

# Nottingham City Council

## Commissioning and Procurement Executive Committee

Minutes of the meeting held at Loxley House, Station Street, NG2 3NG, on 14 March 2023 from 10.00 am - 11.10 am

### Membership

#### Present

Councillor Adele Williams (Chair)  
Councillor Toby Neal  
Councillor Linda Woodings

#### Absent

Councillor Cheryl Barnard  
Councillor Sally Longford

### Colleagues, partners and others in attendance:

Councillor Kotsonis - Portfolio Holder for Leisure, Culture and Planning  
Nancy Cordy - Commissioning Manager, Children and Families  
Eddie Curry - Head of Green Spaces and Natural Environment  
Holly Fisher - Lead Procurement Officer  
Roz Howie - Interim Director for Commissioning and Partnerships  
Peter Ireson - Venue Director, Theatre Royal and Royal Concert Hall  
Lee Kimberley - Head of Nottingham Catering  
Mark Leavesley - Governance Officer  
Jane Lewis - Community Safety Strategy Manager  
Lisa Lopez - Public Health Commissioning Lead  
Claire Moores - WhyNott Transport Manager  
Steve Oakley - Head of Procurement  
Robin Radford - Transport Service Manager

### Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 23/03/2023. Decisions cannot be implemented until the working day after this date.

### 63 Apologies for absence

Councillor Barnard ) other Council business  
Councillor Longford )

### 64 Declarations of interests

None.

### 65 Minutes

The Committee agreed the minutes of the last meeting held on 14 February 2023 as a correct record and they were signed by the Chair.

### 66 Vehicles and Transport Dynamic Purchasing System (DPS) for services including Social Care Transportation (including SEND Home-to-School), School Trips Transport and Council Staff Transportation - key decision

Claire Moores, Whynott Transport Manager, presented the report and stated the following:

- (i) as part of a transformation of the department and services, the Education Division sought authorisation to continue to procure transport for school travel. The main service areas utilising Social Care Transportation (including SEND Home-to-School), School Trips Transport and Council Staff Transportation services are Passenger Transport Service, Why Nott? Transport and the Theatre Royal and Royal Concert Hall;
- (ii) approval would enable establishment of a DPS (Dynamic Purchasing System) for the contracting and supply of transportation from external transport operators;
- (iii) Nottingham City Council's Passenger Transport Service was now part of the Education Department, but has always functioned as a specialised transport provider for SEND and Vulnerable Pupils, Adult Social Care and other Adult and Children's Services. Part of the home to school and adult day care specialised transport is provided internally by a fleet of 56 specially adapted passenger carrying vehicles. However, the majority of transport requirements were commissioned by a back office team from a range of local, private, specialised passenger transport operators and private hire operators. The value of the total contracts awarded in one year could be up to £3.7m, spread amongst a number of passenger transport operators and private hire operators that can provide the services within the Nottingham City area;
- (iv) Nottingham City Council's Why Nott? Transport, based in Curriculum and Enrichment, has a history of over 10 years of successfully supporting schools and Academies to access educational visits, school swimming and ice skating lessons. The service allows schools to secure the best price for their journey through a competitive process within a pool of pre-approved transport providers. The value of the total contracts awarded in one year could be up to £450,000, spread amongst a number of passenger transport operators and private hire operators that can provide the services within the Nottingham City area;
- (v) Theatre Royal / Royal Concert Hall presents around 675 performances each year, attracting audiences in excess of 600,000. The service area is looking for suppliers of private hire vehicles mainly, but not exclusively, to enable staff to get home after their shifts end. The need for this could be 7 days a week from about 10.30pm through to 6am the following morning, depending on the production playing. This service would also extend to journeys for visiting company and cast between the location that they are staying for the week/night, as well as press engagements at local radio and TV stations. The value of the total contracts awarded in one year could be up to £12,000, spread amongst a number of passenger transport operators and private hire operators that can provide the services within the Nottingham City area;
- (vi) the Council's updated Contract Procedure Rules (Article 18 of the Constitution) and the Public Contract Regulations 2015 (PCR's) stipulate that contracts should be aggregated where possible, in the event of multiple departments were procuring the same services, to maximise economies of scale and avoid dis-aggregation of contracts and risking breaching the PCR's. The service areas

named in this report all have similar requirements operationally, therefore, creating a Dynamic Purchasing System offers a compliant and flexible solution, enabling multiple departments to meet the council's Contract Procedure Rules and PCR's, while also satisfying the service requirements of the named service areas;

(vii) benefits of a collective Dynamic Purchasing System for each service are:

- enablement of new operator inclusion on to the DPS when required (subject to satisfying qualification criteria), which could also offset instability of losing suppliers and increases competition;
- suppliers can apply at any time once the DPS is 'live' or enabled. If unsuccessful on first application, suppliers can re-apply (unlike a closed framework arrangement);
- enabling competition for each requirement, supporting best value;
- a streamlined procurement process for buyers and suppliers, which may be helpful for new/smaller suppliers;
- all suppliers on the DPS have undergone a due diligence exercise, ensuring they meet the minimum criteria;
- the contractual framework supports quality assurance.

