



Nottingham City Council

Commissioning and Procurement Sub-Committee

Date: Tuesday, 10 March 2020

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: Phil Wye **Direct Dial:** 0115 8764637

| Agenda | Pages |
|--|---------|
| 1 Apologies for absence | |
| 2 Declarations of interest | |
| 3 Minutes Of the meeting held on 11 th February 2020, for confirmation | 3 - 10 |
| 4 Direct Payment Support Service - Key Decision Report of the Portfolio Holder for Adult Care and Local Transport | 11 - 16 |
| 5 Crime and Drugs Partnership Contract Approval 2020/21 - Key Decision Joint report of the Portfolio Holder for Health, HR and Equalities and Portfolio Holder for Regeneration, Safety and Communications. | 17 - 20 |
| 6 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 regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. | |
| 7 Crime and Drugs Partnership Contract Approval 2020/21 - Exempt | 21 - 24 |

Appendix

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

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Nottingham City Council

Commissioning and Procurement Sub-Committee

**Minutes of the meeting held at Loxley House, Nottingham on 11 February 2020
from 10.00 am - 10.21 am**

Membership

Present

Councillor Sam Webster (Chair)
Councillor Sally Longford
Councillor Adele Williams

Absent

Councillor Cheryl Barnard (Vice Chair)
Councillor Eunice Campbell-Clark

Colleagues, partners and others in attendance:

| | |
|----------------------------|--|
| Elisa Flintoff | - Contract Manager |
| Kenneth France | - Contracts and Commercials Manager |
| Amy Goulden | - Senior Community Cohesion Manager |
| David King | - Head of Facilities and Building Services |
| Councillor Rebecca Langton | - Portfolio Holder for Communities |
| Steve Oakley | - Head of Contracting and Procurement |
| Christine Oliver | - Head of Commissioning |
| Phil Wye | - Governance Officer |

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 19 February 2020. Decisions cannot be implemented until the working day after this date.

41 Apologies for absence

Councillor Cheryl Barnard – other Council business
Councillor Eunice Campbell-Clark – personal reasons

42 Declarations of Interest

None.

43 Minutes

The Committee confirmed the minutes of the meeting held on 14 January as a correct record and they were signed by the Chair.

44 Building Services Procurement Requirements 2020-2021

David King, Head of Building Services, introduced the report setting out Building Services and Facilities Management's annual procurement requirements for planned and reactive maintenance requirements for 2020-2021.

Resolved to

- (1) continue the Council's strategic approach to its reactive and planned maintenance function as set out in the report, both internally and externally;**
- (2) seek dispensation to financial regulation 3.29 in accordance with contract procedure rule 5.1.2 to make a direct award to Nottingham City Homes for the sum of £1.2m for the 2020/21 period as set out in the appendix to the report;**
- (3) approve the annual procurement plan for 2020/21 as set out in appendix 2 of the report;**
- (4) approve external spend of £8.750m as set out in Table 1 of appendix 2 of the report;**
- (5) approve a maximum external spend associated with commissioning maintenance for schools of c. £2.4m;**
- (6) delegate authority to the Head of Building Services in conjunction with the Head of Contracting and Procurement to approve the outcome of the procurement processes and award contracts to the providers in accordance with the award criteria set out in the tender documentation and proven to deliver best value for the Council.**

Reasons for decision:

- Due to multiple contracts coming to the end of their term in March 2020 Nottingham City Council Building Services have to procure replacements. This enables the Building Services team to keep Nottingham City Council's portfolio of assets compliant with multiple statutory, regulatory and legislative obligations, for its portfolio of assets which serve a diverse mixture of citizens in Nottingham.
- To deliver further savings on externally procured and insourced services to alleviate financial pressure within the Council.
- To improve efficiency and value for money in the services that Building Services commission. This annual procurement plan is the optimal approach in managing the team's costs.
- To ensure a high level of customer satisfaction with the Council's services, as evidenced by feedback from internal stakeholders.
- New contracts will require the supplier to utilise modern technology where appropriate, to maximise efficiency in their own operations and ensure that Nottingham City Council Concerto system, records live data and continues the processing and storage of circa 15,000 compliance certificates/documents

every year.

