



**Nottingham City Council
Commissioning and Procurement Executive Committee**

Date: Tuesday, 13 September 2022

Time: 10.00 am

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham,
NG2 3NG

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

Director for Legal and Governance

Governance Officer: Adrian Mann **Direct Dial:** 0115 8764468

Agenda	Pages
1 Apologies for absence	
2 Declarations of interests	
3 Minutes Last meeting held on 12 July 2022 (for confirmation)	3 - 10
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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 Executive Committee

Minutes of the meeting held at Loxley House, Station Street, NG2 3NG, on 12 July 2022 from 10.00 am - 10.16 am

Membership

Present

Councillor Adele Williams (Chair)
Councillor Cheryl Barnard (Vice Chair)
Councillor Toby Neal
Councillor Linda Woodings

Absent

Councillor Sally Longford

Colleagues, partners and others in attendance:

Thomas Ali	- Food Development Manager
Katy Ball	- Director of Procurement and Commissioning
Nancy Barnard	- Governance and Electoral Services Manager
Elsbeth Clowes	- Assistant Catering Manager
Holly Fisher	- Procurement Officer
Helen Johnston	- Public Health Consultant
Sue Oliver	- Category Manager, Procurement
Shane Staley	- Fleet Manager
Ceri Walters	- Head of Commercial Finance

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 19 July 2022. Decisions cannot be implemented until the working day after this date.

16 Apologies for absence

Councillor Sally Longford – leave

17 Declarations of interests

None.

18 Minutes

The Committee agreed the minutes of the meeting held on 14 June 2022 as a correct record and they were signed by the Chair.

19 Supply of diesel and associated lubricants - key decision

Shane Staley, Fleet Manager, presented the report and stated the following:

- Fleet Services currently use the ESPO framework, which is a 'direct award' process for the provision of diesel and other lubricants. This contract is due to expire 30 August 2022 and the report seeks approval for the Council to go out to 'mini competition' by using the Crown Commercial Services (CCS) framework agreement and award a contract to one supplier to purchase fuels.
- There is significant volatility in the fuel market at the moment and the proposed arrangement would allow greater flexibility and will secure more competitive prices for fuels.
- Despite the ongoing electrification of Nottingham City Council's fleet, diesel is still essential for running 49% of the fleet including refuse collection vehicles, sweepers and minibuses.

In response to questions it was confirmed that an option to use fuel cards would be held in reserve to be used if required, but this would mean paying forecourt prices for fuel and presented issues with larger vehicles such as refuse trucks accessing the pumps.

Resolved to

- (1) approve going out to 'Mini Competition' and award a contract to one provider via the Crown Commercial Services (CCS) framework agreement. The contract will be awarded for an initial 2-year period with an option to extend it by 1+1 years**
- (2) approve spend of £9,600,000 for fuel and lubricant supply for the NCC vehicle and plant fleet.**
- (3) delegate authority to the Director of Neighbourhood Services to award the necessary contract(s) to the chosen supplier(s) under the new framework.**

Reasons for recommendations

- (1) To ensure the provision of the services which are compliant with UK Procurement legislation and the Council's procurement rules.
- (2) To enable the Council to access market competitive prices throughout the purchasing period through the aggregated purchasing power of the awarding Framework.
- (3) To ensure commercial and financial risks to the Council are mitigated by the Framework Terms and Conditions.
- (4) The framework lists approved suppliers chosen through a qualitative and pricing competition which Nottingham City Council is permitted to access as a Contracting Authority.
- (5) Continued use of frameworks means that the investigation into the most competitive suppliers and price of fuel is undertaken on behalf of Nottingham Council.

Other options considered

- (1) The Council could choose to undertake a full competitive tendering process for the provision of automotive fuel and oil. This has been discounted for the following reasons: - A full competitive tender will take around 9 months to complete meaning any new arrangements are unlikely to be in place before August 2022 when the current contract ends. Furthermore, the relatively low volumes of fuel and oil purchased by the Council, when compared to the terms of the framework agreement, means that any tendered prices may not reflect best value because similar economies of scale may not be achieved. A full competitive tender would increase the procurement costs without, as noted above, providing best value for the Council.
- (2) CCS has an open framework for the provision of Fuel Cards that the Council could utilise going forward. The framework operates with a number of national suppliers including well-known forecourt names such as BP & Shell. The Council would be charged at pump prices per litre via the card transaction. Each card will be required to be assigned to a vehicle to reduce the risk of fraudulent purchases and would require fuel only transactions. Dependant on the annual volume of fuel purchased a rebate will be applied retrospectively to reduce the overall cost to the Council. This option requires strict management controls to be in place to ensure compliance and spend. In order to achieve a similar pricing structure when compared to the expected unit prices achieved under from bulk fuel framework the Council will be required to use a large volume of fuel (a likely outcome) and pay by direct debit, which will increase cash flow pressures, when compared to the bulk fuel framework that operates on a credit basis. Although this option carries a number of operational and compliance risks, as described above, it may provide some flexibility going forward because of the Council's Carbon Neutral (CN28) programme of change. Unlike the bulk fuel framework, the Council is not required to maintain the local depot infrastructure for vehicle fuelling which does incur additional overhead costs. Given that the direct provision of fleet may change as new models of service delivery changes because of CN28 these costs may start to become disproportionately high. The table in section 2.5 helps show how proportionate the financial and operational risk associated with this option will be for the main service users given the current usage profile. At this stage, this option is not considered to be the preferred route to market. However, this option should remain 'under review' as the demand for direct fuel provision may change as an outcome of the CN28 programme.
- (3) No Action Taken – The Council would still require the provision of Automotive Fuel and Oil therefore individuals would need to either purchase via high street forecourts which would be both expensive and administratively burdensome or be obliged to operate under any supplier's standard terms and conditions and price banding which would not provide best value. In addition, this would be non-compliant with the Councils procurement rules and UK Procurement Legislation as the service value dictates that a full, robust and complaint process would be required. After evaluation, the recommended option would be to market test the provision of the service using the established CCS Framework Agreement and award an initial two-year contract. This would

provide a period for continuity of service provision as the Council continues to implement the CN28 vision and ensure that new commercial entities have a period of stability and to assess their individual requirements prior to seeking their own competitive procurement process. This option also balances the need to deliver a value for money service alongside managing the procurement and commercial risks.

20 Supply and delivery of frozen food, grocery and fresh meat - key decision

Following an introduction from Councillor Barnard, Thomas Ali, Food Development Officer, presented the report and stated the following:

- The Council has 73 sites split between schools, catering outlets and care homes which all require frozen food, grocery products and/ or fresh meat. The previous contracts expire in November 2022 for groceries and frozen food and January 2023 for fresh meat.
- The proposal is to enter into a new contract for 2 years, with two potential 1 year extensions. This will allow for further competitive processes if required after two years as the market is currently volatile and a four-year contract would not offer the same flexibility.
- The meat contract is seeking local suppliers who meet certain standards of accreditation and aims to encourage local competition.

