availability) of the proposed contracts; and**
- (8) Approve the spend associated with this decision.**

Reasons for decision

- (1) Where direct award has been proposed there will be a continuation of familiar services for vulnerable citizens and allow for a degree of stability. National research has shown that male survivors of domestic and sexual violence are reluctant to access services and the current provider has proven to be effective in engaging male survivors;
- (2) The services for female survivors of domestic violence will be consolidated into one service which brings together the current services. This will bring value for money, and a reduction in overlapping provision as well as the opportunity to identify efficiency savings;
- (3) Proposals around the shelter offer the most stable and viable method of provision. Setting up a new refuge requires extensive consultation with the

local community which can be difficult given the need for it to remain anonymous. Evidence from other council has shown that commissioning the support element separately has not been successful;

- (4) The recommendation as set out in the report all offer best value for money, continuation of service provision and stability for service users. The longer contract periods proposed will allow for providers to innovate during the contract life and respond to necessary and permitted contractual changes. It will also allow providers to secure additional funding from national grant programmes and increase the offering within their provision;

#### Other options considered

A number of other contract configurations were considered and rejected. The recommendations set out in the report represent the best value for money, offer savings and flexibility of service provision as well as stability and continuation of services for vulnerable citizens.

Consideration was given to jointly commissioning services with Nottinghamshire County Council. This option was rejected as, at this time, the timescales for the organisations did not align making joint commissioning not possible. Although this option was rejected at this time the City and County Council commissioning colleagues will work together to ensure alignment of contracts which will support future joint commissioning.

### **15 COMPUTER REFRESH PROGRAMME - KEY DECISION**

Simon Salmon, Head of IT presented a report on the computer refresh programme. He highlighted that if the organisation shrinks in terms of headcount then not all of the money allocated to this programme will be spent. Approval for spend will be put before the Director of Strategy and Resources annually to ensure that the spend is appropriate.

#### **RESOLVED to:**

- (1) To delegate authority to the Head of Service (IT) to enter into contracts up to the value of £983,000 per annum using an established government framework to purchase PCs, Laptops, Tablets, Monitors and other peripheral devices required to meet operational needs and the requirements of the IT Computer Refresh Programme to March 2021;**
- (2) To approve allocation of funding from the IT Efficiency Fund for the three year period to March 2021 in the sum of £ 222,000 p/a to cover salary costs relating to the IT Computer Refresh Programme and other projects undertaken by the Release and Deployment team with the remaining £ 75,000 being funded from income from projects;**
- (3) To amend the Capital Programme for the next 3 years by an initial value of £ 785,000 per annum and, thereafter, by the value of additional departmental purchases of up to £ 420,000 per annum but excluding the**

**value of items procured to support schemes already in the Capital Programme;**

- (4) To authorise recovery and repayment to the IT Efficiency fund of varying amounts from departmental budgets to cover requests for new equipment made outside of the Computer Replacement Policy; and**
- (5) To note that prior to the annual purchase, approval will be undertaken from the Corporate Director of Strategy & Resources to ensure the spend is appropriate in conjunction with the in-year financial position and the budget setting process;**

#### Reasons for decision

- (1) IT systems are essential to the day to day running of the Council. They are needed for delivering services to citizens and to support joint work with partners. The refresh programme ensures that computers are fit for purpose and will allow colleagues to continue day to day operation;
- (2) Bulk purchasing equipment from the government framework will ensure cost effective procurement. It will also mean that NCC become skilled in maintaining the IT estate as equipment will be standardised, and that IT services can react quickly to requests preventing downtime which may impact on service provision;
- (3) Maintaining up to date IT systems limits the risk associated with computer viruses and other malicious software which can have a significant impact on service and may compromise sensitive data;
- (4) Purchasing the IT equipment in a rolling programme reduces large budgetary pressure within any one year. It allows for management of time and resources within the department and better planning of procurement;

#### Other options considered

The option to replace computers/equipment on an ad hoc basis when they failed was rejected. This option has been used historically and failed to deliver efficiency in savings and caused disruption to service delivery.

Consideration was given to using a third party to configure and deliver replacement computers but this was rejected. Set up of this type of contract would be prolonged and would require significant resource. Maintaining a contract like this would be complex and labour intensive. The number of different software programmes used within the City Council means that in-house resource would be necessary and the contract would soon become inefficient from a cost perspective.

The other option considered was to do nothing. This was rejected as IT equipment is needed to deliver services and by doing nothing it would interrupt service delivery when computers failed impacting on citizens.