- To ensure risk is managed in an appropriate manner ensuring the citizens of Nottingham and its visitors to the city are safe when visiting the Council's portfolio of assets.

Other options considered:

- Do nothing and allow contracts to end and not re-commission services, which will remove statutory, regulatory and legislative compliancy across Nottingham City Council's portfolio of assets and increase the risk of prosecution and reputation to Nottingham City Council for providing non-compliant assets that endanger its citizens. This is unacceptable and has been rejected.
- Insource all of the activity covered by the contract areas under consideration for renewal. This option has been rejected due to the following: capacity, complexity, risk and value for money.
- Allow Nottingham City Council's various directorates to purchase individually the services as they require to ensure compliancy across the assets they are responsible for. This will result in a more expensive, less compliant and less reliable service. It would also be more bureaucratic, with less ownership and accountability. This is a politically sensitive area which is likely to give rise to public challenge if citizen safety is compromised especially with such a high profile enquiry ongoing (Grenfell). This option has been rejected.

45 Vulnerable Person's Scheme Grant Income Extension

Councillor Rebecca Langton, Portfolio Holder for Communities, and Amy Goulden, Senior Community Cohesion Manager, introduced the report seeking permission to claim and draw down Home Office grant income relating to resettlement of vulnerable refugees during financial year 2020/21. The bulk of this income will fund services for this cohort, sited in the voluntary sector.

Councillor Langton thanked Amy for her work in co-ordinating the scheme.

Resolved to

- (1) approve the acceptance of grant income to enable the continued participation of Nottingham City Council in resettlement through financial year 2020-21, resettling up to 25 additional individuals in the city;**
- (2) approve Nottingham City Council continuing to act as accountable body for neighbouring district authorities, supporting their continued participation in resettlement; the Council retains management costs from the grant to enable work. Services include community development, partnership and financial management, and administrative services. A combined pledge of up to 60 additional individuals will attract additional ring-fenced income of approximately £796,950 over financial years 2020-2025;**

- (3) approve to draw down relevant grant income, and the delegation of authority to the relevant Portfolio Holder and responsible Director to spend the funds in accordance with Nottingham City Council's financial regulations;**
- (4) continue extension and adaptation of the current grant-funded service level agreement with Nottingham and Nottinghamshire Refugee Forum for a further year, equating to expenditure in 2020-21 of £416,767 (including support for existing 2015-19 resettled refugees, and new refugees).**

Reasons for decision:

- This proposal is in accordance with the Council Plan commitment to work with partners to be a city that welcomes those in need of shelter or refuge.
- By continuing to draw down Home Office grant funding and the Council will be able to continue to the resettlement of refugees into Nottingham City and South Nottinghamshire within the national scheme, at no additional cost. The sums listed in the recommendations are estimated and subject to change, dependant upon size, the make-up and specific needs of the families resettled (and any additional funding claimed for any complex cases); the total amount will not exceed £1,500,000 additional income.
- The recommendation to continue to work with Nottingham and Nottinghamshire Refugee Forum (NNRF) in a grant funding arrangement is based upon two key factors; firstly NNRF were successful in winning the communities of identity grant funding as the lead voluntary organisation for asylum seekers and refugees between 2019-2022, to which some of the resettlement scheme funding was previously added, in order to support the rapid set-up of the scheme locally. Secondly NNRF have been able to collaboratively support the growth and development of this scheme, accommodating development of casework, employability training and interpreting/translation for resettled refugees. This work creates wider benefits for other refugee and asylum seeking groups in the city.

Other options considered:

- Not participating in the continuation of the scheme and not accessing this additional grant income. Considered but not accepted by the Portfolio Holder as this is a Council Plan priority.
- To shift from grant-aid to a commissioned basis: rejected as resettlement is a Council Plan commitment being delivered in a way that supports a number of interlinked services for asylum seekers and refugees currently funded through the Communities of Identity grant.