Resolved to:

- (1) approve the undertaking of a full tender to procure a contract for the supply of frozen food and groceries for up to a 4-year period (2+1+1 years), with a maximum cost of £5,000,000.**
- (2) approve the undertaking of a full tender to procure a contract for the supply of fresh meat for up to 4 years (2+1+1 years), with a maximum cost of £1,000,000.**
- (3) delegate authority to the Corporate Director of Resident Services to award the contracts to the successful bidders.**

Reasons for recommendations

- (1) The current contract for the supply of frozen food and groceries expires on 01/11/2022 and fresh meat expires January 2023. New contracts need to be put in place and therefore a competitive tender process will ensure that both quality of product and value for money for all sites is obtained.
- (2) The contract is subject to the Public Contracts Regulations 2015 which requires the City Council to undertake a competitive tender process to award the contract.

- (3) The rationale for the decision is that all this expenditure will be covered by the charges for school meals, which is either through paid meals for the Free School Meals budget or income from the Council operated catering outlets.

Other options considered

- (1) Do nothing – this would leave Nottingham City Council at risk of no longer receiving products required to produce school meals. This option has been rejected as Nottingham City Council needs a supplier to provide food to schools, catering outlets and care homes to ensure that services continue to be provided to citizens.

21 Commissioning of substance misuse treatment and recovery services for Nottingham - key decision

Following an introduction from Councillor Woodings, Helen Johnston, Consultant in Public Health, presented the report, stating the following:

- Nottingham’s alcohol and drug treatment and recovery system includes an integrated treatment and recovery service for adults, a criminal justice pathway, and services for children and young people and families impacted by substance misuse. The substance misuse treatment and recovery services in Nottingham city need to be re-commissioned, with new contracts to be let from 1 July 2023.
- The Supplemental Grant has been allocated to Nottingham City to support improvements in the quality and capacity of drug and alcohol treatment 2022/23 to 2024/25. Along with other ring-fenced grant funding and partner funding, this marks a step change in investment in substance misuse services, for consideration alongside the commissioning review to ensure Nottingham has sufficient high-quality service provision.
- The report seeks approval for the re-commissioning of substance misuse treatment and recovery services in Nottingham from July 2023, and the receipt/spend of Supplemental grant. The proposal is to approve spend for commissioned services under five year contracts with two options to extend for further two year periods against a nine-year budget.

In response to questions, it was confirmed that a two percent uplift had been applied to the Public Health grant funded elements due to anticipated ‘Agenda for Change’ increments on staffing costs. This applies across the life of the contract. A more substantial risk arises post March 2025 as there is no guarantee of ringfenced grant funding beyond that point. This risk is being mitigated through contractual arrangements.

Resolved to:

- (1) approve the receipt of up to £2,899,440 from the Office of the Police and Crime Commissioner as a partner contribution to substance misuse.**
- (2) approve the receipt of the full allocation for Nottingham of the Supplemental Substance Misuse Treatment and Recovery Grant**

(including the In-patient Detoxification grant line) from the Office of Health Improvement and Disparities to 31 March 2025 (total indicative value of £7,064,863), paying attention to grant conditions.

- (3) approve the spend of £1,829,466 on substance misuse services and activity to 30 June 2023 as set out in Appendix A to the report.**
- (4) approve the spend of £291,177 of the In-patient Detoxification Grant through a consortium procurement of additional inpatient detox beds within the Midlands to 31 March 2025.**
- (5) delegate responsibility to the Director of Public Health to agree the service model for the commissioning of substance misuse services against the entire budget available, through applying the insight and commissioning recommendations developed within the strategic commissioning review and in consultation with the Portfolio Holder.**
- (6) approve undertaking a procurement process for the following services as outlined in Appendix B to the report:**
 - Integrated drug and alcohol treatment and recovery services for adults;**
 - Drug and alcohol treatment and recovery services for people in the criminal justice system;**
 - Integrated drug and alcohol treatment and recovery services for children and young people;**
 - Family support service for those impacted by substance misuse;**
 - Harm reduction service including specialist needle exchange & sexual health;**
 - Shared Care in primary care.**
- (7) approve the spend of ring-fenced Public Health Grant, ring-fenced substance misuse grants, and partner funding, up to a total value of £62,498,502, on substance misuse services for Nottingham for 1 July 2023 to 30 June 2032, with funding contributions as detailed in Appendix C to the report.**

Reasons for recommendations

- (1) New substance misuse treatment and recovery service contracts need to be let from 1st July 2023.**
- (2) A commissioning review of substance misuse services in Nottingham is underway. The procurement exercise for new services needs to be completed in autumn 2022, to allow for service mobilisation in 2023.**

- (3) The commissioned services for adults, children, families, the criminal justice pathway, and the harm reduction service will be procured such that additional substance misuse treatment activity grant-funded by the Office of Health Improvement and Disparities is provided by the awarded treatment service provider, as this is not standalone activity.

Other options considered

- (1) The current contracts have been aligned such that they cease on 30 June 2023. Without re-commissioning, there would be no commissioned services and a lack of provision, with Nottingham City Council neglecting the duty to ensure these services.
- (2) Under a 'do nothing' option on the Supplemental Substance Misuse Treatment and Recovery Grant, there would be no receipt of the grant. This would put Nottingham at significant disadvantage for the delivery of 'From Harm to Hope', with a lack of benefit for Nottingham residents.

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Subject:	Theatre Royal & Royal Concert Hall Asset Management Plan and Restoration Levy		
Corporate Director:	Frank Jordan - Resident Services		
Portfolio Holder:	Cllr Pavlos Kotsonis – Leisure, Culture & Planning		
Report author and contact details:	Peter Ireson – TRCH Venue Director Peter.ireson@nottinghamcity.gov.uk		
Other colleagues who have provided input:	Maria Balchin, Senior Commercial Business Partner Tom Straw, Senior Accountant Dionne Screamon, Senior Solicitor, Contracts and Commercial Team Sue Oliver, Procurement Category Manager, Places		
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 £750,000 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
Type of expenditure: <input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital Considered by Capital Board on 1 August 2022			
Total value of the decision: up to £2.786m			
Wards affected: All			
Date of consultation with Portfolio Holder: 21.07.2022			
Relevant Council Plan Key Outcome:			
Clean and Connected Communities	<input type="checkbox"/>		
Keeping Nottingham Working	<input type="checkbox"/>		
Carbon Neutral by 2028	<input type="checkbox"/>		
Safer Nottingham	<input type="checkbox"/>		
Child-Friendly Nottingham	<input type="checkbox"/>		
Healthy and Inclusive	<input type="checkbox"/>		
Keeping Nottingham Moving	<input type="checkbox"/>		
Improve the City Centre	<input checked="" type="checkbox"/>		
Better Housing	<input type="checkbox"/>		
Financial Stability	<input checked="" type="checkbox"/>		
Serving People Well	<input type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
<ul style="list-style-type: none"> • The need to gain approval to spend against the Theatre Royal & Royal Concert Hall (TRCH) Restoration Levy Reserve. • To undertake works over the 6 years 2022/23 to 2027/28 as identified in TRCH's Asset Management plan. • To ensure that the Theatre Royal and Royal Concert Hall are well maintained and meet all appropriate building compliance and health and safety obligations. • To build the Restoration Levy over 6 years to provide match funding towards significant repairs and refurbishments identified for 2028/29. 			