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Agenda Item 5

**COMMISSIONING AND PROCUREMENT SUB-COMMITTEE – 11/09/18**

<b>Subject:</b>	Purchase of Microsoft licences		
<b>Corporate Director(s)/ Director(s):</b>	Candida Brudenell, Corporate Director for Strategy & Resources		
<b>Portfolio Holder(s):</b>	Councillor Toby Neal, Portfolio Holder for Community Protection		
<b>Report author and contact details:</b>	Simon Salmon, Head of IT Services <a href="mailto:simon.salmon@nottinghamcity.gov.uk">simon.salmon@nottinghamcity.gov.uk</a> , 0115 85 77750		
<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Subject to call-in</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Reasons:</b>	<input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision	<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital	
Significant impact on communities living or working in two or more wards in the City			<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total value of the decision:</b> The value of the decision is estimated to be up to £ 3,900,000 over 3 years			
<b>Wards affected:</b> All	<b>Date of consultation with Portfolio Holder(s):</b> Councillor Toby Neal 30/08/18		
<b>Relevant Council Plan Key Theme:</b>			
Strategic Regeneration and Development			<input type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input type="checkbox"/>
Energy, Sustainability and Customer			<input type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input type="checkbox"/>
Children, Early Intervention and Early Years			<input type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input checked="" type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b> Nottingham City Council use Microsoft products for both end-user and server computing, this is consistent with the Council's ICT Strategy. Every 3 years licences are re-purchased. This report seeks authorisation for re-purchasing and recommends an accelerated procurement route using an approved established framework, in order to achieve current levels of pricing before Microsoft raise prices of products on 1 Oct. 2018. The Microsoft purchasing model is based on actual license consumption and is subject to annual review during which licences volumes may be increased or reduced. The volume of licenses to be purchased will be based on the last review level, which was confirmed by a third party audit of Microsoft licence usage.			
<b>Exempt information:</b> None.			
<b>Recommendation(s):</b>			
<b>1</b> To delegate authority to the Head of Service (IT) to enter into contracts up to the value of £1,300,000 per annum using an approved established procurement framework to purchase Microsoft software licences from financial years 2019/20 to 2021/22.			
<b>2</b> To authorise the Head of Service (IT) to enter into discussions with Microsoft and their product supplier to obtain the opportunity to commit in advance to the procurement of software licences for financial years 2019/20 to 2021/22 during financial year 2018/19.			
<b>3</b> To approve allocation of funding from the IT Efficiency Fund for the three year period 2019/20 to 2021/22 to purchase Microsoft software licences.			

## **1 REASONS FOR RECOMMENDATIONS**

- 1.1 Nottingham City Council will need to renew its software licensing agreement with Microsoft before 30 Jun. 2019.
- 1.2 Microsoft are planning a significant license price increase from 1 Oct. 2018. The impact of this increase is exacerbated for the Council by changes to discounts previously available Government bodies.
- 1.3 The Council may be able to 'lock in' current pricing levels for its next 3 year agreement if it is able to commit early to purchase the volume of licensing that it currently has before 30 Sep. 2018. The Council will need to agree this with Microsoft before this date and commit to the purchase before 14 September 2018 to allow the commitment to be processed by the reseller and Microsoft.
- 1.4 The period of time available will make a full tendering process difficult to complete. It is therefore recommended that the Council make the re-purchase through the OJEU compliant Kent Commercial Services Professional Services (KCSPS). The KCSPS caps the supplier's 'mark-up' on prices, to 3% in this case, addressing concerns over value for money associated with not conducting an open competition for supply. The Council's previous competitive tenders for Microsoft software licensing also suggest minimal variations in price from suppliers. When Corporate Microsoft software licensing was last tendered there was only a 2.1% variation between the highest and lowest bidders. As well as reducing the time taken to achieve the procurement the Council will also reduce the transaction costs associated with the usual procurement process. It is believed that the cost avoided by securing licences at current prices, £1.18m over 3 years, will be greater than the saving that is likely to be made through the competitive process.
- 1.5 In preparation for the annual review of Microsoft licensing made in 2018 the Council undertook a third party audit of current licensing. The results of this audit mean that the Council can be confident about its current licensing requirement.
- 1.6 Because the renewal of Microsoft software licensing is a regular 3 yearly event provision for this expenditure has been made within the IT Efficiency Fund for this procurement.

## **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 Nottingham City Council have used Microsoft products for many years to support end user computing and server providing application systems, security software, communications, etc.
- 2.2 The Council's ICT Strategy commits to the Microsoft product, preferring these to those of other suppliers.
- 2.3 Microsoft software licences are purchased as enterprise wide agreements on a 3 yearly basis. Annually licensing volumes are reviewed to confirm that levels are correct. These annual reviews allow the Council to add to or reduce the number of licences in use. The current 3 year agreement ends on 30 Jun. 2019.

- 2.4 The current Corporate Microsoft software licencing agreement is used by both the Council and Nottingham City Homes.

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 Do nothing. This is not considered feasible. The Council depends heavily upon Microsoft's software to deliver services to citizens and maintain shared service delivery with other organisations. The Council could not function without Microsoft software and would be acting illegally if this were not licensed.
- 3.2 Move away from Microsoft software to other providers' software. This is not considered feasible. The Council has trialled non-Microsoft software in the past and has found that challenges in compatibility between it and Microsoft products, which are far more widely used, have added cost and frustration to users' activities. There would be significant costs associated with a change from Microsoft software.

### **4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 4.1 The total value of this decision is £3.9m over the 3 year period of the contract, due to commence in 2019/20.
- 4.2 The £3.9m cited in this report can be met from within the IT Efficiency Fund (ITEF). The value of the decision is based on the current costs of £1.3m per annum currently paid for the Corporate Software Licenses. As this is an ongoing requirement for the City Council, the commitment for the licenses is currently scheduled into the forward plan for the ITEF.
- 4.3 As Microsoft are planning a significant price increase from 01 Oct 2018, this contract would allow the City Council to lock in and benefit from a reduced rate for a period of 3 years, which would save the Council c£1m over the 3 year period.
- 4.4 The number of licenses would be fixed for the first year of the contract (2019/20), however, the contract would allow for license numbers to be reviewed in subsequent years allowing for a decrease or increase (at the same reduced rate) to meet the changing needs of the organisation.