46 Approval for Procurement and Contracting of Multi-functional Devices (Printers)

Steve Oakley, Head of Contracting and Procurement, and Elisa Flintoff, Contracts Manager, introduced the report concerning Nottingham City Council's fleet of Multi-

functional Devices (MFDs) which enable colleagues to complete day to day work and provide services to citizens. The current contract with Konica Minolta will expire on 9 June 2020.

The following points were made during discussion:

- (a) local businesses have been approached regarding the contract but there has been no appetite to take on a contract of this size locally;
- (b) reductions in printing, particularly colour printing, will reduce costs and be better for the environment, helping with the Council's pledge to be carbon neutral by 2028;
- (c) a communications strategy is planned for colleagues across the Council, to make them mindful of the costs of printing. Guidance on good practice should be shared with Council-owned companies.

Resolved to

- (1) approve spend of up to £1,140,000 over 5 years in a new contract for the supply of Multi-functional Devices/Printers (MFDs);**
- (2) approve to conduct a compliant procurement process in line with Nottingham City Council's financial regulations and contract procedure rules, or to source a provider to supply and maintain MFDs;**
- (3) delegate authority to the Head of Contracting and Procurement to award and sign the contract following the procurement process.**

Reasons for decision:

- Nottingham City Council (NCC) requires a fleet of MFDs to enable colleagues to complete day to day work and provide services to citizens. The contract covers the costs of leasing and maintenance of all devices used in NCC premises.
- The current contract for MFDs with Konica Minolta will expire on 9 June 2020. Under the current contract each MFD has an individual lease agreement, the first of which goes out of contract on 20 June 2020.
- NCC wish to conduct a compliant procurement process to source an alternative provider to deliver a similar service and to establish a new contract from 10 June 2020. The new contract will also be for the maintenance and the lease of the devices. The new contract will enable NCC to replace the existing city-wide fleet of MFDs, maintenance contract and achieve savings.
- The preferred procurement route is a mini competition via a call off from an established framework agreement such as the Crown Commercial Services framework. The mini competition process is quicker and incurs less officer time and costs than an open tender. All of the existing suppliers on the CCS

framework will have already been assessed on quality.

- There are two elements to the pricing for this service, one being the fixed rental cost, and the second being the cost for printed pages which includes device maintenance. Whilst this “copy” cost is fixed, the price will vary depending on the volume of copies printed.
- The Council will identify the best value supplier by following a compliant procurement process. This will also encourage colleagues to make one off purchases (as well as leasing) MFDs as the framework agreement or a contract developed by NCC would have the flexibility to allow NCC to do so if required.
- In addition to securing lower rates via this new procurement, NCC intend to achieve further savings in the following ways:
 - The prices will be fixed for the first two years of the new contract;
 - Reduction in the number of devices across NCC. A review to identify where the current fleet can be reduced with limited impact to department activity is currently underway;
 - Lease of mono (black and white) only machines where practicable saving not only on rental but also on printing cost;
 - There is ongoing work from the corporate contracts team to reduce the volume of printing across the Council.
- It is anticipated that in line with the above NCC will be able to achieve a minimum of £60,000 savings over the next 5 years (a minimum saving of £12,000 per year).

Other options considered:

- Do nothing – having an MFD printer contract in place enables NCC to track spend and printing behaviour, includes machines’ maintenance, as well as ensuring best value is obtained. Having no arrangement in place would expose the Council to a risk of higher costs and for this reason this option was rejected.
- Directly award another contract to Konica – this option was rejected because the market needs to be tested to ensure that the Local Authority achieves best value for money through a competitive process.

47 Fee Rates For Adult Social Care Services 2020/21

Steve Oakley, Head of Contracting and Procurement, introduced the report presenting proposals for fee rates in 2020/21 across adult social care contracted provision. The Council is contractually bound to consider fee rates on an annual basis where it has a statutory duty to provide a service. The Council will consult with providers on these proposals and consider responses prior to implementation from 1st May 2020.