(viii) benefits to children and citizens of providing an amalgamated DPS for the above services are as follows;

- the Passenger Transport Service enables not just access to education for children with special educational needs, but some of the most vulnerable adults in the city are able to access day care services whilst also enabling independent living within their own home;
- passengers travel on transport that meets pre-approved standards with regards to safety and quality of service and are attended by staff that can meet the needs of all passengers through quality assurance;
- a range of inclusive learning can be accessed outside the classroom activities to enhance children's personal development, physical and mental health and life chances

(ix) benefits to schools and academies are that they can:

- evidence due diligence;
- secure best value through a competitive process;
- share vehicles with other schools to bring the costs down;
- receive support on a scale greater than the school alone should there be issues with quality;

- reduce the planning burden of providing inclusive learning outside the classroom experiences that contribute towards meeting CMO, National Curriculum and OFSTED Personal Development standards.
- (x) benefits to Nottingham City Council in relation to implementing this service are as follows:
- other local authorities that have introduced a DPS have been able to evidence significant savings in the procurement process;
  - use of the DPS allows competition in the local passenger transport market to be based on a fair and transparent vetting and bidding process;
  - supports the local authority's legal obligation to provide home to school transport for children with special educational needs;
  - supports school attendance and inclusion for SEN children;
  - facilitates a degree of control over the costs and quality of school swimming, ice skating and adventurous activity transport (which directly affects the booking volumes at Leisure Centres, NIC and NCC's Adventure Centres);
  - supports compliance with the Council's statutory duties with regards to Health and Safety in maintained schools;
  - supports maintained schools in offering an inclusive, broad and balanced curriculum that meets the requirements of the CMO, National Curriculum and OFSTED standards;
  - supports the council's financial governance processes;
- (xi) Passenger Transport Service and WhyNott? Transport currently works with the vast majority of operators in Nottingham through competitive tender. This approval will enable the establishment of a DPS for the contracting and supply of transportation from external transport operators to be put in place for 10 years;
- (xii) funding for the provision of these services are budgeted or have a transaction sold-service option within Adult and Children's Services and Education budgets, as well as Theatre Royal and Royal Concert Hall, underpinned by contractual arrangements which provide the tools to monitor (embedded to ensure that spend is in line with budgets and forecasting). In order to ensure effective and efficient implementation of the service following the development of the DPS, staffing resources will need to be considered;
- (xiii) in addition to the DPS system, the services seek to analyse improvements, for monitoring of contracts and further changes, and implementation to provide system links to process transactions, supporting further efficiencies surrounding procurement, ordering and payment solutions to make sure the automation and

processing provides a supportive mechanism between tender and confirmation, providing processing efficiency throughout the transaction in its entirety.

In response to a question from the Committee, it was stated that, in regards to:

- (xiv) **Crime and Disorder Implications** - the DPS supported the crime and disorder city-wide strategy by ensuring travel kept people safe with robust safeguarding and quality and assurance procedures applicable to all registered suppliers;
- (xv) **Social Value considerations** – the DPS supported the social values of pupils attending educational settings without excess travel, thereby reducing carbon footprints and enhancing learning outcomes and character development for the future in a safe and sustainable way.

### **Resolved to**

#### **(1) approve**

- (a) procurement of a 10-year Dynamic Purchasing System (with lots), subject to compliance with rules of the restricted procedure and subject to the provisions of regulation 34(5) of the PCR 2015 (regulation 34(5) and PCR 2015 Transportation Services, including Social Care Transportation (including SEND Home-to-School), School Trips Transport and Council staff transportation;**
- (b) spend of up to £4.162m per annum within the Dynamic Purchasing System on the award of complaint call-off contracts;**

#### **(2) delegate authority to the Corporate Director for People to:**

- (a) confirm economic operators/providers meet the selection criteria prior to being admitted to the specific Lots;**
- (b) tender for, and award and sign off, call-off contracts as appropriate;**

#### **(3) request that the Corporate Director for People ensures, where appropriate, social value and crime and disorder considerations are included in the Dynamic Purchasing System as part of the selection criteria for contracts.**

### Reasons for recommendations

- (i) Each of these services needs a flexible and compliant solution to meet their needs, and that meets all statutory and legislative requirements to mitigate any operational and reputational risk for the Council.
- (ii) The services provided by Passenger Transport Service and WhyNott? Transport are all well established and successful, both in terms of meeting service expectations and service continuity. For this reason, it would be recommended to amalgamate all of the named service areas under one overarching DPS as above.
- (iii) Authorisation is sought to procure transportation on the basis that all contracts awarded under the DPS can be held account under simultaneous terms and

conditions, as well as performance measurement. Alongside this, the services help to contribute positively to children and young people's learning, personal development and a number of elements of the Council Plan. Ensuring affordable best value, high quality safe, and transit by capturing 90% of the market operators within the DPS in the Nottingham area.

- (iv) The financial benefit associated with this can be addressed through the requirement for all providers on the DPS to commit to ensuring the efficient and effective running of all routes tendered for by making the Council aware of opportunities to amalgamate routes if services on certain routes are underutilised on assessment.
- (v) In order to comply with NCC financial procedures and CPR regulations, to support a further ten years of contracting with suppliers and enable a DPS contracting agreement for our operators which supports the Compliant Purchasing Agreements to raise purchase orders in the Fusion system.

#### Other options considered

- (i) The specialised passenger transport market is a niche business in the passenger transport market. Over many years we have been able to develop relationships with local specialised passenger transport operators but as the market has developed there is an opportunity for larger operators to price out smaller competitors. The development of a DPS specific to the needs of the Council ensures that all suppliers, regardless of size, can compliantly bid for contracts with the Council.
- (ii) Framework – the creation of a framework agreement means that any new entrants to the market cannot join the agreement, regardless of if another supplier leaves. A framework agreement can also only be in place for a maximum of four years, currently.
- (iii) Do nothing and continue to have separate contracts across the organisation – this option would not be compliant with the Council's updated financial regulations and the Public Contract Regulations (2015).

