

Nottingham City Council

Commissioning and Procurement Executive Committee

Minutes of the meeting held in the Ground Floor Committee Room, Loxley House, Station Street, Nottingham, NG2 3NG on Tuesday 13 September 2022 from 10:00am to 10:30am

Membership

Present

Councillor Adele Williams (Chair)
Councillor Cheryl Barnard (Vice Chair)

Absent

Councillor Sally Longford
Councillor Toby Neal
Councillor Linda Woodings

Colleagues, partners and others in attendance

Terry Cooper - Business Performance Manager
Louise Graham - Voluntary and Community Sector Partnerships Manager
Helen Johnston - Consultant in Public Health
Adrian Mann - Governance Officer
Steve Oakley - Head of Contracting and Procurement
Ceri Walters - Head of Commercial Finance

Call-in

Unless stated otherwise, all decisions made by the Commissioning and Procurement Executive Committee are subject to call-in. The last date for call-in is **Friday 23 September 2022**. Decisions cannot be implemented until the next working day following this date.

22 Apologies for Absence

Councillor Sally Longford - personal reasons
Councillor Toby Neal - personal reasons
Councillor Linda Woodings - on leave

23 Declarations of Interests

None.

24 Minutes

The Committee confirmed the minutes of the meeting held on 12 July 2022 as a correct record and they were signed by the Chair.

25 Theatre Royal and Concert Hall Asset Management Plan and Restoration Levy Reserve

Terry Cooper, Business Performance Manager, presented a report on the proposed use of the Theatre Royal and Royal Concert Hall (TRCH) Restoration Levy Reserve. The following points were discussed:

- (a) the Restoration Levy Reserve has been established for use for repairs, refurbishments, structural maintenance and development of the THRC and its

associated assets. An Asset Management Plan has been developed to set out a programme of works from 2022/23 to 2027/28, costing up to £2.786 million. It is anticipated that these works will be fully funded from the Reserve, whilst at the same time allowing the Reserve to grow to provide match funding for major work required in 2028/29. This programme of works continues to be reviewed by the Capital Board;

- (b) due to the post-Covid recovery and supply chain issues, there are inflationary pressures in the construction and building sector. As such, contingencies have been included to ensure that the spending plan is affordable. However, unless the TRCH were to actually enter a derelict state, it is unlikely that any temporary delays to the repairs programme on the basis of cost would affect ticket sales;
- (c) the Committee noted that, in the decisions submitted for its approval, the 'Social value considerations' section of the report should not only consider the value provided by the asset or service in question, but also how the needed commissioning and procurement process itself will contribute to the social value. The Committee requested that, as part of the general decision-making process, reports should seek to provide assurance that goods and services will be procured locally (wherever possible and appropriate, under the required frameworks), and in a way that reduces the environmental impact and promotes sustainability, and supports local employment.

Resolved:

- (1) to approve the spend of the Theatre Royal and Royal Concert Hall (TRCH) Restoration Levy Reserve on repairs, refurbishments, structural maintenance and development of the THRC and its associated assets;**
- (2) to delegate authority to the TRCH Venue Director to review and update the Restoration Levy as and when required, taking into account inflation, market tolerance and industry benchmarking;**
- (3) to approve the use of existing framework contractors, or to undertake procurement processes as required, for the work identified in the TRCH Asset Management Plan;**
- (4) to delegate authority to the Corporate Director for Resident Services to award and sign the contracts for successful contractors identified following the completion of any tender process;**
- (5) to note the addition of up to £2.786 million to the Capital Programme 2022/23 to 2027/28;**
- (6) to note that whilst TRCH will build up its Restoration Levy Reserve, significant additional funds will need to be secured for the major works required in 2028/29.**

- **Reasons for the decision**

In 2018, a survey was commissioned to provide information on the physical, mechanical and electrical conditions of the TRCH. This survey has been used to inform the creation of an Asset Management Plan that prioritises a schedule of maintenance, repairs and refurbishments at the venue, with an estimated spend of up to £2.786 million over the next 6 years. In order to help fund these works, a Restoration Levy was introduced in 2019, to be included in the face value of the majority of tickets sold at the venue to deliver an annual income value of approximately £500,000. This income is placed in the Restoration Levy Reserve, which is ring-fenced for repairs, refurbishments, structural maintenance and development of the TRCH and its associated assets.