Hayley Mason, Strategic Finance Business Partner. 20 August 2018

### **5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 5.1 The proposed approach to award a contract under the KCSPS framework is a compliant procurement method, which is in line with our own financial regulations and EU procurement regulations. Procurement are comfortable with the proposal as the framework being used has been procured in line with Procurement Regulations (2015) and also still secures the Authority value for money (based on the report authors reasons outlined above). As such, there are no procurement concerns and the proposal is supported.

Rosalie Parkin, Category Manager 16<sup>th</sup> August 2018

- 5.2 This report raises no significant legal issues as the procurement team has confirmed the KCSPS framework complies with the terms of the Public Contracts Regulations 2015.

Andrew James, Team Leader – Legal Services 31<sup>st</sup> August 2018

**6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE (STRATEGIC REGENERATION COMMITTEE REPORTS ONLY)**

- 6.1 This report does not affect physical strategic assets and property and so comments of Strategic Asset & Property colleagues have not been sought.

**7 SOCIAL VALUE CONSIDERATIONS**

- 7.1 There are no Social Value Considerations directly associated with this decision.

**8 REGARD TO THE NHS CONSTITUTION**

- 8.1 Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.

The NHS Constitution states in section 2, 'NHS Values' that:

**'Working together for patients.**

Patients come first in everything we do. We fully involve patients, staff, families, carers, communities, and professionals inside and outside the NHS. We put the needs of patients and communities before organisational boundaries. We speak up when things go wrong.'

Microsoft software products are widely used within the NHS. Operating software that is of the same type as the NHS reduces the risk of non-compatibility issues and so facilitates the exchange of information between the NHS and the Council and joint working.

**9 EQUALITY IMPACT ASSESSMENT (EIA)**

- 9.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because:

The proposal included in this report is a renewal of software licensing for products that are already in use by the Council. As such an EIA would have been undertaken at the point of the initial acquisition.

**10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)**

- 10.1 None.

## **11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

### 11.1 Nottingham City Council ICT Strategy 2015 - 2019

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Agenda Item 6

**COMMISSIONING AND PROCUREMENT SUB-COMMITTEE – 11/09/18**

<b>Subject:</b>	Procurement - To manage the Household Waste & Recycling Centre (HWRC)		
<b>Corporate Director(s)/ Director(s):</b>	Andy Vaughan – Corporate Director of Commercial & Operations		
<b>Portfolio Holder(s):</b>	Councillor Sally Longford – Portfolio Holder for Energy & Environment		
<b>Report author and contact details:</b>	Carl Pendleton - Waste Disposal Manager, Utilities Team, Energy Services, Commercial and Operations t: 0115 8765639 e: carl.pendleton@nottinghamcity.gov.uk		
<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Subject to call-in</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Reasons:</b>	<input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision	<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital	
Significant impact on communities living or working in two or more wards in the City		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Total value of the decision: £2.25m (c. £450k pa.)</b>			
<b>Wards affected:</b> All	<b>Date of consultation with Portfolio Holder(s):</b> TBA		
<b>Relevant Council Plan Key Theme:</b>			
Strategic Regeneration and Development			<input type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input type="checkbox"/>
Energy, Sustainability and Customer			<input checked="" type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input type="checkbox"/>
Children, Early Intervention and Early Years			<input type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>			
<p>The council has a statutory duty under section 51 of the Environmental protection act 1990 to provide place(s) at which persons resident in its area may deposit their household waste, usually bulky in nature.</p> <p>Household Waste Recycling Centres (HWRCs) continue to have a significant role in enhancing the recycling and waste management services that local authorities provide for the public. They accept significant tonnages of waste and can achieve high recycling rates, providing a valuable service to local residents. These sites also provide residents with an alternative to kerbside collections for the responsible disposal, recycling or re-use of their household waste, particularly for items that are not collected or are costly to collect at the kerbside. These centres provide a readily available means for disposing of waste not normally but in the bin and means of disposing of excessive waste. Recycling centres are open every day of the year except Christmas Day, Boxing Day and New Year's Day.</p> <p>Historically this service has been out sourced. A high-level analysis carried out on the possibility of providing this service provision in-house has shown no benefit at this time of doing so. As a result, a procurement exercise needs to take place in order to continue to provide an essential service in a compliant manner.</p>			

**Exempt information:****State 'None' or complete the following.**

None

**Recommendation(s):**

- |          |   |
|----------|---|
| <b>1</b> | To approve the undertaking of an EU compliant procurement for this service. This option allows the authority to fulfil both statutory obligations and secure the continued operation of the facility. |
| <b>2</b> | To further delegate authority to the Director of Energy Waste & Highways, to award the contract to the successful bidder, in conjunction with legal and procurement colleagues advice.                |

**1 REASONS FOR RECOMMENDATIONS**

- 1.1 To allow the council to discharge a statutory duty through a tendering exercise for a contract to manage and operate the Household Waste & Recycling Centre.
- 1.2 To procure via a competitive tendering exercise, enabling value for money and ensure high levels of recycling and diversion from landfill.