#### **67 Approval to access and spend under the terms of Corporate Security Services Framework - key decision**

Holly Fisher, Lead Procurement Officer, presented the report and stated the following:

- (i) approval was being sought to allow Council departments to call-off from the Corporate Security Services Framework to meet security requirements, including event security, staff shortages and cash in transit services;
- (ii) NCC, in collaboration with Mansfield District Council, established a framework agreement to meet the Authorities' varied security services requirements, including Manned Guarding, Cash Collection, Event Security, etc. The framework is available until 31 October 2026. NCC provided the legal and procurement resource to establish this framework, supported by technical expertise from Community Safety;

- (iii) to be awarded a place on the framework, suppliers went through a full procurement process and submissions were evaluated against the below criteria:

Quality - 70 %

- Management and Structure;
- Contract Mobilisation;
- Contract KPI delivery;
- Resource Plan;
- Customer Service;
- Experience;
- Supply chain management;

All providers had to score 'Satisfactory' or above to be on the framework;

Price - 30 %

Each department using the framework can award contracts separately, request specific Contract Purchase Agreements to manage budgets, and monitor spend under the framework.

### **Resolved to**

- (1) approve that NCC departments can call-off from the Corporate Security Services Framework to meet security services requirements;**
- (2) delegate authority to the Director of Community Protection, or relevant service Director, to:**
  - (a) award call-off contracts to preferred suppliers;**
  - (b) create specific Contract Purchase Agreements, manage budgets and monitor spend under the framework and on contracted security services.**

### Reasons for recommendations

The framework provides access to a PCR 2015 compliant process, through which purchasing authorities are linked to suppliers who have been quality assessed by various departments across both Nottingham City Council and Mansfield District Council.

### Other options considered

- (i) Do nothing - continue to raise ad-hoc orders with various suppliers at time of demand without necessarily under-going a compliant or competitive procedure. This option has been rejected due to it not being compliant with contract procedure rules or best practice.
- (ii) Undertake a request for quote or full tender for each requirement (depending on value). This option has been rejected as risks needs not being met in a timely manner or with favourable rates, and a drain on resource.

- (iii) Undertake NCC specific framework creation exercise. This has been rejected as it would not have the economies of scale produced by the collaborative and existing framework, and would be a duplication of work.

## **68 DLUHC Grant for DVA Statutory Duty services - key decision**

Jane Lewis, Community Safety Strategy Manager, presented the report and stated the following:

- (i) the Domestic Abuse Act 2021 places a statutory duty on Tier 1 local authorities as of 1 April 2021. Acceptance of the grant detailed in the report will enable Nottingham City Council to fulfil the functions of the statutory duty on Tier 1 Local authorities relating to the provision of support to survivors of domestic violence and abuse and their children residing within safe accommodation (the 'Statutory Duty');
- (ii) this Committee, at its October 2022 meeting, approved receipt of Department of Levelling Up, Housing and Communities (DLUHC) funding grant (the 'Grant Funding');
- (iii) a delegated decision has been completed to ensure the procurement of Community Based Services can be approved, and services delivered, from April 2023 whilst the Framework is being completed. A delegated decision was completed in May 2021 which included approval for 1xFTE NCC post to deliver the Statutory Duty. This report and both decisions ensure that the full ring fenced grant from DLUHC will be spent appropriately;
- (iv) approval is being sought to add this Grant Funding to the existing three 9-year refuge contracts, due to end in March 2028, to fund children's workers and support costs;
- (v) approval is also sought to align the Central Women's Aid refuge contract terms and conditions with the other 3 existing refuges contracts via the Grant Funding. This would ensure that the Central Women's Aid refuge was funded on an equitable basis with the others with the same break clauses in place. This would also facilitate NCC to be in a better position to re-procure all the refuges at the same time when the contracts end in March 2028;
- (vi) the budget includes a 3% cost of living increase previously proposed. This is in line with the cost of living increase awarded by DLUHC and will ensure that the services receive an increase in line with the amount allocated through the ring fenced DLUHC domestic abuse budget. It is anticipated that DLUHC will slightly increase the funding for services year on year.

### **Resolved to**

- (1) approve expenditure of the grant funding for the delivery of services, under a compliant legal and procurement process, as detailed in appendix 1;**



- (2) delegate authority to the Corporate Director of Communities, Environment and Resident Services to award and sign off contracts and variations, in compliance with the Councils contract procedural rules, to deliver the refuge services to enable ongoing compliance with the Statutory Duty set out in the Domestic Abuse Act 2021.**

Reasons for recommendations

- (i) To enable delivery of the Statutory Duty as outlined in the Domestic Abuse Act 2021.
- (ii) To add the Grant Funding to the existing 9-year refuge contracts, due to end in March 2028. The funding is for children's workers and additional support costs for survivors in accommodation associated with each refuge under the hub and spoke model. Children and young people form the largest population in a refuge and range from 0 – 16 in age.
- (iii) The Domestic Abuse Act 2021 and Statutory Duty has defined children as survivors in their own right for the first time and so funding for these posts is core to the service that should be offered by refuge. Childrens Workers are identified in the Service Specifications of each refuge, however the funding for these posts was previously unstable and funded intermittently through the partnership. Funding the posts through the Statutory Duty Grant Funding creates stable and long term funding for services for these child survivors.
- (iv) The accommodation associated with the refuges was funded through a Home's England bid on behalf of NCH and NCHA. Each refuge has approx. 3 houses providing a hub and spoke model and increasing the bed spaces available for referral from Housing Aid and the Nottingham 24-hour crisis DSVa helpline. The Statutory Duty Grant Funding shall also fund the additional support costs delivered by the refuge for the additional bed spaces.