<ul style="list-style-type: none"> • To review and vary the Restoration Levy to ensure that sufficient reserves are maintained. • To use existing frameworks or undertake procurement exercises to secure contractors and ensure best value for all works carried out. • To highlight the challenge of a significant funding shortfall for major works due in 2028/29.
Exempt information: None
Recommendations:
1 To approve spending TRCH's Restoration Levy Reserve on repairs, refurbishments, structural maintenance and development of the Theatre Royal & Royal Concert Hall and its associated assets.
2 To approve 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 using existing framework contractors or undertake procurement processes as required for the work identified in TRCH's Asset Management Plan.
4 To delegate authority to the Corporate Director of Resident Services to award and sign the contracts for any successful contractors identified following completion of any tender process.
5 To note the addition of up to £2.786m to the Capital Programme 2022/23 – 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.

1. Reasons for recommendations

- 1.1 To enable the TRCH Restoration Levy Reserve to be spent on repairs, refurbishments, structural maintenance and development of the Theatre Royal & Royal Concert Hall, and its associated assets.
- 1.2 To approve future reviews of the Restoration Levy which would increase the level of income achieved above that approved in the original DDM (3450)
- 1.3 To ensure that compliant procurement procedures are followed and best value secured.
- 1.4 To highlight that additional funds will need to be secured to supplement the Restoration Levy for major works planned for 2028/29

2. Background (including outcomes of consultation)

- 2.1 In 2018 TRCH commissioned a conditions survey to provide information on the physical, mechanical and electrical conditions of the Theatre Royal and Royal Concert Hall. This survey has been used to inform the creation of an Asset Management Plan which prioritises a schedule of maintenance, repairs and refurbishments at the venue with an estimated spend over the next 6 years of up to £2.786m. The works identified in the Asset Management Plan are predominantly around the following areas:

- Electrical and Lighting;
 - Heating and ventilation;
 - Fire safety;
 - Passenger and goods lifts;
 - Stage machinery;
 - Structural maintenance.
- 2.2 The schedule of works has been considered by the Capital Board on 01/08/22 and it has been agreed to proceed for consideration by the Commissioning & Procurement Executive Committee.
- 2.3 In order to help fund these works, in 2019 TRCH introduced a Restoration Levy to be included in the face value of the majority of tickets sold at the venue. DDM 3450 approved the introduction of the Levy to deliver an annual income value of approximately £0.500m. This income is placed in a Restoration Levy Reserve which is ring-fenced for repairs, refurbishments, structural maintenance and development of the Theatre Royal & Royal Concert Hall, and its associated assets.
- 2.4 Over time, inflation will devalue the Restoration Levy and its ability to fund works identified in the Asset Management Plan. Although TRCH's Venue Director has authority to vary ticket prices, an increase in the Restoration Levy would raise income above the level previously authorised. Hence there is the need for the Venue Director to be authorised to increase the level of income generated by the Levy as and when required. This would happen following a review, including an assessment of inflation, market tolerance and peer venue benchmarking.
- 2.5 Although DDM 3450 gave approval to establish the Levy and Reserve, further approval is now necessary to spend the Reserve on the programme of works over the next 6 years as set out in the Asset Management Plan.
- 2.6 The Asset Management Plan sets out a programme of works over the financial years 2022/23 to 2027/28, costing up to £2.786m. It is anticipated that the works in these years will be fully funded from the Reserve, whilst at the same time allowing the Reserve to grow to provide match funding for the major work required in 2028/29
- 2.7 It is currently forecast that the major works in 2028/29 will cost in the region of £8m and that £3.3m of this will be funded from the Reserve. This means additional funding of around £4.7m will need to be secured. TRCH has a successful track record of securing external funding and will explore any appropriate funding programmes. A further report will be brought to this committee nearer the time setting out the funding position.
- 2.8 Whilst inflation has been factored into the Asset Management Plan, the volatile and dynamic nature of the market especially post-Covid means that the plan will need to be frequently reviewed and a further conditions survey is being commissioned. Likewise, the plan's schedule may need to be re-profiled in response to any unanticipated deterioration or failure of any plant, equipment or fabric of the venue.
- 2.9 Funds in the Restoration Levy, only mature for use once the performance to which they are related has happened. The profile of the Asset Management

spend will ensure that no funds are spent from the reserve which have not matured.

- 2.10 To deliver TRCH's Asset Management Plan an Asset Management Group has been set up which includes representatives from TRCH and the Council's Building Services Team. All works will either be undertaken by Building Services in-house, by an existing compliant framework contractor or following an open procurement process undertaken with the support of the Council's Procurement Team.

3. Other options considered in making recommendations

- 3.1 Do nothing – this was discounted as the Restoration Levy 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.
- 3.2 Not reviewing the Restoration Levy – this was discounted as inflation will gradually reduce the value of the Levy and its ability to fund the works required in the Asset Management Plan in the future.

4. Consideration of Risk

- 4.1 The following initial risk have been identified for the Asset Management Plan works over the next 6 year. A risk log will be kept and regularly reviewed.

Risk Description	Risk Level	Mitigation
Original Condition Survey was undertaken 2018 meaning figures are likely to be out of date.	Medium	Figures have been adjusted for inflation and a new Conditions Survey will be commissioned as part of the project. The Restoration Levy amount will also be regularly reviewed taking into account the impact of inflation, market tolerance and peer venue benchmarking.
Further Covid variants may lead to the cancellation of Performances and refund of connected Restoration Levy.	Low	The project will only spend up to the amount of the Restoration Levy which has matured when the shows have taken place.
Works overrun and impact on the programme of events at TRCH	Low	Major works will only be programmed in dark periods and/or in the quieter summer period.

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

- 5.1 This decision seeks approval to incur expenditure totalling £2.786m over a period of 6 years. The expenditure will only be incurred if it is affordable as the expenditure will be resourced from earmarked reserves held for this purpose. Due to the post pandemic recovery and supply chain issues, there are inflationary pressures in the construction / building sector. To ensure the spending plan is affordable, contingency has been included in accordance with the latest guidance.