Resolved to

- (1) approve proposals for fee rates for Adult Social Care Services in 2020/21 as outlined in the pricing details at exempt appendix 1, which will be consulted on with service providers;**
- (2) delegate authority to the Head of Contracting and Procurement to agree fee rates in accordance with the proposals details in exempt appendix 1 pricing detail. This is subject to the outcome of consultation with providers and in line with the Council budget. The agreed rates will be implemented from 1st May 2020;**
- (3) approve the total spend associated with this decision of £1.242m. Note: approval to spend against the high cost placement provision will be through the Council's scheme of delegation for Adults Care Packages;**
- (4) note that if upon completion of the consultation the financial impact of any revised proposals exceed the budget available, further approval will be required.**

Reasons for decision:

- The Council is contractually bound to consider fee rates in respect of services that it has a duty to provide. This is balanced against budget commitments and pressures for the City Council.
- In accordance with its legal obligation, the Council will consult with adult social care providers with regard to these proposals. The Head of Contracting and Procurement will take account of consultation responses and issue variations to existing contracts reflective of the proposals in this report should no significant issue arise.

Other options considered:

- Do nothing – the Council is contractually bound to review contract fee rates on an annual basis. Doing nothing would have placed the Council at risk of legal challenge. For this reason, this option was rejected.
- Offer different fee rate proposals. This option is not recommended as the proposals have resulted from significant work and modelling between finance and contracting colleagues, taking into account our contractual requirement, knowledge of the market and the overall budget pressures for Adult Social Care. The final proposals have also tried to take into account the potential impact on service delivery and risk of market failure. Offering different fee rate proposal would put pressure on the Adult Social Care budget and this is not a feasible option.
- To undertake analysis of individual provider costs and offer fee rates based on the cost of care to factor wage rated paid, pension contributions, profit and void levels etc. This option would not be feasible at this time as it would be administratively burdensome and problematic as rates of pay and other factors are not standard across the sector.

48 Exclusion of the public

Resolved to exclude the public from the meeting during consideration of the remaining item in accordance with Section 100(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

49 Fee rates for adult social care services 2020/21 - exempt appendices

Resolved to note the information contained in the exempt appendix.

| | | | |
|--|--|---|---|
| Subject: | Direct Payment Support Service | | |
| Corporate Director(s)/ Director(s): | Catherine Underwood – Corporate Director for People Christine Oliver - Head of Commissioning | | |
| Portfolio Holder(s): | Councillor Adele Williams, Portfolio Holder for Adult Care and Local Transport | | |
| Report author and contact details: | Anna Coltman, Commissioning Manager Anna.Coltman@nottinghamcity.gov.uk , Tele: 0115 8764060 | | |
| 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: Up to £2,284,000 | | | |
| Wards affected: All | | Date of consultation with Portfolio Holder(s): 7 February 2020 | |
| Relevant Council Plan Key Theme: | | | |
| Nottingham People | | | <input checked="" type="checkbox"/> |
| Living in Nottingham | | | <input type="checkbox"/> |
| Growing Nottingham | | | <input type="checkbox"/> |
| Respect for Nottingham | | | <input type="checkbox"/> |
| Serving Nottingham Better | | | <input type="checkbox"/> |
| Summary of issues (including benefits to citizens/service users): | | | |
| <p>The Council has a duty to provide Direct Payment Services under the Care Act (2014). Adults who are assessed as requiring social care and children who receive social care support in relation to their Special Educational Need and/or Disability (SEND) are entitled to receive support in the form of a direct payment. This direct payment is used to buy goods or services, which meet the identified needs of the citizen.</p> <p>This report seeks approval for Nottingham City Council to enter into a joint tender process with Nottinghamshire County Council and Nottingham City Clinical Commissioning Group and the County CCG, and to procure from a framework arrangement, with Nottinghamshire County Council acting as the lead of the procurement.</p> | | | |
| Exempt information: | | | |
| None | | | |
| Recommendation(s): | | | |
| <p>1 Approve the commissioning of a direct payment support service through a joint tender process with Nottinghamshire County Council, Nottingham City Clinical Commissioning Group and County CCGs. Nottinghamshire County Council will act as the lead of the procurement process. A framework contract will be awarded for use by all commissioning partners.</p> <p>2 Delegate authority to Director of Adult Social Care to approve call-offs contracts under the established framework in order to commission packages of services as needed for individual citizens in receipt of Direct Payments.</p> <p>3 Approve the indicative spend associated with this decision, up to a maximum of £2,284,000 over a four-year contract (£0.571m per annum based on 2018/19 actual usage and 2019/20</p> | | | |