Other options considered

- (i) DLUHC has indicated that failure to spend will result in reduction of future awards. Continuation of current services will ensure that support for the most vulnerable is provided in a recognised and timely manner.
- (ii) The Needs Assessment submitted to DLUHC sets out the requirement for additional refuge spaces. Tendering out the Central refuge service at this point may risk the delivery of the successful complex needs refuge for survivors with Severe and Multiple Disadvantage (SMD) at a time when SMD is a priority for the Health and Wellbeing Board and DSVa is a priority for the Crime and Drugs Partnership.
- (iii) A review the option of delivering children's workers externally to refuge was undertaken in 2005 and in 2018 respectively and on both occasions it was concluded that for all the services that refuges offer to children including safeguarding, play, support to access education, health, child advocacy to work effectively, it was preferable and considered necessary for children's workers to continue to be integral to the refuge team.

## **69 Use of public health grant allocation 2023/24 - key decision**

Councillor Woodings, Portfolio Holder for Adult Social Care and Health, introduced the report.

Nancy Cordy, Senior Public Health Strategy and Service Improvement Manager, presented the report and stated the following:

- (i) Nottingham City Council receives an annual public health grant allocation from the Department of Health and Social Care. The public health grant allocation for 2023/24 is still to be confirmed but is expected to be around £35m;
- (ii) the grant is ring-fenced and must only be used where the main and primary purpose is public health, and conditions set out a range of prescribed and non-prescribed public health activity against which public health grant expenditure must be reported;
- (iii) on average, people in Nottingham are less healthy than those in other parts of the East Midlands region, or when compared to the England average, and Nottingham's communities have wide ranging health and wellbeing needs, which vary significantly between different groups;
- (iv) the grant must be invested both eligibly and efficiently to address identified health and wellbeing needs and ensure the greatest possible positive impact on the health and wellbeing of Nottingham's people;
- (v) the report sets out the planned use of Nottingham's public health grant allocation 2023/24 for approval, alongside the public health commissioning framework, which shapes and guides the use of the public health grant.

### **Resolved to**

- (1) approve the:**
  - (a) receipt of the public health grant allocation (estimated to be around £35m) for Nottingham City in 2023/24, and note the associated grant conditions and reporting requirements as detailed in the report;**
  - (b) allocation of public health grant funding to wider council services to enable the delivery of additional activity, which will contribute to improved health and wellbeing for Nottingham's residents, as set out in table 1 of the report;**
  - (c) refreshed Public Health Commissioning Framework, as detailed in appendix 1 to the report;**
  - (d) planned use of Nottingham's public health grant allocation in order to improve the health and wellbeing of Nottingham's population, in line with agreed relevant strategies and plans (both system-wide and internal Council) and in line with the refreshed Public Health Commissioning Framework;**

- (2) note the current public health reserve balance, and endorse the sustainment of the public health grant reserve at no less than 3% of the total value of the annual public health grant allocation.**

Reasons for recommendations

- (i) At the time of writing the public health grant allocations for 2023/24 have not been published. It is expected, in line with recent trends that the allocation will not be dissimilar to the previous year and it is therefore estimated that the value of the grant will be around £35m. The grant is ring-fenced for use on public health functions, meaning that the main and primary purpose of all spend from the grant is public health. The local authority circular published alongside the grant allocation sets out the conditions that apply to the grant, as well as the reporting requirements.
- (ii) The conditions in which people are born, grow, live, work and age have a profound influence on health and health inequalities. Local authorities have a key role to play in shaping these conditions, and as a consequence also have a key role in terms of improving the health and wellbeing of their local population (in line with statutory duties). Public health grant funding contributes to a range of wider council services (see table 1) in order to enable the delivery of additional activity which improves health and wellbeing. Arrangements are in place to ensure effective ongoing joint working and a review of contributions to provide assurance that all public health grant expenditure is eligible within stated grant conditions.
- (iii) The Joint Strategic Needs Assessment, published on Nottingham Insight, identifies the health and wellbeing needs of the local population. This has informed the Integrated Care Strategy, the Joint Health and Wellbeing Strategy for Nottingham, the Strategic Council Plan and the Public Health Divisional Plan. The Public Health Commissioning Framework sets out the principles and processes through which these Strategies and Plans, alongside other relevant drivers (including statutory duties and prescribed services) are translated in to commissioned services and activity. The planned use of the public health grant allocation in 2023/24 is assessed as being the most appropriate allocation of resource in order to ensure the delivery of prescribed and non-prescribed activity (as set out in public health grant conditions) as well as address the health and wellbeing needs of the local population, in line with agreed Strategies and Plans.
- (iv) Public health grant conditions state that any unspent annual public health grant should be carried forward into the next financial year as part of a public health reserve. In line with developing Council policy it is proposed to maintain a minimum public health reserves balance of no less than 3% of the annual public health grant allocation. This is to ensure that the public health grant reserve is able to resource unforeseeable pressures and risks without impacting on the General Fund / MTFP.

Other options considered

None.