**2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 The Council has a statutory duty under Section 51 of the Environment Protection Act (EPA) 1990 to provide places at which persons resident in its area may deposit their household waste. The EPA requires that each place provided is open at all reasonable times including at least one period on a Saturday or Sunday. The Council has discretion to determine the number of these facilities, the location of such facilities and the opening hours. The Council currently provides one HWRC for its residents.
- 2.2 Historically this service has been out sourced, adhering to financial and EU procurement rules. High level work on the merits of bringing this service provision back in-house have been under taken. Circumstances are not currently favourable to bring this back in-house, as a large part of the inherent cost lie in the disposal/sale of recyclables. Currently we do not have any scalable advantage in the sale of recyclables. With the current instability in the secondary commodity markets, we would likely be significantly disadvantaged on such a small scale.
- 2.3 The Make or Buy Option - The authority has adopted and embraced the commercialisation agenda by looking to insource services & retain value within the authority. In order to understand how in sourcing the operation and management of this service would fit with this ethos and overall value for money. A high-level business case study has been carried out, with the aid of the business development and commercial innovation team. Currently this analysis did not produce any financial benefit. Notably due to the absence of any expansion possibilities, adding value, and lacking any ability for economies of scale. Wider longer-term aspirations for waste management will shape the direction of this service. Once this is clearer, the business case for, insourcing may be potentially more favourable in the future.
- 2.4 Contract Value - The current annual contract value is circa £450k with the estimated value for a five-year contract likely to be £2.25m, excluding any inflationary pressures. An EU compliant procurement process therefore needs to be carried out. Currently there is budget provision allocated for this service, at this level of expenditure.



- 2.5 Re-tendering (Contract length) - Letting a short-term contract would not offer value for money. Initial capital investment and other one off costs, over a short period would be disproportionate. This could distort competition. As such a five year contract period with a break clause after 3 years is appropriate, in order to allow competitive competition.

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 Do nothing. This approach would not enable the Council to fulfil its statutory duties. This option should be rejected.
- 3.2 Look to manage by insourcing this activity. Although this option may have longer-term possibilities, in the immediate term this is not likely to realise any financial savings, and likely to be more costly. This option should be reviewed as and when circumstances change. As a result this option should be rejected for now. Although submitting an internal reference bid may be an option.
- 3.3 To undertake an EU compliant procurement for this service. This option allows us to fulfil both statutory obligations and secure the continued operation of the facility.

### **4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 4.1 The total value of this decision is estimated to be **£2.250m** for the period of 5 years with a break clause included at 3 years. There is current base budget provision to cover this estimated decision value.
- 4.2 However, should the new contract exceed £2.250m, the additional contract cost would need to be contained within the Energy Services existing budget provision.
- 4.3 This decision aligns with the Commercial & Operations Department Business Plan 2018/19, key objectives d & e (pg 11).

Tania Clayton Pérez, Commercial Business Partner, 8 Aug 2018

### **5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 5.1 Procurement colleagues will assist with the tendering exercise to ensure that a fully compliant, value for money contract is awarded.

Paul Ritchie, Lead Procurement Officer 07/08/2018.

- 5.2 The Council must comply with its statutory duty under s.51 EPA 1990. As an in-sourced option is not currently viable an EU compliant procurement process must be followed. Legal Services support the decision to go out to tender and will provide legal support throughout the process and in the preparation and conclusion of contract documents.

Naomi Vass, Senior Solicitor 10 August 2018

### **6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED**

**INFRASTRUCTURE (STRATEGIC REGENERATION COMMITTEE REPORTS ONLY)**

6.1 N/A

**7 SOCIAL VALUE CONSIDERATIONS**

7.1 By securing best value the service provision to authority and its citizens, helps toward meeting its budget obligations and allow the service to continue. A service, which is in great demand by the residents of Nottingham supplied free at the point of delivery.

**8 REGARD TO THE NHS CONSTITUTION**

8.1 N/A

**9 EQUALITY IMPACT ASSESSMENT (EIA)**

9.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because:

The report does not contain any proposals for new or changing policies, services or functions. The service it's self is universal to all residents.

Yes



Attached as Appendix x, and due regard will be given to any implications identified in it.

**10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)**

10.1 Commercial and Operations Department Business Plan 2018/19

**11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

11.1 None

Agenda Item 7

**COMMISSIONING AND PROCUREMENT SUB-COMMITTEE – 11/09/2018**

<b>Subject:</b>	Tender for mortuary services contract		
<b>Corporate Director(s)/ Director(s):</b>	Candida Brudenell, Corporate Director Strategy & Resources Richard Henderson, Director HR & Customer		
<b>Portfolio Holder(s):</b>	Councillor Jane Urquhart, Portfolio Holder for Housing and Planning		
<b>Report author and contact details:</b>	Ghazala Mumtaz, Practice Manager Tel: 0115 8762342 Ghazala.mumtaz@nottinghamcity.gov.uk		
<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Subject to call-in</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Reasons:</b> <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision			<input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total value of the decision:</b> Exempt			
<b>Wards affected: All wards</b>		<b>Date of consultation with Portfolio Holder(s): Councillor Graham Chapman – Portfolio Holder for Finance, Resources and Commercial Services 22/08/18</b> Councillor Jane Urquhart: 16/08/18	
<b>Relevant Council Plan Key Theme:</b>			
Strategic Regeneration and Development			<input type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input checked="" type="checkbox"/>
Community Services			<input checked="" type="checkbox"/>
Energy, Sustainability and Customer			<input type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input checked="" type="checkbox"/>
Children, Early Intervention and Early Years			<input type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b> The Mortuary Services contract was due to expire in March 2018, however an extension to March 2019 was negotiated between Nottingham City Council and the current provider. We wish to undertake a competitive tender process for the award of a new contract commencing in April 2019. This report seeks approval to undertake a competitive procurement process and spend up to the amount given in the exempt appendix in relation to the extension of the existing contract through to March 2019, throughout the maximum duration of a new contract commencing April 2019 (3 + 2 years), and delegated authority to award the contract.			
<b>Exempt information:</b> Appendices to the report are exempt from publication under paragraphs 3 and 5 of Schedule 12A to the Local Government Act 1972 because they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) and that is subject to legal professional privilege. Having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is not in the public interest to disclose this information because to disclose could prejudice the ability of the decision maker to consider the decision and associated advice in its entirety and to disclose financial information about this contract could prejudice contract negotiations.			