- **Other options considered**

To not spend the Restoration Levy Reserve: this option is rejected as the reserve would continue to grow and not be used for the purposes for which it was established. Works identified in the Asset Management Plan would either have to be funded from elsewhere or not be undertaken, putting the future operation of the venue at risk.

To not review the Restoration Levy: this option is rejected as inflation will gradually reduce the value of the reserve and its ability to fund the works required in the Asset Management Plan in the future.

26 Joint Commissioning Partnership Agreement for Domestic and Sexual Violence Services

Louise Graham, Voluntary and Community Sector Partnerships Manager, presented a report on the proposed new Partnership Agreement with the Office of the Police and Crime Commissioner (OPCC) and the NHS Nottingham and Nottinghamshire Integrated Care Board (ICB) for the commissioning of Domestic and Sexual Violence and Abuse (DSVA) services. The following points were discussed:

- (a) the current Partnership Agreement with the OPCC and the ICB for the funding and commissioning of DSVA services is coming to a close. It is proposed to enter into a new and revised Partnership Agreement, so that the Council can continue to receive funding for these DSVA services from the OPCC and the ICB;
- (b) the commissioning of services will be carried out through local framework agreements so that the Council can react quickly as new funding becomes available. It is important to ensure that there are as many providers as possible in the local frameworks, covering a wide range of required services, to ensure the greatest flexibility in the commissioning process whilst avoiding the need for urgent commissioning decisions to be exempted from the normal Contract Procedure Rules;
- (c) the local frameworks have been established to be fully open and transparent in demonstrating how best value is tested and achieved through an evidenced, equitable commissioning process. A market development function to support local providers is in place, and it is intended to develop this further in the future;

- (d) the Committee noted that officers should carry out the annual review of the Partnership Agreement for the DSVA services in consultation with the Portfolio Holder with the appropriate remit. It considered that the transparent local frameworks are very positive, and that steps should be taken to achieve local and in-house service provision wherever possible.

Resolved:

- (1) to approve entering into a new Partnership Agreement with the Office of the Police and Crime Commissioner (OPCC) and the NHS Nottingham and Nottinghamshire Integrated Care Board (ICB), to enable the Council to commission Domestic and Sexual Violence and Abuse (DSVA) services for citizens;**
- (2) to delegate authority to the Corporate Director for Residents Services to:**
- (i) sign the new Partnership Agreement for 2022;**
 - (ii) carry out the annual review of the Partnership Agreement;**
 - (iii) confirm by agreement in exchange of correspondence the future amounts of funding from the OPCC and the ICB, subject to the threshold specified in Recommendation 3;**
 - (iv) accept additional funding over and above the threshold specified in Recommendation 3 that is offered on an ad hoc basis by the OPCC and the ICB under the Partnership Agreement, to enable the Council to commission additional DSVA services for citizens;**
 - (v) agree the spend of funding for DSVA services in Nottingham;**
- (3) to approve the receipt by the Council of up to £5 million of partnership funding from the OPCC and ICB annually, for the commissioning of DSVA services.**

• **Reasons for the decision**

A Partnership Agreement has been in place between the Council, the OPCC and the NHS Nottingham and Nottinghamshire Clinical Commissioning Group (now the ICB) since 2013. It sets out the terms by which the partners have agreed to collaborate, the extent of the DSVA services included within such collaborative working, the responsibilities of the Council as the Lead Partner for commissioning, and the responsibilities of the ICB and OPCC as funding partners for those services. As a result of new legislation and local governance structure changes, a revised Agreement is necessary that takes account of the legislative developments and is agile enough to support dynamic service provision and variations in future funding contributions. The OPCC will lead on the Sexual Violence and Abuse commissioning, with a Partnership Agreement including Nottinghamshire County Council and the ICB to ensure full coverage for Nottinghamshire, and the Council will lead on Domestic Violence and Abuse commissioning, with a Partnership Agreement to cover the City.

• **Other options considered**

To not enter into a new Partnership Agreement: this option is rejected as the DSVA services for Nottingham are commissioned by the Council on behalf of the

Partnership, recognising that this gives best value for money for the commissioners and also the services, and ensures a coherent and joined-up approach to DSVAs services in the City. To not sign the new Partnership Agreement would result in the Council not receiving funds for DSVAs services from both the OPCC (including from the Home Office and Ministry of Justice) and the ICB in the future.