## **70 Commissioning of Integrated Sexual Health Services for Nottingham - key decision**

Councillor Woodings, Portfolio Holder for Adult Social Care and Health, introduced the report.

Roz Howie, Programme Director for Public Health, presented the report and stated the following:

- (i) the World Health Organisation (WHO) defines sexual health as a state of physical, mental, and social well-being in relation to sexuality. It is not merely the absence of disease, dysfunction, or infirmity. It requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination, and violence;
- (ii) sexual health is an important area of public health. Most of the adult population of England are sexually active and access to quality sexual health services improves the health and wellbeing of both individuals and populations. The government in 2013 set out its ambitions for improving sexual health in its publication, a framework for sexual health improvement in England. In December 2021, the government published an action plan towards ending HIV transmission, AIDS and HIV-related deaths in England 2022 to 2025. The government is committed to improving sexual and reproductive health (SRH) in England, including access to SRH services, and will set out plans to do so.
- (iii) sexual health is not equally distributed within the population. Strong links exist between deprivation and STIs, teenage conceptions and abortions, with the highest burden borne by women, men who have sex with men (MSM), trans community, young people, and people from ethnic minority backgrounds. Similarly, HIV infection in the UK disproportionately affects gay, bisexual and other MSM, and black African populations. Some groups at higher risk of poor sexual health face stigma and discrimination, which can influence their ability to access services. Despite the increased provision of remote and online services improving access for some, it should be recognised that some will be excluded or may be disadvantaged by these approaches (2020 data on internet access revealed 5% of the adult population of Great Britain had not used the internet in the last 3 months and 16% of the population does not use a smartphone for private use).
- (iv) offering a mixture of face-to-face and online services is required to meet the needs of different population groups. Services and modes of delivery should be designed to meet the needs of local populations and work to reduce inequalities in both access and health outcomes;
- (v) the consequences of poor sexual health are preventable and include unplanned pregnancies, infections including HIV, cervical and other genital cancers, pelvic inflammatory disease and infertility, psychological consequences, stigma, and poorer educational, social, and economic opportunities. There are notable inequalities in access and outcomes in relation to SRH which must be addressed if meaningful improvements in population outcomes are to be achieved;

- (vi) from April 2013, Local Authorities have been responsible for commissioning specialist integrated sexual health services (ISHs) including testing and treatment for sexually transmitted infections (STIs), the provision of HIV Prophylaxis (PrEP) and provision of the full range of contraception advice and provision;
- (vii) it is recognised that the specialist ISHS is only part of a range of the provision that will need to be provided to meet the sexual health needs of the local population. Services delivered by primary care, third sector and community-based organisations form an essential part of any local sexual health system. Local Authority (LA), NHS England and Improvement (NHSE/I) and Integrated Care Board (ICB) commissioners are expected to work collaboratively to map service user pathways and plan services according to population need. The need for NHS organisations and local authorities to work more closely and to collaboratively commission SRH services was restated in the green paper *Advancing Our Health: Prevention in the 2020s*;
- (viii) Health and Wellbeing Boards will play a key role in ensuring that the services and care their communities receive is seamless. They will undertake a joint needs assessment (JSNA) to identify the current and future health and social care needs of the local community as well as local assets. Based on this they will develop Joint Health and wellbeing strategies (JHWBs) to agree their joint priorities for local action. Both JSNAs and JHWBs will inform the ICB, NHS and LA commissioning. Sexual Health has a clear role to play in improving health and reducing health inequalities and therefore must be considered;
- (ix) the existing Integrated Sexual Health Service (ISHS) was commissioned by Public Health in Nottinghamshire County and Nottingham City Councils as it was deemed that there were several benefits to this approach, namely:
- improving patient experience;
  - driving efficiency;
  - improving local partnerships;
- (x) a collaborative agreement was entered into between the two parties describing how the Councils will jointly work together and the roles and responsibilities of each partner organisation and to outline accountability arrangements, financial contributions, and dispute resolutions for the period April 2016-31 March 2024. This will be the approach again for recommissioning of the services for the period 1 April 2024 – 31 March 2031. A second collaboration agreement has been drawn up between Partner Organisations;
- (xi) the aim, through the recommissioning programme, is to secure the provision of open access, comprehensive sexual health services which meet the current and future sexual health needs of all our population, whilst addressing avoidable health inequalities. Subject to approval of the report, an ISHS will be commissioned to be delivered from April 2024 onwards.

**Resolved to**

- (1) approve spend of up to a total value of £31,956,785 from the ring-fenced Public Health Grant funding, conferred under s31 of the Local Government Act 2003, on commissioned ISHS's during the period 1 April 2024–31 March 2031;**
- (2) delegate authority to the:**
  - (a) Director of Public Health to enter into a second collaborative agreement with Nottinghamshire County Council for the recommissioning of ISHS's;**
  - (b) Director of Public Health, in consultation with the relevant Portfolio Holder, to agree the service model for commissioning of integrated sexual health services against the entire budget available, through applying the insight and commissioning recommendations developed within the strategic commissioning review;**
  - (c) Director of Public Health to undertake a joint competitive procurement procedure (to be led by Nottinghamshire County Council) for tendering of, evaluation, selection and approval and awarding the contracts for the services listed below:**
    - (i) comprehensive sexual health services including most contraceptive services and all prescribing costs, but excluding GP additionally provided contraception;**
    - (ii) sexually transmitted infections (STI) testing and treatment, chlamydia screening and HIV testing;**
    - (iii) sexual health aspects of psychosexual counselling;**
    - (iv) specialist services, including young people's sexual health, teenage pregnancy services, outreach, HIV prevention (through PreP pre-exposure prophylaxis), sexual health promotion and services in schools, colleges and pharmacies.**

