



Nottingham City Council

Commissioning and Procurement Executive Committee

Date: Tuesday, 14 November 2023

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: Mark Leavesley

Direct Dial: 0115 876 4302

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2 Declarations of interests	
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- 9 Provision of a Pantomime at the Theatre Royal - key decision** 51 - 56
Report of Corporate Director for Communities, Environment and Resident Services
- 10 Exclusion of the public**
To consider excluding the public from the meeting during consideration of the remaining items in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
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All items listed under 'exclusion of the public' will be heard in private. They have been included on the agenda as no representations against hearing the items in private were received

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting

Citizens attending meetings are asked to arrive at least 15 minutes before the start

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Nottingham City Council

Commissioning and Procurement Executive Committee

Minutes of the meeting held at Loxley House, Nottingham, NG2 3NG, on 10 October 2023 from 10.00 am - 10.25 am

Membership

Present

Councillor Cheryl Barnard (Vice Chair)
Councillor Linda Woodings
Councillor Jay Hayes

Absent

Councillor Corall Jenkins
Councillor Audra Wynter (Chair)

Colleagues, partners and others in attendance:

Stephen Chartres	- Performance and Improvement Manager
Peter Ireson	- Theatre Royal and Royal Concert Hall Venue Director
Tracey Lamming	- Public Health Principal
Steve Oakley	- Acting Director of Commissioning and Procurement
Cara Squires	- Public Health Lead Commissioning Officer
Phil Wye	- Governance Officer

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 18 October 2023. Decisions cannot be implemented until the working day after this date.

22 Chairing Arrangements

In the absence of the Chair, Councillor Cheryl Barnard (Vice-Chair) chaired the meeting.

23 Apologies for absence

Councillor Audra Wynter – personal reasons

24 Declarations of interests

None.

25 Minutes

The minutes of the meeting held on 12 September 2023 were confirmed as a correct record and signed by the Chair presiding at the meeting.

26 Integrated and online Sexual Health Service contracts extension - key decision

Tracey Lamming, Public Health Principal, presented the report recommending extending the existing contracts for sexual health services by up to six months to allow sufficient time for the new services to mobilise safely and effectively.

Resolved to

- (1) approve spend of up to £2,015,798 to extend existing sexual health contracts (as detailed in Table 1 above) for a maximum of 6 months (1 April 2024–30 September 2024);**
- (2) delegate authority to the Director of Public Health to enter appropriate deeds of variations to extend the existing sexual health contracts for a maximum of 6 months to 30 September 2024.**

Reasons for decision:

- Under the Health and Social Care Act 2012 there is a statutory duty for local authorities to commission comprehensive sexual health services for its residents. This includes provision of information, advice, and support on a range of issues, such as sexually transmitted infections (STIs), contraception, relationships and unplanned pregnancy.
- Contractual arrangements are needed to continue the service uninterrupted. To bring in a new service would result in a higher risk to residents due to a disruption of services. It would cause significant inconvenience for residents.
- Economically, a contract extension would cost significantly less than securing a new interim service. Similarly, it is economically favourable to continue with the existing service under the current contract terms and conditions.
- A contract extension will ensure there is sufficient time available for both negotiations with bidder/s and for the mobilisation of a new and complex integrated service model for sexual health services.
- It is possible that the market has responded well to our vision for sexual health services in Nottingham and Nottinghamshire and it is essential that there is adequate time to complete a comprehensive procurement process to get the best possible service for local citizens.
- Currently, both the in-person and online sexual health services are utilised well therefore to extend these is the solution that offers the least risk in terms of current service provision, in terms of the future contract and for mobilisation.
- The current contracts are jointly funded by Nottingham City Council and Nottinghamshire County Council and an extension is also dependant on Nottinghamshire County Council obtaining approval in line with their governance processes. However, this decision relates to the approval sought and expenditure to be incurred by Nottingham City Council, in relation to the proposed extension of the contracts.

- With the information above taken into account, there are grounds to modify the existing contracts without a new procurement procedure at this stage as the additional services (of the type supplied by the current contracts) are necessary, were not included in the initial procurement and where a change of contractor:
 - cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or
 - would cause significant inconvenience or substantial duplication of costs for the contracting authority.
- Variation of the online service contract would be secured compliantly through calloffs from the e-SRH Framework, and the Department of Health and Social Care have confirmed with our current online provider that that any call-off contracts that are varied and end beyond the life of the e-SRH Framework will be honoured.