- 5.2 The earmarked reserves will be replenished each year from the Restoration Levy income included in the majority of tickets sold, and so the amount transferred to reserves will vary each financial year based on the programme of shows and total tickets sold.
- 5.3 The recommendations in this report will not have a negative impact on the Medium term financial plan (MTFP) due to:
- The approved budgets have factored in the transfer to reserves, from the Restoration Levy income subject to the Section 151 officer approval and approval at Executive Board of the year end out-turn report;
 - The cost of repairs and maintenance of the building and operational equipment is factored into the approved annual revenue budget for running costs.
- 5.4 Failure to undertake the planned refurbishments, maintenance and developments would lead to an overspend position. This would be due to:
- Increased cost in relation to reactive repairs, which would also lead to unplanned down time, impacting on the scheduled shows. This would adversely affect the customer experience, and the relationship with Show Promoters if there was a perception of unreliability particularly at a time of great uncertainty in the economy and in particular in the cultural sector;
 - Reduced income generation. The 2022/23 approved MTFP for TRCH includes a budgeted income target of £5.064m following settlements with Promoters, and this includes £1.689m covid pressure funding. The pandemic had a significant impact on the entertainment sector due to long periods of closure, and the nature of the pandemic adversely affected consumer confidence. In recognition of this, the final year of covid pressure funding is expected to be 2024/25 (£0.243m), so that by 2025/26 the budgeted income target is forecast to be £6.753m (at August 2022 prices and subject to MTFP approval in future years).
 - The TRCH is dependent on Touring Companies to host shows, therefore the site needs to remain attractive, fit for purpose and competitive to attract shows, in order to achieve the budgeted income targets.
- 5.5 This project has been approved by the Capital Board Officer meeting and Chair of the Board on 01/08/2022 and 15/08/2022 respectively. Both groups have agreed for this project to proceed for consideration by the Commissioning & Procurement Executive Committee and will be ratified at the September 2022 Capital Board meeting. Following approval, the capital programme will be updated accordingly.

Maria Balchin, Senior Commercial Business Partner, and
Tom Straw, Senior Accountant - 15 August 2022

6. **Legal colleague comments**

- 6.1 The proposals in this report raise no significant legal issues and are supported. The proposal is to utilise the Restoration Levy for the purpose for which it has been collated.

6.2 Spend of the levy must be in accordance with the requirements of the Council's Contract Procedure Rules and Public Contract Regulations 2015 so appropriate procurement processes and contractual documentation must be put in place to establish appropriate arrangements.

6.3 Legal services will support alongside procurement colleagues as required.

Dionne Screamon, Senior Solicitor, Contracts and Commercial – 10/08/22

7. **Other comments**

7.1 Building Services support the TRCH Asset Management Plan and would ask that all works are managed through our Concerto system to maintain a 'Golden Thread' of information against the sites. Advice provided by Trevor Bone, Property Maintenance Manager on 8 August 2022.

7.2 There are no concerns with the recommendations set out within the report. The procurement team are currently working with TRCH and Building Services to define and support the procurement strategy to ensure that all procurement activity is in line with Public Contract Regulations and the Councils Contract Procedure Rules.

Sue Oliver, Procurement Category Manager, Places - 10/08/2022.

8. **Crime and Disorder Implications (If Applicable)**

8.1 N/A

9. **Social value considerations (If Applicable)**

9.1 This decision will positively impact upon the social value to city residents by enabling TRCH to maintain and develop these two iconic city centre buildings, providing an exciting variety of cultural experiences to entertain, inspire and connect people.

10. **Regard to the NHS Constitution (If Applicable)**

10.1 N/A

11. **Equality Impact Assessment (EIA)**

11.1 An EIA is not required as there are no equality impacts relating to this decision. However equality of access consideration will be factored into any restoration and improvement works at TRCH.

12. **Data Protection Impact Assessment (DPIA)**

12.1 A DPIA is not required as no data protection issues arise from this decision.

13. **Carbon Impact Assessment (CIA)**

13.1 A CIA is not required because there are no carbon impacts as a result of this decision. When procuring and undertaking any works funded using the Levy, consideration will to reducing the carbon impact wherever possible.

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

14.1 None.

15. Published documents referred to in this report

15.1 None.

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Subject:	Joint Commissioning Partnership Agreement for Domestic and Sexual Violence Services		
Corporate Director/ Director:	Frank Jordan – Corporate Director, Residents Services Andrew Errington – Director, Community Protection		
Portfolio Holder:	Councillor Neghat Khan – Portfolio Holder for Neighbourhoods, Safety and Inclusion		
Report author and contact details:	Jane Lewis – Community Safety Strategy Manager jane.lewis@nottinghamcity.gov.uk		
Other colleagues who have provided input:	Louise Graham – Voluntary and Community Sector Partnerships Manager		
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 £750,000 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
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital		
Total value of the decision: Up to £5,000,000 per annum across the partnership (of which up to £1m is from Nottingham City Council)			
Wards affected: All			
Date of consultation with Portfolio Holder: July 2022			
Relevant Council Plan Key Outcome:			
Clean and Connected Communities			<input type="checkbox"/>
Keeping Nottingham Working			<input type="checkbox"/>
Carbon Neutral by 2028			<input type="checkbox"/>
Safer Nottingham			<input checked="" type="checkbox"/>
Child-Friendly Nottingham			<input checked="" type="checkbox"/>
Healthy and Inclusive			<input checked="" type="checkbox"/>
Keeping Nottingham Moving			<input type="checkbox"/>
Improve the City Centre			<input type="checkbox"/>
Better Housing			<input checked="" type="checkbox"/>
Financial Stability			<input checked="" type="checkbox"/>
Serving People Well			<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):			
<p>A partnership review of the commissioning of Domestic and Sexual Violence and Abuse (DSVA) services in 2013 recommended that Nottingham City Council (NCC) commission DVSA on behalf of a local partnership. The aim was to ensure best value for money and a coherent local response to domestic violence and abuse. The commissioning partnership is between NCC, the Office for the Police and Crime Commissioner (OPCC) and the Integrated Care Board (ICB), formerly the Clinical Commissioning Group (CCG).</p> <p>The DVA Partnership Agreement has been reviewed and varied periodically since 2013. 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.</p> <p>For Nottingham City the OPCC lead on the Sexual Violence and Abuse commissioning with a Partnership Agreement covering Nottinghamshire County Council and ICB to ensure whole</p>			

Nottinghamshire coverage and NCC lead on Domestic Violence and Abuse commissioning with a Partnership Agreement to cover Nottingham City.

The report therefore seeks to ensure that funding from the OPCC and ICB for DSVAs can be accepted under a revised agreement.