#### Reasons for recommendations

- (i) A collaborative agreement was entered into between the two parties describing how the Councils will jointly work together and the roles and responsibilities of each partner organisation and to outline accountability arrangements, financial contributions, and dispute resolutions for the period April 2016-31 March 2024.
- (ii) This will be the approach again for recommissioning of the services for the period 1 April 2024–31 March 2029. A second collaboration agreement has been drawn up between Partner Organisations.
- (iii) All the funding for integrated sexual health services commissioned by Nottingham City Council sits under ring-fenced grant conditions (Public Health Grant), for which the Director of Public Health is accountable, and the resource must be stewarded in line with these conditions. The Director of Public Health is

the appropriate designate for approving the commissioning model in line with clinical governance standards to meet population needs.

- (iv) The current contract for integrated sexual health services ends March 2024, and the recommendations refer to spend approvals and reflect the procurement timeline and process to enable the contract to be awarded within the deadline.
- (v) A commissioning review of sexual health services in Nottingham and Nottinghamshire has been undertaken. This included a joint needs assessment, a number of pre-market engagement events and reviews of procurement options and provider models. The procurement exercise for new services needs to be completed by autumn 2023, to allow for service mobilisation in 2023/24 with a view to starting April 2024. Spend approval is being sought for commissioned services under a 3+2+2year contract.
- (vi) An option appraisal was undertaken to determine the most appropriate procurement route (see background information section - papers) therefore competitive procurement procedure with negotiation under Regulation 29 of the PCR 2015 was determined to be the best option (Recommendation 3).

#### Other options considered

None - as the current contracts cease on 31 March 2024, without re-commissioning there would be no commissioned services and a lack of provision, with Nottingham City Council neglecting its duty to in respect of these services and putting Nottingham at significant disadvantage for the delivery of integrated sexual health services for its residents.

### **71 Commissioning of Mental Health Re-ablement service - key decision**

Councillor Woodings, Portfolio Holder for Adult Social Care and Health, introduced the report.

Lisa Lopez, Public Health Commissioning Lead, presented the report and stated the following:

- (i) the report sought approval to commission a Mental Health Reablement service to provide support to some of Nottingham's most vulnerable citizens with mental health needs;
- (ii) the service would provide support to citizens around physical and mental health, financial wellbeing, housing/tenancy issues and access to services to help them to develop coping strategies and remain living as independently as possible in the community;
- (iii) it would support citizens with complex support needs, including but not limited to those associated with drug use, alcohol use, offending and diagnosed or suspected alcohol-related brain injury, and prevent costs in other services such as health, including emergency health services, facilitate timely discharge from psychiatric wards and reduce the number of Delayed Transfers of Care (DTC);

- (iv) the Office of Health Improvement and Disparities has set out three key overlapping priority areas of public mental health across the life course:
- mental health promotion;
  - prevention of mental health problems and suicide prevention;
  - improving lives, supporting recovery and inclusion of people living with mental health problems.

The Mental Health Reablement Service has the potential to support the delivery of all three of these priorities, with a particular emphasis on improving lives, supporting recovery and inclusion within the community of people with mental health problems;

- (v) The Care Act 2014 requires local authorities to ensure that their citizens have access to services that prevent escalation of, and/or delay, the impact of their needs, and have access to a range of high quality, appropriate services. The service will support Nottingham City Council's statutory responsibilities in respect of this;
- (vi) Nottingham City is an outlier in not having commissioned a Mental Health Reablement Service. Such services are widely recognised for their preventative value and are common in other core and neighbouring cities. Nottingham City Council was to commission a Mental Health Reablement service in 2020, but due to budget pressures the contract was not awarded.

#### **Resolved to**

**(1) approve:**

- (a) procurement of a Mental Health Reablement Service (as detailed in appendix 1) via a tender process, and award contracts for the services as appropriate, commencing 1 October 2023 for an initial term of 2 years, with an option to extend for a further 2 years (2+2);**
- (b) total expenditure of £1,600,000 over the entirety of the contract for provision of Mental Health Reablement Services, noting that this will comprise of £800,000 from Public Health reserves for the first two years, followed by £100,000 per year from the Public Health Grant and £300,000 per year from Adult Social Care should the contract be extended for the following 2 years;**

**(2) note that the:**

- (a) Director of Public Health has authority to approve the outcome of the procurement process and award the contract(s) to the provider(s) deemed most suitable;**
- (b) Director of Legal and Governance, or their delegate, has authority to sign initial contracts and, should the option be used, agree an extension, subject to budget availability.**