Other options considered:

- Setting up an interim service for the 6-month period. The time it takes to safely mobilise a service, it would be a break in the continuity of care for residents across Nottingham City and Nottinghamshire County and the logistics in the transfer of patient records for a short period. Therefore, this option is not recommended.
- Do nothing. This would result in having no service for up to 6-months period. This is not considered to be a viable option due to the mandated responsibility both local authorities must provide an open access sexual health service to our residents. The impact on citizens of no service which would result in residents either having no access to services or having to go elsewhere for sexual health service and us being charged by other local authorities for out of area activity. Therefore, this option is not recommended.

27 Merchandise Concession Contract at the Royal Concert Hall - key decision

Peter Ireson, Theatre Royal and Royal Concert Hall Venue Director, presented the report on the requirement to undertake a full procurement process to secure the best value, commercially viable service that the market can offer and provide certainty for the Council going forward through a new contractual agreement.

Resolved to

- (1) approve undertaking a procurement process to secure a concession contract for the supply of merchandise sales services at the Royal Concert Hall for a period of 5 years;**
- (2) delegate authority to the Corporate Director of Communities, Environment and Resident Services to award and enter into a concession contract with the successful concessionaire following completion of the tender process.**

Reasons for decision:

- The original contract with the merchandise contractor at the Royal Concert Hall has expired and there is the need to tender for and award a new concession contract.
- Offering a 5-year contract, rather than a shorter period, is more likely to attract suitable concessionaire bids, as bidders will feel they have the opportunity to recoup and make a return on any necessary investment.
- The approval requested in this report will allow the Council to initiate the tender process to secure a merchandise sales concession contractor, ensuring a continuity of merchandising sales provision and income for the Council without the operating risk. This will allow TRCH to offer the full merchandise service expected by its customers and visiting companies generating a financial contribution supporting the sustainable operation of the venue.

Other options considered:

- To continue with the informal contractual arrangement that has arisen from the conduct of the parties following the expiry of the existing formal concession contract. This was discounted as there is the need to put a compliant contract in place as well as 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.
- Consideration was given to managing the merchandise sales service in house, but discounted, as this would mean in-sourcing the inherent risks (supply and demand) of a merchandise operation and exposing the Council to the vagaries of the market. Using an external merchandise contractor, with a large number of trained staff providing the same service at a range of venues and who can benefit from economies of scale and dedicated business expertise, means that the Council is able to receive a higher level of income at no risk.
- Consideration was also given to including the opportunity to supply merchandise sales service at the Theatre Royal and therefore include that in the concession contract tender process. This was discounted as the theatre's weekly programme sees limited merchandising opportunities and the Theatre Royal staff who already sell the in-house programmes can also sell merchandise at no additional cost or risk. Companies visiting the Theatre also tend not to outsource any merchandise and hence sales reconciliations can be managed within a single show settlement with the producer.

28 Re-tender of Old Market Square winter and summer events offer 2024-28 - key decision

Stephen Chartres, Performance and Improvement Manager, presented the report seeking authority to re-tender the contract for the provision of Nottingham's winter (Winter Wonderland) and summer (Nottingham Beach) event offers in the Old Market Square for the next five years.

Resolved to

- (1) authorise the Head of Events and Tourism to undertake a tender process to secure a provider to deliver winter event offers and summer event offers to take place in the Old Market Square during the period 2024-28. These are to be undertaken via separate tender exercises;**
- (2) delegate authority to the Head of Events and Tourism to:**
 - (a) appoint a preferred supplier for each offer following the tender process;**
 - (b) enter into a contract for each offer for a maximum period of 5 years.**

Reasons for decision:

- The current contract for the provision of Nottingham's winter (Winter Wonderland) and summer (Nottingham Beach) event offers in the Old Market Square will end after Christmas 2023. The re-tendering of this concession contract is required to comply with financial and procurement regulations.
- The event offers for Winter and Summer in Old Market Square are now fundamentally different both in content and in commercial value to the Council to enable us to do these as separate tender slots. This will allow the opportunity to fully test the market in terms of creativity and innovation for the potential offers and encourage a wide range of a supplier to submit tenders. There will be opportunity however for any individual supplier to submit for both opportunities.

Other options considered:

- Continue with the current provider delivering these events - This would be in breach of current procurement regulations in relation to this concession as the current contract expires at the end of 2023. This also doesn't give the opportunity to test whether the current arrangements provides best value to the Council and residents.
- Cease having a concession for a Winter and Summer events offer in Old Market Square from 2024 - This would result in a loss of income to the Council as revenue is currently received from these two events. These are both popular attractions as part of Nottingham's annual events and entertainment programme and creates positive recognition, economic and social benefit for the city. This would be lost or put at risk if these were discontinued.
- Deliver the event in-house – this would result in potential costs and risks to the Council. The event would still require supplier contracts, the securing of infrastructure and a significant investment and resource requirement which there is no budget or capacity within the current team to undertake. This option is therefore not considered to represent best value. The approach to secure an external provider reflects the Council's risk appetite and approach in staging large events to reduce the financial risks and move towards a cost neutral, commercial income events model.