Exempt information: None

Recommendations:

- 1** To approve a new Partnership Agreement with the Office of the Police and Crime Commissioner (OPCC) and Integrated Care Board (ICB) to enable Nottingham City Council to commission Domestic and Sexual Violence and Abuse Services for citizens.
- 2** To delegate authority to the Corporate Director of Residents Services to:
 - (a) sign a Partnership Agreement for 2022;
 - (b) carry out an annual review of the Partnership Agreement;
 - (c) confirm by agreement in exchange of correspondence future amounts of funding from the OPCC and ICB, subject to the threshold specified in recommendation 3;
 - (d) accept additional funding over and above the threshold specified in recommendation 3, on an ad hoc basis offered by the OPCC and ICB under the Partnership Agreement to enable the Council to commission additional DSVAs services for citizens;
 - (e) agree spend of funding for DSVAs services in Nottingham.
- 3** To approve receipt by the Council of up to £5,000,000 annually, for the commissioning of DSVAs services, of partnership funding from the OPCC and ICB.

1. Reasons for recommendations

- 1.1 The Partnership Agreement will continue to enable commissioning of DSVAs services by NCC on behalf of the partnership.
- 1.2 Changes in legislation have brought additional funding into the DSVAs system from a range of funding streams and this report seeks authority to enable NCC to accept and spend this funding for the commissioning of DSVAs services.
- 1.3 The NCC budget holders for DSVAs are Residents Services and Public Health. The Director of Public Health holds part of the DSVAs budget and it is proposed through a taper that NCC General Funds will be found for the budget going forward.
- 1.4 The report also seeks to spend this funding along with an NCC funding contribution, as part of commissioning arrangements with appropriately delegated authority within an agreed budget.

Currently, OPCC contribute approximately £1 million per annum towards DSVAs services in Nottingham, this OPCC funding varies year on year due to national funding stream fluctuation, from Ministry of Justice and the Home Office being distributed via PCC's. NCC Public Health contributes just over £1 million and an additional new burdens fund which has been between £800,000 - £900,000 is received from the Department of Levelling Up Housing and

Communities (DLUHC) which is utilised to commission a range of DSVAs services. NCC funding also varies year on year due to national funding stream fluctuation from DLUHC and other government departments. Currently the ICB do not contribute funding into the partnership, however this is subject to change.

- 1.5 Future awards are subject to legal and financial reviews and commissioning undertaken with Procurement.

2. **Background (including outcomes of consultation)**

- 2.1 Since 2013 NCC, OPCC and the CCG has signed up to a Partnership Agreement to formalise the receipt of funds for the commission of DVSA services on behalf of a local partnership. Subsequently it was agreed that the Office of the Police and Crime Commissioner (OPCC) would commission sexual violence and abuse services on behalf of the partnership and a separate partnership agreement was signed
- 2.2 The Nottingham Partnership DSVAs commissioning strategy is managed through a Joint Commissioning Group (JCG) comprising of lead officers from NCC, OPCC, ICB and other local and national funding organisations, including the Violence Reduction Unit and NHS England. The DSVAs JCG forms part of the governance arrangements for the Domestic Abuse Act 2021 Statutory Duty and delivers the commissioning element of the Duty for NCC.
- 2.3 In April 2023 a new commissioning framework for additional DSVAs and Violence Against Women and Girls (VAWG) will become operational, which will enable rapid commissioning of DVSA/ VAWG services where there are short turnaround times due to national and local funding deadlines (the DSVAs Commissioning Framework). The DVSA Commissioning Framework will be subject to a separate approval.
- 2.4 The current total Nottingham Partnership Joint DSVAs budget in 2022/23 is £2,764,674 with additional funding likely to materialise from government in this year in the region of £500,000. A review of national successful funding bids into Nottingham DSVAs services between 2018 – 22 has identified a minimum of £5 million during that time (*See appendix 1*). Therefore, the value of this decision is stated as up to £5 million per year to allow for unforeseen increases in DSVAs budget from OPCC, ICB to be utilised/spent, along with funding from NCC (unknown funding amounts from DLUHC etc) for the commissioning of DVSA services.
- 2.5 The Nottingham Crime and Drugs Partnership (CDP) is a statutory Community Safety Partnership established under s 5 -7 Crime and Disorder Act 1998 comprising Responsible Authorities (including NCC, and the ICB) who work together with key partners such as the OPCC to protect their local communities from crime and to help people feel safer. CSP's work together to address local issues including domestic and sexual violence abuse, among others. The CDP has lead on commissioning of DSVAs services for Nottingham on behalf of the partnership since 2013.
- 2.6 The CDP Board also performs the function of a domestic abuse Local Partnership Board advising the local authority in the exercise of its functions in accordance with the statutory duty applying from October 2021 to assess the need for "accommodation- based support" for victims of Domestic Abuse and their children within its area under the Domestic Abuse Act 2021.

- 2.7 The Partnership Agreement has been in place between NCC, the OPCC and CCG (now the ICB) since 2013. It sets out the terms on which NCC, OPCC and ICB have agreed to collaborate, the extent of the DSVA services included within such collaborative working and the responsibilities of NCC as the Lead Partner commissioning and the responsibilities of the ICB and PCC as funding partners for those services.
- 2.8 The Health and Social Care Act 2022 replaced Clinical Commissioning Groups with Integrated Care Boards (ICBs), which take on the statutory functions of CCGs from 1st July 2022. In the event that the ICB for Nottingham contributes funding to the commissioning of DSVA services, they would become a party of the Partnership Agreement and Joint Commissioning processes in place of the former CCG.

3. **Other options considered in making recommendations**

- 3.1 No other options are being considered as Nottingham DSVA services are commissioned on behalf of the partnership by NCC recognising that this gives best value for money for the commissioners and also the services and ensures a coherent and joined up approach to DSVA services in the city.

To not sign the partnership agreement would result in NCC not receiving funds for DVA services from OPCC (including Home Office and Ministry of Justice) and the ICB in the future.

4. **Consideration of Risk**

- 4.1 Demand for DSVA services has increased during the Covid pandemic, additional funding for survivors has been delivered into the city from national government departments via the OPCC.
- 4.2 NCC services will be impacted upon in the event that additional funding for our commissioned services is not accepted due to the lack of a partnership agreement. Our commissioned services are unable to meet demand without this additional partnership funding; therefore, the partnership agreement is critical to meeting the needs of our citizens.

5. **Finance colleague comments (including implications and value for money/VAT)**

- 5.1 This decision seeks to approve a new Partnership Agreement with OPCC and ICB to enable NCC to commission DSVA services for citizens. It also seeks approval for NCC to receive up to £5.000m annually under this partnership agreement as well as future ad hoc funding, all to be spent on the commissioning of DSVA services.
- 5.2 The Partnership Agreement will enable future variations in funding to be agreed which will enable the efficient commissioning and continuation of services. The appropriate agreements for funding should be in place and reviewed before commitment to spend are agreed.
- 5.3 All funding should be accounted for within the Medium Term Financial Plan (MTFP) and managed appropriately by the lead service. Funding received along with expenditure incurred should be monitored to ensure no financial pressure materialises for NCC or partner organisations.