projected usage levels) for Nottingham City Council, under the framework. Approval to spend on individual packages commissioned will be through the Council's scheme of delegation for Adults Care Packages.

1 Reasons for recommendations

- 1.1 Direct Payment (DP) Support Services for Nottingham citizens are being provided through a third party support provider who deliver direct payment support to citizens in receipt of direct payments. Citizens can also choose to use alternative providers if they wish to. This arrangement is in place until September 2020.
- 1.2 Commissioning authorities currently operate separate arrangements to make DP SS available. There are wide variations in the costs and the service offer between providers.
- 1.3 Without a formal contract in place, the Council is limited in its ability to offer any contractual oversight and quality assurance over the services that the citizen chooses to use.
- 1.4 It is recommended to align longer term commissioning arrangements with Nottinghamshire County Council and Nottingham City Clinical Commissioning Group and County CCGs, and enter into a joint contract for the commissioning of a new model of DP Support Services under a four-year framework agreement. Nottinghamshire County Council will act as the lead of the procurement. This will replace the current interim arrangement with a single provider, which is ending in September 2020.
- 1.5 It is recommended to delegate authority to the Director of Adult Social Care to award the call-off contracts. The commissioning of individual packages of support will be authorised through the scheme of delegation for Adult Social Care.
- 1.6 The indicative spend associated with this decision is £0.571m per annum (based on actual usage in 2018/19 and projected usage levels during 2019/20) for both Adults and Children's Direct Payments. Spend will be up to a maximum of £2,284,000 over the lifetime of the framework agreement and potential call-off contracts made under it. It is anticipated that expenditure under the new model of DPSS will not exceed 2019/20 levels.
- 1.7 The recommendations above will enable the Council to offer a new model of DP Support Services for citizens who require Direct Payments. The new model aims to promote choice for citizens, create a simple, standard service offer and pricing structure, and enable costs to be managed more effectively. Under the new contract, commissioners will be able to review services in the context of budgetary pressures as well as manage any changes required due to a shift in policy and legislative changes.

2 Background (including outcomes of consultation)

- 2.1 Nottingham City Council (NCC) has a duty to provide Direct Payment (DP) Support Services under the Care Act (2014).
- 2.2 DP Support Services are necessary to support citizens in receipt of Direct Payments who without which would not be able to manage their Direct Payment. Most people receiving direct payments require some additional help in managing their Direct Payments in the form of Employment Support Services, Managed Accounts and Payroll services.