29 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.

30 Exempt appendix - Merchandise Concession Contract at the Royal Concert Hall

The exempt appendix was noted.

31 Exempt appendix - Old Market Square summer and winter events offer 2024-28

The exempt appendix was noted.

Subject:	Procurement of booklet for Combined County Authority Mayoral Election		
Corporate Director:	Ross Brown – Finance and Resources		
Portfolio Holder:	Councillor Audra Wynter - Finance and HR		
Report author and contact details:	Sarah Wilson, Electoral Services Manager <u>Sarah.wilson@nottinghamcity.gov.uk</u> 0115 8764308		
Other colleagues who have provided input:	Alfred Ansong, Strategic Finance Business Partner Beth Brown, Head of Legal Paul Ritchie, Procurement Category Manager, Products		
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital		
Total value of the decision: up to £900,000 (£173,000 printing costs and £708,000 postage costs on current rates)			
Wards affected: All			
Date of consultation with Portfolio Holder: 25/10/2023			
Relevant Council Plan Key Outcome:			
Green, 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"/>		
Living Well in our Communities	<input type="checkbox"/>		
Keeping Nottingham Moving	<input type="checkbox"/>		
Improve the City Centre	<input type="checkbox"/>		
Better Housing	<input type="checkbox"/>		
Serving People Well	<input checked="" type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
<p>As part of the devolution deal with government to establish a Combined County Authority to secure £38 million of funding per year, which would benefit the lives of citizens living in the East Midlands region, an election for a Combined County Authority Mayor will need to be held.</p> <p>Nottingham City Council is expected to be selected as lead authority with Melbourne Barrett appointed as Combined County Authority Returning Officer (CCARO) to oversee the delivery of a Combined County Authority Mayoral Election, which will take place on 2 May 2024, subject to the passing of legislation.</p> <p>The CCARO will be required to print and post a mayoral election booklet to every elector in the combined authority area, 1.6m individuals in total. The booklet will include information from the CCARO about the election and an election address from each candidate.</p>			

Procurement of the contracts to print and post these booklets would normally be the responsibility of the combined authority. However, as this is yet to be established and due to the tight timescales involved in approving the deal and delivering the election, Nottingham City Council has been asked to progress the procurement as an interim measure on behalf of the proposed East Midlands Combined Authority.

Delaying the procurement process until after the legislation is passed and the East Midlands Combined Authority is formally established would result in this legal requirement not being fulfilled and would jeopardise the delivery of the election.

Procurement needs to take place as soon as possible to ensure suitable providers are awarded contracts, subject to the legislation being approved, so that these legal deadlines can be met and that all electors receive a booklet in plenty of time before the election. In particular, postal voters, who will need to receive their booklets prior to their postal packs arriving, to ensure they have the opportunity to read the booklet before they return their ballot paper by post.

To print the booklets the proposal is to call off against the Electoral Services existing print contract with Print Image Network Ltd, through the Nottinghamshire framework.

In addition, the postage of the booklet will be procured through a separate competitive tender process.

All costs for the printing and postage of the mayoral booklet will be met by the East Midlands Combined Authority and contracts will only be awarded on the basis that the legislation needs to be passed before the contract can commence.

Exempt information: None

Recommendations:

- 1** To approve expenditure for the production and delivery of 1.6m mayoral booklets on behalf of the proposed East Midlands Combined Authority, subject to approval of legislation and noting that costs will be recovered from the Combined Authority once established.
- 2** To approve call-off against the current printing contract with Print Image Network Ltd. for the printing of the booklets.
- 3** To approve commencement of a competitive tender process for postage of the booklets, and delegate authority to the Director of Legal and Governance to award the contract based upon the outcomes of that process.

1. Reasons for recommendations

- 1.1 To ensure that the Council as proposed lead authority and the Combined County Authority Returning Officer (CCARO) can meet legal requirements for the delivery and conduct of the election, subject to the passing of relevant legislation.
- 1.2 To comply with Financial Regulations relating to testing the market to demonstrate that best value for money is being obtained.
- 1.3 To ensure business continuity for Electoral Services and the CCARO with existing supplier for the delivery of printed electoral materials.
- 1.4 To provide adequate time and resources to implement any new contract as soon as legislation is approved to ensure that all aspects of the project can be delivered on time.