- 5.4 The current MTFP contains total gross DSVA budgets in 2022/23 of £2.765m with additional funding likely to materialise from government in this financial year of c.£0.500m. The value of this decision and spend under the partnership has therefore been set at up to £5.000m to allow for further unforeseen increases in DSVA funding.
- 5.5 The current 2022/23 budget includes Public Health funding of £1.094m for DSVA services. This reduces down to £0.853m in 23/24 and reduces again to £0.621m in 24/25. The reduction in Public Health funding will see no adverse financial impact to the DSVA service as it will be replaced with general fund funding in each year. This Public Health to general fund transition has already been built into the MTFP so is fully accounted for.
- 5.6 All future commissioning of services should comply with Financial and Procurement Rules and Regulations to ensure that best value is obtained.

Phil Gretton Strategic Finance Business Partner 30 August 2022

6. **Legal colleague comments**

Community Safety Partnerships were established under s5-7 Crime and Disorder Act 1998 (“CDA”) and are statutory partnerships comprising Responsible Authorities who work together to protect their local communities from crime and to help people feel safer. They work out how to deal with local issues including domestic and sexual violence abuse, among others.

The Community Safety Partnership within the City of Nottingham is the Nottingham Crime and Drugs Partnership (the “CDP”) which is hosted by NCC.

The NCC and the ICB are Responsible Authorities and members of the CDP board and the PCC is a relevant local policing body pursuant to the CDA who pursuant to powers under the Police Reform and Social Responsibility Act 2011 meets with the CDP.

The CDP is a non-voting member of NCC’s Health and Well Being Board (“HWBB”) which was established by NCC pursuant to s.194 Health and Social Care Act 2012.

During April 2012 – January 2014 a safe from harm review was completed review. As recommended in the review the HWBB implemented a joint commissioning approach by NCC (including the CDP), CCG and PCC in the commissioning of all relevant DSVA services in the City of Nottingham to improve the experience for survivors of DSVA accessing and receiving services. The review further recommended aligning commissioning arrangements with Nottinghamshire County Council and NHS England.

A legally binding partnership agreement was and remains necessary to establish a framework in relation to the collaborative funding and provision of DSVA services.

Following its Strategic Assessment 2020 and the agreed aims, strategy and direction for 2021-24 the CDP continues to prioritise Domestic & Sexual Violence & Abuse.

Pursuant to the Domestic Abuse Act 2021 and associated Statutory Guidance the CDP has become a Local Partnership Board supporting implantation of the statutory duty upon NCC to assess the need for "accommodation- based support" for victims of Domestic Abuse and their children within its area and the provision of other local authority support in the authority's area for Domestic Abuse Accommodation Based Services. The role of the partnership includes commissioning.

The agreement to continue the collaborative working in relation to DSVAs services on largely the same terms and to extend the joint commissioning approach to other support services for victims of domestic and/or sexual assault, can be captured in a new Partnership Agreement.

The purpose of this new Partnership Agreement is to set out the terms on which the partners have agreed to continue to collaborate, the extent of the DSVAs services included within such collaborative working and the responsibilities of NCC as the Lead Partner commissioning and managing, and the responsibilities of the ICG and PCC as funding partners for, those services.

The Partnership Agreement will enable future variations in funding to be agreed by exchange of correspondence, to enable the prompt continuation and effective delivery of services with executive authority delegated to Corporate Director of Residents Services, to enter into the aforementioned agreements by correspondence within the agreed budget parameters set out above.

Commissioning of services to be delivered in the future, funded under the aforementioned agreement, will need to comply with the Council's Contract Procedure Rules and Public Procurement Regulation 2015 where applicable.

Richard Bines, Solicitor - 11 August 2022

7. Other relevant comments

7.1 Procurement colleague comments

This report relates to a Partnership Agreement between the Council, the Office for the Police and Crime Commissioner and the Clinical Commissioning Group for the commissioning of Domestic and Sexual Abuse services, therefore there are no direct procurement implications. Any commissioning activity undertaken by the Council under the Partnership Agreement should be compliant with the NCC Contract Procedure Rules and UK Procurement Regulations where applicable; Procurement advice should be sought and support will be provided as required. In relation to expenditure on existing agreements for DSVAs services under the partnership agreement, this should also be compliant with NCC Contract Procedure Rules and the grant funding conditions.

Jo Pettifor, Category Manager, Strategy & People - 10 August 2022

8. Crime and Disorder Implications (If Applicable)

- 8.1 Section 17 of the Crime and Disorder Act requires local authorities to do all they reasonably can to prevent crime and disorder. DSVAs is a local priority in

the Crime and Disorder Plan published by the Crime and Drug Partnership. Failure to commission services will likely lead to an increase in the volume and severity of DSVAs in the city.

9. Social value considerations (If Applicable)

9.1 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.

10. Regard to the NHS Constitution (If Applicable)

10.1 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.

11. Equality Impact Assessment (EIA)

11.1 An EIA is not required because there are no significant changes to existing services that will impact on delivery. However, the EIA from the introduction of the Statutory Duty has been updated.

12. Data Protection Impact Assessment (DPIA)

12.1 A DPIA is not required because there are no significant changes to existing services that will impact or change the way that data is managed.

13. Carbon Impact Assessment (CIA)

13.1 A CIA is not required because there are no significant changes to existing services that will impact on the minimal carbon production from delivery.

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

14.1 None.

15. Published documents referred to in this report

15.1 Domestic Abuse Act 2021.

15.2 Domestic Abuse Act 2021 Statutory Guidance.

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Agenda Item 6

Commissioning and Procurement Executive Committee – 13 September 2022

Subject:	Rough Sleeping Drug and Alcohol Treatment Grant 2022/23 and 2023/24		
Corporate Director/ Director:	Catherine Underwood, Corporate Director, People Lucy Hubber, Director of Public Health		
Portfolio Holder:	Cllr Linda Woodings, Portfolio Holder for Adults and Health		
Report author and contact details:	Tammy Coles, Public Health Principal – tammy.coles@nottinghamcity.gov.uk Nancy Cordy, Senior Public Health Manager – Nancy.cordy@nottinghamcity.gov.uk		
Other colleagues who have provided input:	Helen Johnston, Consultant in Public Health		
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 £750,000 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
Type of expenditure: <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital If Capital, provide the date considered by Capital Board Date:			
Total value of the decision: £1,283,042			
Wards affected: ALL			
Date of consultation with Portfolio Holder:			
Relevant Council Plan Key Outcome:			
Clean and Connected Communities	<input type="checkbox"/>		
Keeping Nottingham Working	<input type="checkbox"/>		
Carbon Neutral by 2028	<input type="checkbox"/>		
Safer Nottingham	<input checked="" type="checkbox"/>		
Child-Friendly Nottingham	<input type="checkbox"/>		
Healthy and Inclusive	<input checked="" type="checkbox"/>		
Keeping Nottingham Moving	<input type="checkbox"/>		
Improve the City Centre	<input type="checkbox"/>		
Better Housing	<input type="checkbox"/>		
Financial Stability	<input type="checkbox"/>		
Serving People Well	<input type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
<p>This report seeks approval to accept and use funding awarded to Nottingham City Council following a successful bid for funding from the Office of Health Improvement and Disparities under the Rough Sleeping Drug and Alcohol Treatment Grant scheme.</p> <p>The approval of the recommendations within this report will allow for the ongoing delivery of a range of additional activity designed to help improve engagement in and outcomes from drug and alcohol treatment services for people sleeping rough (and those who are at risk of sleeping rough).</p>			
Exempt information: None			
Recommendations:			
<p>1 To approve receipt of funding up to a total of an additional £1,284,042 from the Office for Health Improvement and Disparities (OHID) for the delivery of a range of additional drug and</p>			