- 2.3 A previous framework for the procurement of these services was in place until January 2017. Under this framework, the purchasing was undertaken directly by citizens and not by NCC. Citizens were able to choose to buy services from a provider of their choice (whether part of the framework or not). However, it was found that this arrangement did not provide adequate employment and HR support for citizens which would occur under arrangements whereby NCC commissions services under the contract. Where inconsistencies in quality arose, NCC were intervening to support citizens.
- 2.4 When the framework ended in 2017 it was not replaced as there was an intention to reduce the need for such services through the move to a direct payment card that could be used by the citizen to purchase services and to bring other provision in-house.
- 2.5 There is still significant use of external services and whilst this is likely to reduce, there will continue to be a requirement to provide the citizen with alternative arrangements in line with their rights under the Care Act 2014 for choice and control. There is concern that the current arrangements do not provide the level of protection and support that is required for citizens in managing these arrangements.
- 2.6 In order to allow sufficient time to undertake this joint piece of work and tender for a joint contract, an interim arrangement for commissioning by the Council was put in place and this is due to end in September 2020.
- 2.7 The NCC Personalisation Hub is developing in-house support for citizens seeking DPSS. Service elements that have moved in-house or are proposed to move in-house include:
- Payroll – The first offer to citizens will be to use payroll services provided by East Midlands Shared Services. Citizens have the option to choose a different service provider for payroll services if they wish to.
 - Managed accounts – This offer is due to start in 2020/21. The Managed Accounts service will initially be offered to citizens who are purchasing a service. Those citizens who are employing a PA and require a managed account would be required to use a provider from the framework.
 - Recruitment – NCC currently provides low-level support for citizens. This could include advertising for PA roles and drafting employment contracts. If more specialist support were required then the citizen would be referred to a provider on the framework.
- 2.8 It is anticipated that due to the development of an in-house offer for DPSS, the number of citizens using external DPSS providers will decline over time as NCC is able to offer elements of DPSS to some citizens. In addition, NCC have greater control over quality controls for these in-house services and can ensure citizens' funds are managed appropriately.
- 2.9 It is anticipated that the new model will benefit citizens by providing a clear list of providers that are subject to contractual oversight, to set required standards, enable quality assurance and manage pricing arrangements. There is no guarantee of volume of services required under a framework agreement and so there will be no obligation upon the Council to use the framework in the event the requirement for services decreases as is anticipated.

- 2.10 The value of the Children's DP Support Services was £0.030m for 2018/19 and for Adult's provision, it was £0.541m. Approximately 80% of the DPSS provision is purchased from one provider. Spend for 2019/20 is expected to be in line with 2018/19.

3 Other options considered in making recommendations

- 3.1 The option to do nothing was considered however, this was discounted because there would be no ability to manage the market including quality assurance of the service that citizens receive and pricing.
- 3.2 The option to procure an Nottingham City Council only contract was rejected because joint commissioning with Nottinghamshire County Council provides more robust management of the market overall and the ability to manage pricing. This approach also simplifies the tender process for providers.
- 3.3 The option not to procure through an open process was rejected, as this approach would not meet obligations under EU and UK procurement rules.

4 Finance colleague comments (including implications and value for money/VAT)

- 4.1 This report seeks approval for the commissioning of a DP Support Service through a joint tender process with Nottinghamshire County Council, Nottingham City Clinical Commissioning Group and County CCG's for which we have a duty to provide under the Care Act (2014). Nottingham County Council will act as the lead of the procurement process and a framework contract will be awarded for use by all commissioning partners.
- 4.2 The 4-year framework agreement outlined in this report will replace the current interim arrangement with a single provider in September 2020.
- 4.3 Although the indicative spend associated with this decision is up to **£2.284m** over the 4-year framework agreement (**£0.571m** per annum), **approval to spend on packages of care is covered within the Council's Scheme of Delegation** (no 273). Indicative spend values are based on actual usage levels in 2018/19 and estimated usage levels in 2019/20 and it is expected that these levels will not be exceeded in 2020/21.
- 4.4 Nottingham City Councils spend on DP Support Services in **2018/19** was **£0.571m** across Children's & Adults and it is expected that 2019/20 spend will be in line with this. This spend will vary depending on the need and numbers of citizens eligible to receive support in the form of a direct payment, however, it is anticipated that the number of citizens using external DP Support Service providers will decline over time as Nottingham City Council develops an in-house offer for some areas of DP Support Services.
- 4.5 As detailed in 1.4, once established, the 4-year framework will be the procurement mechanism for DP Support Services across Nottingham City (Council & CCG) and Nottingham County (Council & CCG's). On this basis, no further approval or dispensation from Contract Procedure Rules within the Council's Financial Regulations will be required.

- 4.6 The development of joint commissioning arrangements and the recommendations outlined in this report will allow for more robust contract monitoring and increased quality assurance of the services that our citizens are accessing, ensuring citizens funds are managed appropriately whilst still promoting choice and control. The introduction of a standard service offer and pricing structure will also enable costs to be managed more effectively to meet the changing needs of the organisation and our citizens.

