

EXECUTIVE BOARD - COMMISSIONING SUB COMMITTEE – 11 JUNE 2014

Subject:	Crime and Drugs Partnership Spending Plan 2014/15		
Corporate Director(s)/ Director(s):	Alison Michalska - Corporate Director Children and Adults Candida Brudenell - Strategic Director Early Intervention Peter Moyes – CDP Director		
Portfolio Holder(s):	David Liversidge		
Report author and contact details:	Clare Fox – Strategy and Commissioning Manager 0115 8765711 clare.fox@nottinghamcity.gov.uk Christine Oliver – Head of Service CDP 01158765725 christine.oliver@nottinghamcity.gov.uk		
Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Subject to call-in	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reasons:	<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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total value of the decision: £11,831,890			
Wards affected: All	Date of consultation with Portfolio Holder(s): Councillor Liversidge – 28/05/14 Councillor Chapman - 03/06/14		
Relevant Council Plan Strategic Priority:			
Cutting unemployment by a quarter			<input type="checkbox"/>
Cut crime and anti-social behaviour			<input checked="" type="checkbox"/>
Ensure more school leavers get a job, training or further education than any other City			<input type="checkbox"/>
Your neighbourhood as clean as the City Centre			<input type="checkbox"/>
Help keep your energy bills down			<input type="checkbox"/>
Good access to public transport			<input type="checkbox"/>
Nottingham has a good mix of housing			<input type="checkbox"/>
Nottingham is a good place to do business, invest and create jobs			<input type="checkbox"/>
Nottingham offers a wide range of leisure activities, parks and sporting events			<input type="checkbox"/>
Support early intervention activities			<input type="checkbox"/>
Deliver effective, value for money services to our citizens			<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):			
<p>The purpose of this report is to seek authority to allocate Public Health funding, Police and Crime Commissioner (PCC) Grant and partner contributions to the CDP and grant delegated authority to the Director of the CDP to allocate funds. This will enable the continuation of commissioning responsibilities of the Crime and Drugs Partnership (CDP) and the continuation of services across substance misuse and reoffending, Ending Gang and Youth Violence, Hate Crime and domestic violence.</p> <p>The report also seeks delegated authority to the Director of the CDP for approval to tender services and award contracts across a number of areas within substance misuse and criminal justice following a detailed review process.</p>			

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

An appendix 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.

Recommendation(s):

1 To approve the anticipated non employee expenditure of Public Health funds by the CDP in 2014/2015 as set out in exempt Appendix 1.

2 To approve the anticipated non-employee expenditure of Police and Crime Commissioner funds by the CDP as set out in exempt Appendix 1.

3 To approve the anticipated non-employee expenditure of the Partner Contributions by the CDP as set out in exempt Appendix 1.

4 To grant delegated authority to Peter Moyes (Director CDP) to allocate funds for the above expenditure.

5 To grant delegated authority to Peter Moyes to re-tender those services outlined in Appendix 2 (tables B & C) and to award contracts for all funding streams.

6. To approve the extension of the Criminal Justice contracts.

7 To approve dispensation from financial regulations 3.29 under corporate contract procurement rule 5.1.2 in respect of those contracts identified in exempt appendix 2 (table D).

8. To note that approval to spend is only being sought for 2014/15 and that a further report will be presented for approval to spend for 2015/15+ in March 2015.

1 REASONS FOR RECOMMENDATIONS

- 1.1 The recommendations ensure that the Public Health, PCC and Partner Contribution commissioning responsibilities and contract arrangements are managed in a safe, efficient manner. They ensure that commissioning arrangements are aligned where most appropriate to activity and will enable the CDP to work with providers to secure service continuity where possible.
- 1.2 The actions recommended will allow for relevant and necessary commissioning activity to continue. Continuity of provision is considered essential to maintain service provision and ensure continued progress of the safer agenda and agreed 2020 targets.
- 1.3 The re-tender activities will enable further savings to be identified through commissioning for value for money.
- 1.4 Activities will contribute to ensuring that the CDP commissioning intentions will be fulfilled.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The CDP has been allocated £9.2m from Public Health, £1.7m from the Police and Crime Commissioner and £0.9m for partner contributions.
- 2.2 A review of commissioning and strategic priorities, current contract arrangements and the history of contracts/previous tendering has been undertaken resulting in a plan to spend these allocations (exempt appendix 1) which will support the delivery of the partnership plan, specifically in relation to reducing substance misuse.
- 2.3 Legal and procurement teams have been consulted throughout the process of the review and determining the recommendations to ensure legal and procurement compliance.