	alcohol treatment activity for people sleeping rough (and those at risk) to 31 March 2024.
2	To approve the spend of £71,221 to increase substance misuse commissioning staffing resource in line with grant conditions.
3	To approve the spend of £546,725 from 1 July 2022 to 30 June 2023 via contract variation to the Nottingham Recovery Network contract for the provision of Substance Misuse Treatment services in accordance with Article 18.99 of the 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 services (for which the approval to develop a model has been delegated to the Director of Public Health under a previous key decision)(CPEC – 12 July 2022).

1. **Reasons for recommendations**

- 1.1 This paper requests approval to receive the revised allocation of the ringfenced Rough Sleeper Drug and Alcohol Grant for Nottingham City. This was first awarded in Autumn 2021, with funding allocated until March 2023. OHID have subsequently confirmed a revised (and increased) allocation within 22/23 and a further allocation for 23/24, hence approval to receive additional grant funding.
- 1.2 The Office of Health Improvement and Disparities (and previously PHE) have approved a proposal for the use of this funding, which includes a contribution towards the public health and commissioning workforce. Recommendation 2 refers to the use of this towards a post within the public health team at Nottingham City Council.
- 1.3 The existing substance misuse treatment and recovery services who provide this grant funded activity have contracts through to 30 June 2023, and a contract variation is proposed to continue this activity (recommendation 3). Approval to vary the main contract for the existing drug and alcohol treatment system in Nottingham has been sought in order to ensure that the new measures are fully integrated into the main treatment options in order to serve as effective interventions. The delivery of this activity will also build on the infrastructure provided through the existing service, avoiding costs incurred through duplication of this activity in order to secure value for money. The existing service is contract managed and has been assessed as performing well. 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 PHE.
- 1.4 The council is recommissioning substance misuse services in Nottingham (approval given at July CPEC) and this additional grant funded activity will need to be aligned with the awarded future providers. As such the allocation from July 23 to March 24 will be part of the cost envelope of these services (recommendation 4).

2. **Background (including outcomes of consultation)**

- 2.1 In May 2021 Nottingham City Council was invited to apply for funding through the Rough Sleeping Drug and Alcohol Treatment Grant for services to be

delivered in 2021/22 and 2022/23. The purpose of the funding was identified as to;

- support people experiencing, or at risk of experiencing rough sleeping to access and engage in drug and alcohol treatment;
- ensure that the engagement that people have had with drug and alcohol treatment services whilst rough sleeping or in emergency accommodation is maintained as they move into longer terms accommodation;
- build resilience and capacity in local drug and alcohol treatment systems to continue to meet the needs of this population in future years.

- 2.2 Nottingham City Council's application to the Rough Sleeping Grant was approved by Public Health England in October 2021, and the receipt and spend of this allocation (total value of £1,016,044 to 31 March 2023) was approved by Commissioning and Procurement Executive Committee in December 2021.
- 2.3 Following this, a contract variation to the Nottingham Recovery Network for the provision of Substance Misuse Treatment services was issued. The programme has commenced and is live and operational.
- 2.4 In April 2022 it was confirmed that RSDATG would be extended until, end of March 2025 (subject to treasury approval). At this time Nottingham City Council were invited to undertake a review of the current RSDATG staffing model and associated project costs, and submit a revised proposal for a period of 21 months (1 July 22 – 31 March 24).
- 2.5 In July 2022 Nottingham City Council received notification of its funding allocation for RSDATG for 2022/23 and 2023/24 as follows;

22/23 allocation	£980,356
23/24 allocation	£948,674

The 22/23 allocation includes funding previously awarded and covered by spend approval for up to £1,016,044 (CPEC – 14 December 2021) as follows;

	2021/22	2022/23	2023/24	TOTAL
Existing spend approval (14 Dec 21)	£370,056	£645,988	£0	£1,016,044
Additional spend approval requested	£0	£334,368	£948,674	£1,283,042
TOTAL	£370,056	£980,356	£948,674	£2,299,086

3. Other options considered in making recommendations

- 3.1 Not to take receipt of the funding awarded by OHID through the Rough Sleeping Drug and Alcohol Grant. This option is not recommended 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.

- 3.2 To procure activity for delivery from 1 July 2022 to 31 March 2023 through a competitive tender. This option is not recommended on the basis that activity to be funded is to be integrated within existing provision in order to improve outcomes for rough sleepers. The existing service has been assessed as performing well, and delivery of the additional activity funded through the RSDATG under the infrastructure of the existing service will offer value for money by avoiding duplication of these arrangements (e.g. management). 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 OHID.
- 3.3 This activity will be integral to the newly commissioned substance misuse services which will go live in July 2023 (for which the approval to develop a model has been delegated to DPH under a previous key decision)(CPEC – 12 July 2022), and as such will be awarded via competitive tender.

4. **Consideration of Risk**

- 4.1 This ringfenced grant from OHID has been subject to changes in value and allocations. This paper refers to the approval of receipt of funding to 31 March 2024, however OHID have indicated the intention for this grant to continue to March 2025. If the funding does not continue beyond March 2024, there will need to be consideration of what activity can be maintained within core substance misuse services. Further, the information about allocation for 2024/25 may not be available at the point of tendering for new substance misuse services, and a forecast may need to be applied for the maximum value of those contracts.
- 4.2 Not accepting or utilising funds awarded under the Rough Sleeping Drug and Alcohol Treatment Grant carries the associated risks of failing to intervene to prevent significant harm and risk of death amongst people at risk. In addition, not using funding may fail to help manage demand for statutory functions (e.g. homelessness duties). Not mobilising the delivery (or delayed delivery) carries an associated risk of the loss of funding through the Rough Sleeping Drug and Alcohol Treatment Grant from OHID. This risk is to be managed through the proposed approach to the procurement of services and through clear requirements within contract terms

5. **Finance colleague comments (including implications and value for money/VAT)**

Observations of Finance Business Partner:

This report follows on from a previous report agreed on the 14th December 2021 at the Commissioning and Procurement Executive Committee.

Within this report it was agreed that funding of £0.645m could be spent on activities in 2022/23. Since then we have received confirmation below of additional grant funding of £0.334m in 2022/23 and £0.949m in 2023/24. Total value of new decision is £1.283m.