<b>Recommendation(s):</b>
1. To approve the undertaking of a competitive procurement process for the re-tender of the Mortuary Services Contract as outlined above.
2. To delegate authority to the Director of HR & Customer to approve the outcome and award of the contract to the successful tenderer following the procurement process; the initial term of the contract will be 3 years with the option to extend for a further 2 years.
3. To approve expenditure detailed in the exempt appendix following a competitive tender exercise.
4. To approve the extension and expenditure associated with the existing contract until March 2019.
5. To grant dispensation from Financial Regulations 3.29 and Contract Procedure Rule 5.1.2 (Operational Reasons) with regard to the contract extension until April 2019.

## **1 REASONS FOR RECOMMENDATIONS**

- 1.1 The local authority is under a legal obligation to provide a mortuary and post mortem service as required by HM Coroner. In order to meet this obligation a competitive tender is required to ensure that a good quality and value for money provider is secured for this service.

## **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 The local authority is legally obliged to make provision for mortuary services for HM Coroner. This includes provision of mortuary and post mortem facilities and technical staff for the provision of the Coronial Service within timescales agreed with HM Coroner. This must be done whilst ensuring that the deceased is handled with respect and dignity, recognising cultural and religious preferences where reasonably possible.
- 2.2 HM Coroner's area covers the Nottingham City Council and Nottinghamshire County Council boundaries. The cost of this contract will therefore be split between Nottingham City Council and Nottinghamshire County Council in accordance with agreed terms.
- 2.3 The existing contract for mortuary and post mortem services is due to expire in March 2019 and we must ensure provision for this service is seamlessly in place to ensure a continuous service.
- 2.4 The contract covers storage of bodies on behalf of HM Coroner for Nottingham City and Nottinghamshire County Councils, providing mortuary facilities including post mortem examinations, body storage and payment for pathologists.
- 2.5 The Coroners and Justice Act (2009), allows local authorities the opportunity to negotiate with other hospitals on a regional basis rather than only those within their local jurisdiction. This means that the tender can be fully competitive and open to all providers.

## **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 Do nothing: This is not a viable option as this is a statutory service that the Council must continue to provide. The current contract expires in March 2019 and we need to ensure continuous service in order to meet statutory requirements under The Coroners and Justice Act (2009), and specifically Part 1, Section 1, Duty to Investigate; Section 14, Post-mortem examinations and Section 15, Power to Remove Body.

#### **4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 4.1 Finance comments are provided in an exempt Appendix.

**Hayley Mason, Strategic Finance Business Partner, 17/08/2018**

- 4.2 The Portfolio Holder for Finance, Resources and Commercial Services, was consulted on 22/08/2018 and endorsed the recommendation that the committee grant dispensation from Financial Regulations 3.29 and Contract Procedure Rule 5.1.2 (Operational Reasons)

Chief Finance Officers Observations on Dispensation

- 4.3 Dispensation from financial regulation 3.29 and contract procedure rule 5.1.2 is supported for this contract extension due to operational reasons.

**Laura Pattman, Strategic Director of Finance, 17 August 2018**

#### **5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 5.1 Procurement Colleagues will assist with the tendering exercise to ensure that a fully compliant, value for money contract is awarded.

**Paul Ritchie, Lead Procurement Officer, 09/08/2018.**

- 5.2 Legal comments are provided in an exempt Appendix.

**Dionne Screatton, Solicitor, Commercial, Employment and Education, 16/08/18.**

#### **6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE (STRATEGIC REGENERATION COMMITTEE REPORTS ONLY)**

- 6.1 N/A

#### **7 SOCIAL VALUE CONSIDERATIONS**

- 7.1 Nottingham is a diverse city with a variety of citizens with specific cultural needs. It is important to ensure that deceased persons are treated with dignity and respect, and that cultural requirements are met (within the remit of the law) and the best pathologists and technicians are employed in this capacity.

#### **8 REGARD TO THE NHS CONSTITUTION**

8.1 Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.

## **9 EQUALITY IMPACT ASSESSMENT (EIA)**

9.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because:

This is not needed as the report does not contain proposals for new or changing policies, services or functions, financial decisions or decisions about implementation of policies development outside the Council

## **10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)**

10.1 None.

## **11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

11.1 The Coroners and Justice Act (2009), and specifically Part 1, Section 1, Duty to Investigate; Section 14, Post-mortem examinations and Section 15, Power to Remove Body.