- 1.5 To reduce the risk to the CCARO not being able to operate adequate, effective and efficient services as a result of any period of time where no supplier is contracted to deliver these services.
- 1.6 To pro-actively plan and react to new legislation as soon as it is approved to meet all new requirements and deliver a robust and safe elections for all citizens of Nottingham and the wider East Midlands Combined Authority area.

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

- 2.1 In August 2022, Nottingham City Council, Nottinghamshire County Council, Derby City Council and Derbyshire County Council agreed to a £1.14 billion devolution deal with the government.
- 2.2 The deal will create the first ever Combined County Authority and will see an extra £38 million a year coming to the East Midlands from 2024.
- 2.3 At present the Levelling Up and Regeneration Bill is progressing through parliament and is in the final stages with Royal Assent expected in November.
- 2.4 The proposed East Midlands Combined County Authority deal includes the requirement for an elected mayor and at present the legislation is being drafted to appoint a lead authority to oversee this election.
- 2.5 The assumption is that Nottingham City Council will be the lead authority with Melbourne Barrett appointed as Combined County Authority Returning Officer (CCARO).
- 2.6 Timescales for the approval of legislation surrounding the deal and subsequent election are extremely tight, if the election is to take place on 2 May 2024. This would allow for the election to be combined with the Police & Crime Commissioner (PCC) Election (which is the preferred option), in order to share administration and costs with central government who fund PCC elections.
- 2.7 As CCARO, Melbourne Barrett has the responsibility to ensure that every elector in the electoral area receives a booklet setting out details of the election and an election address from each candidate.
- 2.8 Ordinarily, the Combined County Authority would be established well in advance of any election and would conduct the procurement exercise for the printing and postage of the mayoral booklets but with legislation still awaiting approval this is not the case.
- 2.9 Therefore, as it is anticipated that Nottingham City Council will be lead authority with Melbourne Barrett as CCARO, and as an interim measure, the procurement of suppliers will be the responsibility of Nottingham City Council to ensure that preparations can be made to deliver the election on 2 May in advance of the legislation being given final approval.
- 2.10 Due to the volume of items and the associated costs of printing and posting 1.6m booklets we have reviewed our existing contracts and recommend the actions outlined below.
- 2.11 The printing of the booklets can be procured through call off on our existing print contract with supplier Print Image Network Ltd. Print Image Network Ltd were awarded a new contract with Nottingham City Council in June 2022 for the printing of

all electoral stationery as part of a Nottinghamshire wide framework with all 8 Nottinghamshire councils. Print Image Network Ltd are also the supplier to 4 out of the 9 Derbyshire Councils, meaning that they currently provide printed electoral materials to 12 out of the 17 councils across the combined authority area.

- 2.12 As part of the current contract, we also have a signed Data Sharing Agreement for the transfer of data, including names and addresses for the distribution of each booklet to all registered electors.
- 2.13 In addition, Print Image Network Ltd have a vast amount of knowledge and experience of printing and fulfilling mayoral booklets, as they have already delivered similar contracts for the West Midlands Combined Authority and the West Yorkshire Combined Authority mayoral elections.
- 2.14 The postage element of this project exceeds the overall contract with Print Image Network Ltd and therefore a separate tender process will be required to commission a postal provider. There is currently no postal framework to meet the specifications of this postal project.
- 2.15 The postal provider will need to be able to meet all the requirements of the specification which includes, the collection, sorting and delivery of the booklets to the nearest local sorting office for the postcodes on the booklets to ensure that they are delivered as quickly as possible. This is due to the postal voters needing to receive their booklet before their postal packs arrive so that they have the opportunity to read the information and the election addresses from the candidates before they vote and return their ballot paper.
- 2.16 The tender specification will also ensure that Best Value is met and that suppliers can meet social value, data security and environmental requirements.

3. Other options considered in making recommendations

- 3.1 Do nothing and not have an appropriate contract in place. This is not recommended as:
 - i. This would put NCC and the CCARO at a high risk, as when the legislation is passed an immediate start date for the contract will be required. If the tender process has not been followed prior to the approval of the legislation then there would be no contract in place to call off on and therefore no ability to post these items.
 - ii. Awarding a contract without carrying out a tender exercise to procure the postal provider would be in breach of financial regulations and procurement rules.
 - iii. Failure to print and post the booklet to every elector would be in breach of the election rules and could result in an election petition against the CCARO for misconduct in running the election.
- 3.2 Print and post these items in-house. This is not recommended as:
 - i. IT Services from December 2023 will no longer provide a print room for the printing of large volumes of printed materials, as this resource is being removed and Electoral Services can no longer access this service, therefore this is not an option.