Hayley Mason, Strategic Finance Business Partner, 14 February 2020

5 Legal and Procurement colleague comments (including risk management issues, and including legal, Crime and Disorder Act and procurement implications)

- 5.1 Procurement Observations - The proposed joint commissioning of direct payment support services will be through a procurement process led by Nottinghamshire County Council in compliance with the requirements of EU and UK procurement regulations. A framework of suitably qualified providers will be established, from which the Council will be able to commission these services on behalf of citizens receiving direct payments. The framework will provide contractual oversight over the market, enabling service standards to be set and for quality and pricing to be managed. Therefore, the proposals are supported from a procurement perspective.

Jo Pettifor – Category Manager Procurement – Strategy and People, 7 February 2020

- 5.2 Legal Observations – The Council has a statutory obligation under the Care Act 2014 and associated regulations to meet a person's needs by way of making a direct payment if certain conditions are met.

The Council has previously offered DP Support Services under an earlier framework. This has come to an end and the City, County and CCG's have agreed to collectively procure a new framework for these services. A combined approach is deemed to provide an efficient and cost efficient method of service delivery.

Nottinghamshire County Council will act as the lead on the EU compliant procurement process but the City Council will work closely with County colleagues to ensure that the City's requirements are adequately captured and to enable to City to call-off from the framework as and when required, in accordance with the framework during its term.

Dionne Screaton, Solicitor, Contracts and Commercial team, 12th February 2020.

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 DPSS services that will be commissioned jointly with the partners will provide assistance to improve the health and wellbeing of adults who are assessed as

requiring social care and children who receive social care support in relation to their Special Educational Need and/or Disability (SEND). The procurement of these services will offer the opportunity for providers to deliver additional social value where appropriate. For example:

- Enabling adults and children to maximise their capabilities and have control over their lives.
- Supply chain opportunities that are advertised locally
- Paying the living wage
- Offering apprenticeships, volunteering or employment opportunities to local residents;
- Increasing citizen's involvement in local communities.
- Addressing social isolation
- Encouraging sustainable travel options and alternatives to car use.
- Using environmentally sustainable materials and goods.

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 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.

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 an EIA has already been completed for this service as part of a public consultation in 2011.

Yes



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 None

| | | | |
|--|--|--|---|
| Subject: | Crime and Drugs Partnership Contract Approval 2020/21 | | |
| Corporate Director(s)/ Director(s): | Andy Vaughan, Corporate Director of Commercial and Operations Candida Brudenell, Corporate Director of Strategy and Resources Alison Challenger, Director Public Health Andrew Errington, Director Community Protection | | |
| Portfolio Holder(s): | Councillor Eunice Campbell-Clark – Health, HR and Equalities Councillor David Mellen – Regeneration, Safety and Communications | | |
| Report author and contact details: | Christine Oliver Head of Commissioning - 01158 765725 | | |
| 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 checked="" 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 | | |
| Total value of the decision: up to £9,496,741 | | | |
| Wards affected: All | | Date of consultation with Portfolio Holder(s): 20th March 2020 | |
| Relevant Council Plan Key Theme: | | | |
| Nottingham People | | | <input type="checkbox"/> |
| Living in Nottingham | | | <input type="checkbox"/> |
| Growing Nottingham | | | <input type="checkbox"/> |
| Respect for Nottingham | | | <input checked="" type="checkbox"/> |
| Serving Nottingham Better | | | <input type="checkbox"/> |
| Summary of issues (including benefits to citizens/service users): | | | |
| <p>The purpose of this report is to seek delegated authority to the Corporate Director of Strategy and Resources to receive and collate grants and other funding for the Crime and Drugs Partnership. (CDP)</p> <p>In addition the report seeks approval to grant delegated authority to the Corporate Director of Strategy and Resources to award funding, award and extend contracts and to grant authority to the Head of Contracting and Procurement to sign contracts in order to secure continuation of services and best value for Nottingham citizens.</p> | | | |
| Exempt information: | | | |
| State 'None' or complete the following. | | | |
| 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 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, and NCC and partner contributions by the CDP in 2020/21 as set out in exempt appendix 1. | | | |
| 2 To delegate authority to the Corporate Director of Strategy and Resources to allocate anticipated funds for the above expenditure to the Head of Contracting and Procurement, as set out in exempt appendix 1. | | | |
| 3 For the purpose of the Nottinghamshire Office of the Police and Crime Commissioner (OPCC) grant funding for knife crime and Red Thread, to delegate authority to the Director of Community Protection to receive the budget and allocate the anticipated funds to providers as set out In Appendix 1 | | | |