11.2 Local Government Act 1972

**COMMISSIONING AND PROCUREMENT SUB-COMMITTEE – 11/09/2018**

<b>Subject:</b>	Procurement of Accredited Homecare Providers		
<b>Corporate Director(s)/ Director(s):</b>	Candida Brudenell, Assistant Chief Executive and Corporate Director for Strategy and Resources Alison Michalska, Corporate Director for Children and Adults Catherine Underwood, Director of Adult Social Care (DASS Nottingham City)		
<b>Portfolio Holder(s):</b>	Councillor Graham Chapman, Portfolio Holder for Finance, Resources and Commercial Services Councillor Sam Webster, Portfolio Holder for Adult Social Care and Health		
<b>Report author and contact details:</b>	Peter Morley 0115 876 5163 Peter.morley@nottinghamcity.gov.uk		
<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Subject to call-in</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Reasons:</b> <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision			<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total value of the decision:</b> Maximum value of £63.590 million (This figure is based on 8 year duration of the contract, with 60% of packages delivered by Accredited Providers. The figures are based on the current accredited homecare rate of £15.50 per hour. The tender will be advertised at this level and the market will be notified of any uplifts for 2019/20 when these are agreed.)			
<b>Wards affected: All</b>	<b>Date of consultation with Portfolio Holder(s):</b> <b>Councillor Webster 23/08/2018</b> <b>Councillor Chapman 22/08/2018</b>		
<b>Relevant Council Plan Key Theme:</b>			
Strategic Regeneration and Development			<input type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input type="checkbox"/>
Energy, Sustainability and Customer			<input type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input checked="" type="checkbox"/>
Children, Early Intervention and Early Years			<input type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>			
<p>The current model of Homecare provision for vulnerable adults includes a list of providers who have been approved through an accreditation process. The process ensures we have providers in place that can deliver reliable care of sufficient quality to support vulnerable adults to stay in their homes and live independently and in safety. The current accreditation expires on 31<sup>st</sup> March 2019. This report seeks authorisation to procure a new accredited list of providers to support lead Homecare providers (see section 2.1) from the 1<sup>st</sup> April 2019.</p> <p>This specification is based on and complements the new Homecare Lead Provider model and contract issued in April 2018.</p>			
<b>Exempt information:</b>			
None			

<b>Recommendation(s):</b>	
<b>1</b>	Approve maximum spend of £63.590m to establish contracts as part of a new accreditation of homecare providers based on 2018/19 rates. (Note: approval to spend will be through the Council's scheme of delegation for Adults Care Packages)
<b>2</b>	Approve a procurement process to establish a new accredited list of homecare providers with effect from 1 <sup>st</sup> April 2019 for 4+4 years.
<b>3</b>	Delegate authority to the Head of Contracting and Procurement to award contracts in accordance with the outcome of the accreditation process and delegate authority to the Market Strategy and Development Manager to sign the contracts.

## **1 REASONS FOR RECOMMENDATIONS**

- 1.1 The current list of accredited providers for Homecare will expire on 31<sup>st</sup> March 2019. The proposal in this report is to institute a tender process to replace the current list of accredited providers. This could include new providers coming into the homecare market in Nottingham and re-accrediting existing providers. This will ensure a seamless transition of service delivery for some of our most vulnerable citizens, including older people with mobility and personal care support needs.
- 1.2 The accredited list of providers is vital in ensuring there is adequate capacity and that there is a back-up for the lead provider model. It ensures that there are a range of providers available in the City, giving citizens choice. It also allows smaller 'niche' providers to be active in the City.
- 1.3 There will be two accredited provider contracts. One will be for providers to deliver all health and social care provision funded through the City Council, Health, and/or individual citizens. The other will include more complex healthcare tasks that will be funded through NHS Nottingham Clinical Commissioning Group Continuing Healthcare. Both service specifications include a requirement that when a citizen's needs escalate or when they are coming to the end of their life, no matter where the funding is from, they will continue to deliver services commensurate with the tasks as outlined in the service specification that makes up that provider's contract. This is to enable seamless service delivery for citizens as their needs escalate or they reach the end of their lives, no matter who is funding the service. It will encourage better interagency partnership working and communication. The specifications have been developed in partnership with NHS Nottingham City Clinical Commissioning Group. The contracts will use the standard NHS contract template.
- 1.4 Where providers are willing to provide more complex clinical interventions, this is supported by the provider of the NHS community contract. There is a requirement in this contract that the provider (CityCare) will train Homecare providers to deliver more complex care, and that this will be monitored and implemented safely and effectively.

## **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 The current model of Homecare delivery in Nottingham is represented pictorially in Appendix 1. When a citizen is assessed as having a need for



Homecare through a social work assessment, they will normally receive a short-term period of reablement from the internal Social Care Reablement Service. The Reablement Service will work with the citizen to improve and regain their skills and independence, thereby reducing their dependence on homecare intervention and improving their outcomes. During this period they are assessed for their long-term package of care. At the end of the reablement period a long-term package of care is offered to four 'lead' Homecare providers who work geographically in the north, south, east and west of the City. It is intended that these providers will deliver the bulk of the homecare in their given geographical area. If the lead provider is unable to pick up a package of care that is offered to them within a given timeframe, the package is then offered out to a list of accredited providers who work across the City.