27 Rough Sleeping Drug and Alcohol Treatment Grant 2022/23 and 2023/24

Helen Johnston, Consultant in Public Health, presented a report on the proposed use of funding received from the Office of Health Improvement and Disparities (OHID) under the Rough Sleeping, Drug and Alcohol Treatment Grant (RSDATG) scheme. The following points were discussed:

- (a) the allocation for the ring-fenced RSDATG was first awarded in Autumn 2021, with funding allocated until March 2023. The OHID has subsequently confirmed an increased allocation within 2022/23, and a further allocation for 2023/24. The increased grant will be used in line with the existing spending plans, and within the current services in place, to ensure that vulnerable people receive the right treatment;
- (b) the service has an embedded trauma-based approach to delivery, engaging with vulnerable people to seek to address contributing factors such as childhood trauma. There is a strong, integrated focus on severe multiple disadvantage, and mental health requirements are addressed alongside the physical health needs;
- (c) the existing contracts will be extended, and work is underway to seek to future-proof future commissioning so that there is effective provision within contracts for their extension in the event of additional funding becoming available. It is important that the frameworks used enable the commissioning of the right provider at the right time, as funding opportunities arise;
- (d) in terms of budgeting in the medium- to long-term, it is important that the right data is collected and analysed to seek to understand the impact of one-off funding like the RSDATG on future budget pressures within services. This would enable more effective budget forecasting and planning to take place for the service if the RSDATG provision ends at the current cut-off in March 2025;
- (e) the Committee considered that it is vital for there to be a strong Public Health involvement in the Nottingham and Nottinghamshire Integrated Care Partnership, to ensure that an effective partnership approach is taken to addressing joint issues. It advised that the ability for citizens to access early support in addressing trauma and when at risk of homelessness is important, with preventative approaches leading to better outcomes, particularly when there are close links with the community and voluntary sector for service delivery. The Committee noted that it is also important that support remains accessible to people once they have been housed, following a period of homelessness.

Resolved:

- (1) to approve the receipt of funding of up to a total of an additional £1,284,042 from the Office for Health Improvement and Disparities, for the delivery of a**

range of additional drug and alcohol treatment activity for people sleeping rough (or at risk of sleeping rough) to 31 March 2024;

- (2) to approve the spend of £71,221 to increase substance misuse commissioning staffing resource, in line with the grant conditions;**
- (3) to approve the spend of £546,725 from 1 July 2022 to 30 June 2023 via a contract variation to the Nottingham Recovery Network contract for the provision of substance misuse treatment services, in accordance with Article 18.99 of the Council's Contract Procedure Rules;**
- (4) to approve the spend of £665,096 from 1 July 2023 to 31 March 2024 within the newly commissioned substance misuse treatment services (for which authority to develop a model has been delegated to the Director for Public Health through a previous decision of the Commissioning and Procurement Executive Committee on 12 July 2022).**

- **Reasons for the decision**

In May 2021, the Council was invited to apply for funding through the RSDATG scheme for services to be delivered in 2021/22 and 2022/23, receiving funding of £1,016,044 to 31 March 2023. In April 2022, it was confirmed that the scheme would be extended until the end of March 2025. The Council was invited to undertake a review of its current staffing model and associated project costs to deliver the scheme, and to submit a revised proposal for a period of 21 months (1 July 2022 to 31 March 2024). In July 2022, the Council received notification of its allocation for 2022/23 and 2023/24, receiving an additional £1,283,042 in funding.

- **Other options considered**

To not accept the additional funding from the RSDATG scheme: this option is rejected on the basis that to not take receipt of the funding will lose the opportunity to assist more people to recover from drug and alcohol use and to move towards settled accommodation.

To procure activity for service delivery from 1 July 2022 to 31 March 2023 through a new competitive tender: this option is rejected on the basis that the activity to be funded is to be integrated within existing provision, in order to improve the outcomes for rough sleepers. The existing service has been assessed as performing well and delivery of the additional activity funded through the grant scheme under the infrastructure of the existing service will offer value for money by avoiding duplication of these arrangements. The variation of existing contracts will also allow for the immediate mobilisation of the programme, in order to maximise the use of funds awarded by the OHID. This activity will be integral to the newly-commissioned substance misuse services, which will go live in July 2023 and, as such, will be awarded via competitive tender.