1 Reasons for recommendations

- 1.1 To ensure the Public Health, the Nottinghamshire Office of the 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 legislation.
- 1.2 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.
- 1.3 To enable timely contract variations, extensions and allocations to be made to services in order to deliver continuation of services in 2020/21.

2 Background (including outcomes of consultation)

- 2.1 OPCC funding has been confirmed in a letter dated 19th February 2020. Public Health, other partners' contributions and other funding has not yet been confirmed for 2020/21. Therefore indicative written proposals and confirmed allocations to the CDP for 2020/21 are set out in exempt appendix 1.
- 2.2 Exempt appendix 1 also sets out anticipated expenditure for the CDP for 2020/21.
- 2.3 In 2018/19 a twenty percent reduction in Public Health funded substance misuse services was applied. Work continues with providers to achieve targets in line with the Medium Term Financial Plan

3 Other options considered in making recommendations

- 3.1 Option 1 - To cancel the provision of the services. This is not considered an option due to the impact on the Crime & Drug Partnership overall aims to reduce crime, substance misuse and domestic and sexual violence.

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 £9,496,741 in 2020/21 as outlined in exempt Appendix 1.
- 4.2 Continuing commissioning activity against this amount will ensure a seamless service provision for residents and assist delivery of efficiencies in future years.
- 4.3 Any increase in contract value exceeding the amounts stated in exempt Appendix 1 would require further approval to be gained through the appropriate process.
- 4.4 Any adverse impact to the CDP finances throughout the year will need to be managed closely with mitigating actions identified to ensure no financial pressure occurs.

Phil Gretton – Strategic Finance Business Partner – 10th February 2020

5 Legal and Procurement colleague comments (including risk management issues, and including legal, Crime and Disorder Act and procurement implications)

- 5.1 There are no significant issues arising from this report. Annual funding contributions are agreed with partners in respect of the activities set out in Appendix 1 as part of the work undertaken by the Crime and Drugs Partnership, which is hosted by the City Council.
- 5.2 Appropriate documentation will be put in place to record contributions and reflect the obligations of the parties.
- 5.3 Where any proposed spending of the funding requires a procurement process to be conducted, this shall be in accordance with the Council's Contract Procedure Rules and subject to appropriate authority being in place in respect of the proposed contract.

Naomi Vass – Senior Solicitor, Legal Services – 7th February 2020

- 5.4 Any procurement associated with the provision of services included in this report should be compliant with Public Contracts Regulations 2015 and EU Procurement Regulations. The Procurement Team will support accordingly. Expenditure of all funds should be in accordance with the Council's Financial Regulations and Contract Procedure Rules, and compliant with any conditions of the grant funding if applicable

Julie Herrod – Lead Procurement Officer – 10th February 2020

6 Strategic Assets & Property colleague comments (for decisions relating to all property assets and associated infrastructure (strategic regeneration committee reports only))

- 6.1 This is not a capital decision.

7 Social value considerations

- 7.1 That the commissioning process will ensure consideration of Social Value and relevant requirements in contracts where appropriate. 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.

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 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.

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 a comprehensive EIA was completed against the substance misuse budget to inform the reductions to services in 2019/20. Individual EIAs are completed as part of commissioning activities in year. Therefore an additional EIA is not required to support the allocation of funds as set out within this paper.

10 List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

10.1 Internal financial working documents, including budgets, email and spreadsheets.

11 Published documents referred to in this report

11.1 None

Document is Restricted

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