- 2.2 The Council recently undertook a successful exercise to recommission the lead provider Homecare contract. This involved consultation with citizens around what 'good' homecare looked like to them. These became a list of 'I' statements that were included in the service specification for the lead provider contract, and that will again be included in the service specification for the accredited provider list. The accreditation process will include measures to ensure that providers receiving accreditation can demonstrate that their services will meet citizens' requirements in respect of 'good' homecare.
- 2.3 Providers on the current accredited list deliver circa 60% of externally commissioned Homecare in the City at present. This can fluctuate from week to week.

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 Another option considered was to have a lead provider in each of the geographical areas with a number of support providers to back these up, in place of an accredited list of providers. Having tried this model before in Nottingham, the reduced number of lead and support providers meant reduced capacity in the City, which led to the need to spot purchase provision from uncontracted providers.

For this reason the lead and support provider approach was not taken forward as a model for Nottingham.

### **4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 4.1 The estimated value represented within this decision reflects current activity levels and price and costs will change over the duration of the contract to reflect actual service delivery. The contractual arrangements will carry no guarantee of work and it should be noted that approval to spend against the accredited provider homecare contracts will be given through established mechanisms that exist within Adult Social Care for each package of care.
- 4.2 The consideration and approval of annual fee rates for Homecare provision will align to the Council's budget setting process and Medium Term Financial Plan (MTFP) and will be subject to approval through the appropriate governance process.

- 4.3 The procurement of an accredited list of homecare providers that meets the needs of local people through the most economic, efficient and effective means and provides continuity of service for citizens will ensure value for money is delivered. Darren Revill - Senior Commercial Business Partner, 29<sup>th</sup> August 2018.

**5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 5.1 The proposed procurement of an accredited list of homecare providers will be undertaken by the Procurement Team in accordance with the EU and UK Procurement Regulations (Light Touch Regime) and the Council's Financial Regulations. It will be through a fair, open and transparent process whereby all providers that meet the required standards will be awarded a contract. This will ensure quality of services whilst providing flexibility and capacity in the market to meet the needs and choice of citizens. The selection of providers from the accredited list should be through a fair and transparent process, in cases when the lead contracted homecare providers cannot provide capacity.

Jo Pettifor, Category Manager – Strategy and People, 13<sup>th</sup> August 2018

- 5.2 The award of contracts for the care services described in this report is subject to the Public Contracts Regulations 2015 (the Regulations) and specifically governed by a set of rules in the Regulations which is referred to as the 'light touch regime'. The City Council is able to determine the procurement procedure for awarding contracts governed by the light touch regime subject to compliance with the principles as set out in para 5.1 above. On that basis the City Council is able to select providers through an accreditation process which has similar characteristics to a framework and a DPS without having to comply with the specific rules for those procedures.

Andrew James – Team Leader, Commercial, Employment and Education Team, 21<sup>st</sup> August 2018.

**6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE (STRATEGIC REGENERATION COMMITTEE REPORTS ONLY)**

- 6.1 N/A

**7 SOCIAL VALUE CONSIDERATIONS**

- 7.1 The contract will make provisions to increase and improve employment opportunities. The tender process will include asking providers to demonstrate their commitment to ethical employment around terms and conditions, training and working conditions.

**8 REGARD TO THE NHS CONSTITUTION**

- 8.1 N/A

**9 EQUALITY IMPACT ASSESSMENT (EIA)**

9.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because there is likely to be very little change to provision in the City. Providers will be able to engage with the accreditation process on an ongoing basis. As such, it is anticipated that there will be little change to service delivery, besides encouraging new providers to become active in the City.

Yes



Attached as Appendix x, and due regard will be given to any implications identified in it.

**10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)**

10.1 N/A

**11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

11.1 Delegated Decision Ref 2949 Re-procurement of Homecare 28/9/2017

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**COMMISSIONING AND PROCUREMENT SUB-COMMITTEE– 11/09/2018**

<b>Subject:</b>	CDP Budget Update 2018/19		
<b>Corporate Director(s)/ Director(s):</b>	Christine Oliver, Head of Commissioning Steve Oakley, Head of Contracting and Procurement Alison Challenger, Director Public Health Andrew Errington, Director Community Protection		
<b>Portfolio Holder(s):</b>	Councillor Sam Webster – Portfolio Holder for Adult Social Care and Health Councillor Toby Neal – Portfolio Holder for Community and Customer Services		
<b>Report author and contact details:</b>	Tim Clark, Finance Analyst, Crime & Drug Partnership Tel: 01158762711 <b><u>timothy.clark@nottinghamcity.gov.uk</u></b>		
<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Subject to call-in</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Reasons:</b> <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision			<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total value of the decision:</b> Up to £10,112,798			
<b>Wards affected:</b> All	<b>Date of consultation with Portfolio Holder(s):</b> Councillor Sam Webster – 14 August 2018 Councillor Toby Neal – 16 August 2018		
<b>Relevant Council Plan Key Theme:</b>			
Strategic Regeneration and Development			<input type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input checked="" type="checkbox"/>
Energy, Sustainability and Customer			<input type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input checked="" type="checkbox"/>
Children, Early Intervention and Early Years			<input checked="" type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>			
In March 2018 the Commissioning and Procurement Sub-Committee granted delegated authority to the Director of Commissioning and Procurement to receive and collate grants and other funding. The Director will further allocate this funding to the Head of Commissioning, Director of Strategy and Policy and the Director of Community Protection to act as the accountable bodies on behalf of grant funders and partners. The purpose of this report is to provide an update of the budget position including additional funding and expenditure and to seek delegated authority to the above officers to receive and allocate the additional expenditure.			
<b>Exempt information:</b>			
Appendix 1 to the report is exempt from publication under paragraph 3 of Schedule 12A to the Local Government Act 1972 because it contains information relating to commercial confidentiality and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is not in the public interest to disclose this information because it will prejudice future negotiation with funders and providers.			