#### Reasons for recommendations



- (i) The service will provide support to some of Nottingham's most vulnerable citizens with mental health needs, to enable them to remain independent in the community and to facilitate discharge from psychiatric wards. The proposed service is to provide timely, flexible, intensive, fixed-term support to increase citizens' independence and help them to manage or overcome social, practical, financial, emotional and health-related difficulties. The proposed service will support service users to develop coping strategies and the ability to manage periods of problematic mental ill health, directly addressing issues in citizen's lives that impact negatively on their mental health and wellbeing.
- (ii) Each citizen receiving support will have a personalised, strengths-based support plan which aims to promote and maximise independence by utilising support available through this service and other community-based resources, thus supporting recovery and enabling them to live as independently as possible. There are currently approximately 393 citizens within the Mental Health Pathway who would potentially benefit from a period of Reablement. This service is expected to have the capacity to meet the needs of this group of citizens.
- (iii) The service will prevent costs to other services such as health, including emergency health services, facilitate timely hospital discharge and reduce the number of Delayed Transfers of Care (DTC). The proposed service will include in-reach into psychiatric units, and will work collaboratively with hospital colleagues in order to identify patients who would benefit from the reablement service; particularly where this would help to facilitate their discharge. This will support citizens to return home safely, provide support for a fixed period once they return home, and help to prevent avoidable re-admissions.
- (iv) The service will support Nottingham City Council's statutory responsibilities. The Care Act 2014 requires local authorities to ensure that citizens who live in their areas receive services that prevent their care needs from becoming more serious, or delay the impact of their needs; have access to the information and advice they need to make good decisions about care and support; have a range of provision of high quality, appropriate services to choose from; and have an individual care plan to meet their needs.
- (v) The Care Act legislates to improve citizen's independence and wellbeing. It makes clear that local authorities must provide or arrange services that help prevent citizens developing needs for care and support or delay citizens deteriorating so much that they would need more acute and ongoing care and support or be admitted to hospital. The service will address citizens' key support needs and so contribute to better mental and physical health. The service will support citizens towards greater independence, help to prevent escalation of need, and minimise risks / vulnerabilities.
- (vi) The recent Strategic Commissioning Review suggests that the proposed service will provide value for money when compared against other provision within the mental health pathway such as residential care or accommodation-based Care Support and Enablement. The service is to be jointly funded by Nottingham City Council Public Health and Adult Social Care budgets (see appendix 1) with the Public Health reserves being used to fund the service for the first 2 years, followed by 25% Public Health funding and 75% Adult Social Care funding in subsequent years. The service

is being commissioned as 'invest to save' with the initial Public Health funding providing the investment to implement the service, for it to generate savings in Adult Social Care and Health in subsequent years.

#### Other options considered

- (i) Do nothing - do not commission the services. Lack of preventative services for citizens who are not Care Act eligible is contributing to additional spend and pressure in Adult Social Care and elsewhere in the system, such as housing and health. This is particularly true for specialist services like the Mental Health Reablement service, where a significant proportion of potential service users are eligible for support under the Care Act.
- (ii) A key component of the Mental Health Reablement service is the hospital in-reach. This diverts citizens away from Adult Social Care, particularly where there is a housing need. The lack of this part of the service specifically is likely to mean that the level of delayed transfers of care (DTC) are occurring, reducing the capacity on the acute wards. This is likely to mean significantly poorer outcomes for the citizen, as well as increased costs to the local authority and Health. Therefore, this option is not recommended.

## **72 Greenspace and Natural Environment Service Procurement Plan - key decision**

Eddie Curry, Head of Greenspace and Natural Environment, presented the report and stated the following:

- (i) the Greenspace and Natural Environment Service provide a number of statutory duties in relation to allotments, biodiversity and burials (outlined in appendix A to the report) and deliver essential health and safety works, most notably in relation to Arborecultural and playgrounds works.
- (ii) approval is being sought to put procurement arrangements in place for a number of essential activities (detailed in appendix B to the report), including:
  - Arborecultural Services – Ash Dieback removal and planting programme, Arborecultural contractors, Inspections, Epicormics removal, traffic management;
  - Landscape Services – construction materials, contract gritting service salts, specialist vehicle hire;
  - Cemetery and Crematoria Supplies – burial chambers, memorial items and materials, storage and Crematoria servicing;
  - Grounds Maintenance Services – small plant and machinery, weed control and hedge cutting, IT systems;
  - Horticultural Supplies and Services – plants, trees and shrubs, turf, bedding plant bulbs, plugs, seeds and compost, ancillary items;
  - Single Supplier Contracts for Playgrounds and Parks – play area maintenance of branded spare parts that can only be purchased from the manufacturer of specific play areas and annual Green Flag awards from Keep Britain Tidy a specific national accreditation scheme;
  - Parks and Open Spaces – play area safety surfacing, landscape contractors and general works for fixtures and fittings repairs;

- Professional Services – signage, design, web.
- (iii) a forecast of planned work and reactive maintenance activity has been completed for a 4-year period and, to ensure continuity in procurement compliance for delivery in future years, new contracts and framework arrangements will be required to be put in place throughout the 4-year period.
- (iv) It was proposed that a number of procurement options be adopted to provide the most efficient and cost-effective route, (detailed in appendix B to the report), including:
- In-house delivery;
  - Call-off from existing NCC Frameworks or Contracts;
  - Accessing 3<sup>rd</sup> Party Frameworks such as ESPO & CCS where these are proven to offer Best Value;
  - Dynamic Purchasing system (DPS). Dynamic Purchasing System (DPS) is unlike a traditional framework for the supply of goods, works or services. A DPS is an electronic system which suppliers can join at any time. An 'open market' solution, a DPS is designed to give buyers access to a pool of pre-qualified suppliers;
  - Direct award for contracts only available from a single supplier in the case of Green Flag Awards, trade association memberships and specialist branded spare parts for playground equipment maintenance where only spare parts from specific manufacturers can be used;
  - Multiple quotations for different lots within one category;
  - Quotation;
  - Tender.
- (v) All procurement activity would be awarded through conducting processes in accordance with the Council's Contract Procedure Rules and requirements under the Public Contracts Regulations 2015. These processes would ensure the most suitable route to procurement was adopted, delivering Best Value.