- 2.4 Where services have been recently tendered or where contracts have recently been awarded it is proposed that existing arrangements be maintained due to the low risk of challenge, meeting current need and strategic fit (see exempt appendix 2, table E).
- 2.5 The 3 areas identified as requiring tendering due to a need for service redesign or due to the transforming rehabilitation agenda are detailed in exempt appendix 2 (tables A, B and C).
- 2.6 Where services have already recently been tendered or contracts recently awarded, or the service is not contracted by the Council it is proposed that existing arrangements are maintained (see exempt appendix 2, table D).

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Option 1 – doing nothing is not the preferred option as it would generate legal implications in terms of the contracts and would disrupt service delivery, risking an increase in crime and health harms.
- 3.2 Option 2 – for another department to commission on behalf of the CDP was not a preferred option as it would not enable alignment of commissioning with wider CDP activities.

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)

- 4.1 The CDP's total revenue funding for 2014/15 is estimated at £13.835m, Table 1 below provides an analysis of funding streams:

TABLE 1: CDP 2014/15 FUNDING		
	Total Funding £m	Non Employee Costs £m
1. Public Health	9.268	8.615
2. Police and Crime Commissioner	1.700	1.317
3. Other Partner Contributions	2.276	0.042
4. Nottingham City Council Funding	0.591	0.591
TOTAL FUNDING	13.835	10.565

- 4.2 A detailed breakdown of the spend associated with items 1, 2 and 3 above are set out in Exempt Appendix 1. This report only seeks approval to spend non-employee expenditure associated with items 1, 2 and an element of 3 above totalling £10.565m, with the associated processes set out in Exempt Appendix 2.
- 4.3 Approval to spend against the contract awards set out in Exempt Appendix 2 only relates to 2014/15 to ensure that any extension aligns to the 2015/16 – 2017/18 Medium term Financial Plan.
- 4.4 The current Medium Term Financial Plan (MTFP) incorporates savings to be achieved by the CDP; these are incorporated within the Public Health Big Ticket. The savings allocated to the CDP are set out in Table 2 below:

TABLE 2: MTFP SAVINGS - CDP			
	2014/15 £m	2015/16 £m	2016/17 £m
2013/14 Budget Process	0.380	0.380	0.380
2014/15 Budget Process	0.760	1.560	2.010
TOTAL CDP SAVINGS	1.140	1.940	2.390
Annual Increase		0.800	0.450

- 4.5 Dispensation from financial regulations 3.29 and contract procedure rule 5.1.2 is supported for this service by the Chief Financial Officer.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

- 5.1 The legal implications of not allocating these budgets to those contracts set out in exempt appendix 1 could place the Council at risk under the contractual provisions in place for those services. Although provisions are in place to minimise risk should the Council need to terminate a contract but this will usually be subject to either an implied or explicit notice period.
- 5.2 It should also be considered that if contracts do need to be terminated or reduced due to funding this could have a significant impact on national and local monitoring requirements, particularly in respect of drug and alcohol treatment services.
- 5.3 Consultation with legal and procurement teams guarantees that the commissioning intentions will ensure value for money and compliance with procurement regulations.

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 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 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 (exempt appendix 1).
- 8.2 An Equality Impact Assessment is not required for the recommendations in relation to agreement of spend as the proposal is to continue to extend existing provision (exempt appendix 1).
- 8.3 Risk Assessment and Equality Impact Assessments are being undertaken for those services to be tendered.

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 None

11 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT

11.1 Lucy Putland, Strategy and Commissioning Manager, CDP

11.2 Naomi Vass, Senior Solicitor, Contracts and Commercial Team, Legal Services

11.3 Dee Fretwell, Finance Analyst, Children and Families, Strategic Finance

11.4 Geoff Walker, Acting Director of Strategic Finance

11.5 Dawn Cafferty, Procurement Category Manager, Corporate Procurement

11.6 Ceri Walters, Acting Head of Departmental Financial Support