As outlined by the report author, this decision seeks approval for the receipt and spend of the additional funding from the Office of Health Improvement and Disparities (OHID) for the Rough Sleeping Drug and Alcohol Treatment

Grant 2022/23 and 2023/24, not covered in the previous report as outlined above.

The total value of this grant is:

Financial Years	Previous Agreed Grant	New Grant Income Requiring decision	TOTAL GRANT
2022/23	£645,988	£334,368	£980,356
2023/24	£0	£948,674	£948,674
Total Grant	£645,988	£1,283,042	£1,929,030

The total £1.929m grant funding will be received in line with the payment schedule which shows that £0.980m will be received in financial year 2022/23 and £0.948m received in 2023/24. Funding must be spent by the 31st March 2024 and the authority should manage receipt of this funding in line with the grant conditions and ensure all funding is claimed in a timely manner and accounted for correctly across the respective financial years. Any underspend may be subject to being paid back or carried forward where agreed.

Once any decision is approved, a budget virement will be posted to realign the grant income and expenditure budgets, supporting budget managers to robustly monitor the budgets.

The actual costs associated with this decision will require regular monitoring to form an audit trail against this grant funding and support robust forecasting. Any decisions taken will need to be robustly captured against this decision value to ensure it is not exceeded ensuring no financial pressure arises from this decision. This information will also be used for internal/external reporting purposes as required.

The additional Grant requiring approval for receipt and expenditure via this decision is £1.283m covering both 2022/23 & 2023/24 and this is broken down in the table below.

22-23 Existing Contract approval	£645,988
TOTAL Approved by Previous Decision	£645,988
22-23 New Contract Spend	£313,561
22-23 New NCC Staffing	£20,807
TOTAL New 2022/23 Grant Expenditure	£334,368
23/24 New Contract Spend	£898,259
23/24 New NCC Staffing	£50,416
TOTAL New 2023/24 Grant Expenditure	£948,674
TOTAL GRANT EXPENDITURE	£1,929,030
Total Grant requiring approval in this Decision	£1,283,042

Due to the change in grant value in 2022/23 a contract variation is being drafted by the service to ensure service sustainability and a procurement exercise will be undertaken for 2023/24 ensuring value for money is sought and the right outcomes are being delivered to citizens. The contracts team will need to ensure the contracts are robustly monitored, ensuring that the performance is as required and value for money is being delivered.

Part of the grant funding (£0.050m) will be used to recruit to a staffing position. This position and grade has yet to be decided but will require a further staffing DDM to establish the post within the team. Any additional

staffing costs, (advertising or exit costs) that are incurred as a result of this decision will need to be mitigated by the Public Health grant and further approval sought where required in line with Council processes.

Any changes not outlined within this decision will require further approval.

Advice provided by: Tracey Moore, Commercial Business Partner on 31st August 2022

6. Legal colleague comments

The proposals in this report seek to approve the receipt and use of additional funding under the Office for Health Improvement and Disparities' Rough Sleeping Drug and Alcohol Treatment Grant scheme for drug and alcohol treatment costs in 2022-23 and 2023-24.

The Council must ensure it complies with all grant conditions imposed upon it by Government for receipt of the money and that it should pass down any conditions in appropriate contractual arrangements such as monitoring and reporting requirements as applicable.

It is understood from the report that part of the funding will be used to deliver the services by way of a variation of the existing contract for the provision of Substance Misuse Treatment services ensuring continued service delivery and integration without any delay and is deemed to offer value for money to the Council. This proposed variation is considered to a permissible modification in accordance with Article 18.99 of the Council's Contract Procedure Rules.

Approval to procure services using the remainder of the monies was previously provided by this Committee in July 2022. Spend in such a way will ensure compliant service delivery in accordance with the Council's Contract Procedure Rules and UK Procurement Regulations.

Legal colleagues will work with procurement colleagues as required to support the appropriate contract variations and procurement processes in line with the recommendations in this report.

Advice provided by Dionne Screaton, Senior Solicitor, Contracts and Commercial 30th August 2022.

7. Other relevant comments

7.1 Procurement colleague comments

This decision relates to the receipt and use of funding under the Office for Health Improvement and Disparities' (OHID) Rough Sleeping Drug and Alcohol Treatment Grant (RSDATG) scheme for drug and alcohol treatment costs in 2022-23 and 2023-24. It is proposed to allocate a portion of this funding for the delivery of services through a variation of the existing contract for the provision of Substance Misuse Treatment services. This will enable integration with the existing provision to improve service outcomes and maximise value for money; it will also enable immediate mobilisation and maximise use of the grant funding. This is considered a permissible

modification to the existing contract in accordance with Article 18.99 of the Council's Contract Procedure Rules.

A further portion of this funding is proposed to be allocated between July 2023 and March 2024 on newly commissioned substance misuse services following a planned commissioning and procurement process for which approval has previously been secured. This will ensure the compliance of contract awards with the UK Procurement Regulations and Council's Contract Procedure Rules.

The proposed contract variation and contract awards for new commissioned services should contain provisions to ensure that the OHID grant conditions for this funding are fully complied with.

Advice provided by Jo Pettifor (Procurement Team Manager) on 16/08/2022.

8. **Crime and Disorder Implications**

8.1 The approval of the recommendations and delivery of activity funded through the Rough Sleeping Drug and Alcohol Treatment Grant is expected to have a positive impact on crime and disorder within the City.

9. **Social value considerations (If Applicable)**

9.1 The approval of the recommendations and delivery of the activity funded through the Rough Sleeping Drug and Alcohol Treatment Grant is expected to achieve significant social value through the delivery of assistance intended to improve circumstances and outcomes for vulnerable people.

10. **Regard to the NHS Constitution (If Applicable)**

10.1 The proposals submitted to OHID for the Rough Sleeping Drug and Alcohol Treatment Grant were prepared in consultation with NHS Nottingham and Nottinghamshire Clinical Commissioning Group.

11. **Equality Impact Assessment (EIA)**

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

No



An EIA is not required because: Equalities considerations have been taken into account as part of the gap analysis in the preparation of proposals submitted to OHID for funding through the Rough Sleeping Drug and Alcohol Treatment Grant.

12. **Data Protection Impact Assessment (DPIA)**

12.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because the decision is not expected to impact or change the way data is managed within the existing drug and alcohol treatment system.

13. Carbon Impact Assessment (CIA)

13.1 Has the carbon impact of the proposals in this report been assessed?

No



A CIA is not required because there are no significant changes that will impact on the minimal carbon production from delivery.

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

14.1 None

15. Published documents referred to in this report

15.1 Rough Sleeping Drug and Alcohol Treatment Grant 2021/22 and 2022/23 – Commissioning and Procurement Executive Committee – 14 December 2021

Commissioning of substance misuse treatment and recovery services for Nottingham – Commissioning and Procurement Executive Committee – 12 July 2022