## **Resolved to**

- (1) **approve:**
- (a) **spend of £20.197m (as detailed in appendix B) in line with Councils' Medium Term Financial Plan (MTFP) approved budgets and capital spend approvals;**
  - (b) **procurement and subsequent award of contracts (as set out in appendix B) to a maximum value of £18.855m, in accordance with Public Contract Regulations and NCC Contract Procedure Rules**
- (2) **note that an exemption from Contract Procedure Regulations 18.55, for a direct award of £0.166m to single suppliers (as detailed in appendix B) has been approved by the Section 151 Officer;**
- (3) **delegate authority to the Head of Greenspace and Natural Environment Service to call off from the frameworks, listed in appendix B, over a period of four years (2023/24–27/28).**

### Reasons for recommendations

- (i) Procuring contracts and frameworks will allow the Greenspace and Natural Environment Service to continue to compliantly deliver essential services including delivery of commercial contracts, statutory services and essential health and safety works.
- (ii) The identified benefits of putting these arrangements in place are:
  - Supports delivery of the council's behavioural expectations and core values which sets expectation for delivering on time, on budget and to agreed quality standards, as well as guaranteeing Best Value and the effective use of resources.
  - Ensures the Council complies with its duty of Best Value by going through a competitive process to evaluate price and quality.
  - Establishes a 4-year approach to procurement which will serve to ensure suitable and efficient procurement processes.
  - Ensures collaboration on procurement within the department and across the council to benefit from greater efficiencies and cost effectiveness.
  - Enables the delivery of external grant funded schemes in line with the timescales of the award, such as Natural England, Biodiversity.
  - Ensures value-for-money delivery model with no fixed financial commitment in the use of frameworks.
  - Delivers a highly flexible and responsive structure to award the most suitable route to market.
  - Delivers economies in accessing established third-party frameworks where viable.
  - Enables strong governance through a Service's Procurement Board to monitor performance and manage risk.
  - Enables the ability to develop relationships with a core set of framework and contract providers to the Council and ensure effective management through such relationships.

### Other options considered

- (i) Not to let contracts - Not having compliant spend approval or procurement measures in place will adversely affect ability to engage with suppliers and contractors to deliver essential services. There would be no effective means to demonstrate compliance with financial and procurement regulations. This could lead to significant delays or interruptions in service delivery which could carry risk to life in the case of health and safety works, reputation damage and non-delivery of income targets.
- (ii) To not progress new contract and framework arrangements will jeopardise funding and Nottingham would lose out on the opportunity to invest in the City's greenspaces and natural environments.

## **73 Supply of catering at Theatre Royal and Royal Concert Hall - key decision**

Councillor Pavlos Kotsonis, Portfolio Holder for Leisure, Culture and Planning, introduced the report.

Peter Ireson, Venue Director, Theatre Royal and Royal Concert Hall, presented the report and stated the following:

- (i) the Council engages CGC Events Limited, under a concession contract, at the Theatre Royal and Royal Concert Hall to provide the majority of catering services for customers attending the programme of events and the daytime offer in Yarn Bar. This excludes ice creams and confectionary, which are sold directly by the Council.
- (ii) the concession agreement provides a guaranteed income for the Council, whilst ensuring CGC Events Limited take on the operating risks.
- (iii) as well as contributing to the Council Plan Key Outcomes, the concession contract also contributes to the Council meeting its statutory duty around Best Value.
- (iv) the concession contract was last tendered in 2017 and awarded to CGC Event Limited for an initial 5 years, with the option to extend for up to an additional 5 years. By agreement, the parties chose to extend the contract for 18 months up to 30 June 2024. Hence there is now a requirement to undertake a full procurement process to secure a commercially viable and compliant solution for the Council from July 2024.

#### **Resolved to**

- (1) approve undertaking a procurement process, in accordance with the Concessions Contracts Regulations 2016, to secure a concession contract for the supply of catering services at the Theatre Royal and Royal Concert Hall for a 5-year duration, commencing July 2024, at a maximum cost of £6.4m;**
- (2) delegate authority to the Corporate Director of Communities, Environment and Resident Services to sign and award the contract to the successful concessionaire following completion of the tender process.**

#### Reasons for recommendations

- (i) The contract with the existing catering contractor expires on 30 June 2024.
- (ii) The approval requested in this report will allow the Council to initiate a tender process to secure a catering concession contractor and ensure continuity of catering provision and income for the Council, without the operating risk. This will allow Theatre Royal and Royal Concert Hall to offer the full catering service expected by customers, generating a significant financial contribution supporting the sustainable operation of the venue.

#### Other options considered

- (i) To grant a longer extension to the existing contract. This was discounted as it was felt that there is the need to test the market to provide assurance that the Council is receiving the optimum financial return and the highest quality provision for TRCH's customers.

- (ii) Consideration was given to taking the catering contract in-house, but was discounted as this would mean in-sourcing the inherent risks of a catering operation. Using an external catering contractor, who is able to benefit from economies of scale and dedicated business expertise, means that TRCH is able to receive a guaranteed return.

**74 Exclusion of the public**

The Committee agreed to exclude the public from the meeting during consideration of the remaining item in accordance with Section 100A(4) of the Local Government Act 1972, Schedule 12A, Part 1, Paragraph 3, on the basis that having regard to all the circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**75 Exempt appendix - Supply of catering at Theatre Royal and Royal Concert Hall**

**Resolved to note the exempt appendix to minute 73 above.**