**Recommendation(s):**

- 1 To approve the anticipated receipt and expenditure of the Public Health Grant, Police and Crime Commissioner Grant, Nottingham City Council (NCC) and partner contributions by the Crime and Drug Partnership (CDP) in 2018/19 as set out in exempt appendix 1.
- 2 To delegate authority to the Head of Contracting and Procurement and the Head of Commissioning to allocate anticipated funds for the above expenditure and to secure best value for Nottingham citizens. As set out in exempt appendix 1.

**1 REASONS FOR RECOMMENDATIONS**

- 1.1 In March 2018 a report was brought to the Commissioning and Procurement Sub Committee based on the most up to date finance information available at that time. This report is to provide an updated position and seek approval on the confirmed funding and expenditure of the CDP. The Medium Term Financial plan detailing a saving of 20% of Public Health funding can now be achieved when the relevant approvals are confirmed.
- 1.2 To ensure the Public Health, Police and Crime Commissioner, NCC and partner contributions funding allocations are utilised to commission and contract with services in an appropriate way and in accordance with the correct legalisation.
- 1.3 To allow for relevant and necessary commissioning and commissioned activity to continue in order to maintain service provision for the citizens and meet identified local need.
- 1.4 To enable timely contract variations, extensions and allocations to be made to services in order to deliver continuation of services in 2018/19.
- 1.5 To allocate funding to deliver the required savings across the Public Health and Police and Crime Commissioner funding streams in 2018/19.

**2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 Public Health and Partners have confirmed their funding for 2018/19. The Office Police and Crime Commissioner (OPCC) have written proposals for allocating 2018/19 funding to the CDP for 2018/19. Currently the partnering and grant agreement are not yet finalised with the OPCC. Indicative written proposals and unconfirmed allocations relating to the OPCC funding to the CDP for 2018/19 are included in exempt appendix 1 along with confirmed proposals from the other funders.
- 2.2 Exempt appendix 1 also sets out anticipated expenditure for the CDP for 2018/19.
- 2.3 Additional funding has been identified to support substance misuse services during 2018/19, this additional funding is included in exempt appendix 1.

**3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.2 Option 1 - To cancel the provision of the services. This option was not considered suitable due to the impact on the Crime & Drug Partnership overall aims to reduce substance misuse.

#### **4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 4.1 The anticipated value of the Public Health Grant, Police & Crime Commissioner Grant, Nottingham City Council, and partner contributions funds totals £9,603,343 in 2018/19 as outlined in exempt Appendix 1.
- 4.2 The proposals outlined in exempt Appendix 1 allow for savings to be delivered in 2018/19 which align to the requirements of the Medium Term Financial Plan (MTFP). Plans would need to be revised accordingly if funding differs from that anticipated.
- 4.3 Continuing commissioning activity will ensure a seamless service provision for residents and assist delivery of efficiencies in future years.
- 4.4 Any increase in contract value exceeding the amounts stated in exempt Appendix 1 would require further approval to be gained through the appropriate process.

Hayley Mason – Strategic Finance Business Partner – 9 August 2018

#### **5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 5.1 The C & P SC report dated 13<sup>th</sup> March 2018 addressed those services to be tendered in 2018/19. The Procurement Team will support with these tenders accordingly.

Any procurement associated with this report should be compliant with Public Contracts Regulations 2015 and the Procurement Team will support accordingly.

Julie Herrod – Lead Procurement Officer 01/08/2018

- 5.2 There are no additional legal comments to be made in respect of this update report. Legal Services will continue to support the CDP with finalising any funding arrangements with partners and the award of contracts for commissioned services.

Naomi Vass – Senior Solicitor 29 August 2018

#### **6 SOCIAL VALUE CONSIDERATIONS**

- 6.1 Recommendations have been considered in line with the Public Services (Social Value) act 2012. All services within this report aim to improve the social wellbeing of the client groups they target.

#### **7 REGARD TO THE NHS CONSTITUTION**

- 7.1 Local Authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making the decisions relating to public health functions we consider the NHS Constitution where appropriate and take into account how it can be applied in order to commission services to improve health and wellbeing.

**8 EQUALITY IMPACT ASSESSMENT (EIA)**

- 8.1 An EIA is not required because an EIA will be undertaken separately for each tender exercise.

**9 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)**

- 9.1 None

**10 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

- 10.1 Crime and Drugs Partnership Contract Approval 2018/19, Commissioning and Procurement Sub Committee 13 March 2018

**11 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT**

- 11.1 Lucy Putland, Commissioning Manager CDP – 0115 8765732

- 11.2 Tim Clark, Financial Analyst CDP – 0115 8762711

- 11.3 Hayley Mason, Strategic Finance Business Partner – 0115 8763719

- 11.4 Naomi Vass, Senior Solicitor Legal Services – 0115 876 5011



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