- ii. The cost of printing items in-house is likely to be higher than that of external providers due to savings made through materials and economies of scale.
- iii. NCC does not have the capacity, resources or technical ability to provide an internal solution to the printing and distributing of large amounts of specialised mail, especially the printing and fulfilment.
- iv. NCC does not have the capacity to hand delivery these items due to the scale of the geographical area of the combined authority and this would create a delay in electors receiving their booklets.

4. **Consideration of Risk**

4.1 Risks have been identified throughout the report.

5. **Best Value Considerations**

5.1 Call-off against the current contract meets Best Value as this has already been achieved through the procurement process when setting up the original contract.

5.2 When awarding the postage contract Best Value can be achieved by obtaining the best postage rates by accessing mail discounts available to current postal providers, who have experienced and knowledge of delivering large volumes of mail to a wider geographical area.

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

6.1 This report is for the procurement of booklets for the Combined County Authority mayoral election.

6.2 The cost will temporarily be funded from the allocated budgets for Electoral Services within the 2023-24 Medium-Term Financial Plan. Procurement should only be approved when the government approves the devolution deal for the setup of the Combined Authority. A charge should subsequently be raised to the Combined County Authority when it is set up to recover this expense.

Alfred Ansong, Strategic Finance Business Partner - 27/10/2023

7. **Legal colleague comments**

7.1 There is an obligation under the Combined Authority (Mayoral Elections) Order 2017 for each individual voter in the area of the new combined authority to be sent an electoral booklet outlining the arrangements for the election and a statement from each of the candidates.

7.2 Until the combined authority is established and created by statute it is not a legal entity in its own right and therefore, cannot meet this obligation. As the likely lead authority for the Combined Authority Election Nottingham City Council is undertaking this procurement on behalf of the combined authority.

7.3 The cost of undertaking the procurement and the associated costs of printing and postage will be met by the Combined Authority once established.

Beth Brown, Head of Legal - 18 October 2023

8. **Other relevant comments**

8.1 **Procurement colleague comments**

The printing of the booklets will be carried out by Print Image Ltd via the Nottinghamshire framework is a compliant, value for money way of securing this element of demand.

The postage element will be secured via a competitive tender process thus ensuring best value to The East Midlands Combined Authority.

All costs for the printing and postage of the mayoral booklet will be met by the East Midlands Combined Authority and contracts will only be awarded on the basis that the legislation needs to be passed before the contract can commence.

Paul Ritchie, Procurement Category Manager – 18 October 2023

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

9.1 N/A

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

10.1 Existing Contract – already met.

10.2 Proposed Postage Contract – use local suppliers and ensure that logistical arrangements are eco-friendly and efficient with low carbon emissions, wherever possible.

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

11.1 N/A

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

12.1 An EIA is not required because this report relates to business-as-usual processes.

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

13.1 A DPIA is not required because this report relates to business-as-usual processes.

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

14.1 As part of the tender process, consideration will be given to the impact as set out above and due regard will be given to any implications identified.

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

15.1 None.

16. **Published documents referred to in this report**

16.1 None.

Commissioning and Procurement Executive Committee – 14 November 2023

Subject:	Supply of fresh fruit, vegetables, and dairy to catering establishments.		
Corporate Director:	Catherine Underwood - People		
Portfolio Holder:	Councillor Cheryl Barnard - Children, Young People and Schools		
Report author and contact details:	Thomas Ali, Food Development Officer Thomas.Ali@Nottinghamcity.gov.uk		
Other colleagues who have provided input:	Abi Yusuff, Interim Commercial Business Partner Amana Parveen, Solicitor Holly Fisher, Lead Procurement Officer		
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: £3,060,000			
Wards affected: All			
Date of consultation with Portfolio Holder: 19 October 2023			
Relevant Council Plan Key Outcome:			
Green, 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"/>		
Living Well in our Communities	<input checked="" type="checkbox"/>		
Keeping Nottingham Moving	<input type="checkbox"/>		
Improve the City Centre	<input type="checkbox"/>		
Better Housing	<input type="checkbox"/>		
Serving People Well	<input type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
Nottingham City Council has over 70 schools, catering outlets and care homes which require fresh fruit, vegetables and dairy products. The current contract expires in January 2024 and it is essential to have a stable supply of these products in place for the future. This covers all catering sites and all wards in the city.			
Exempt information: None			
Recommendations:			
1 To approve the undertaking of full tender processes to procure up to 4-year (2+1+1) contracts for the supply of:			
(a) fresh fruit and vegetables, with a maximum cost of £1,900,000;			
(b) dairy products, with a maximum cost of £1,160,000.			
2 To delegate authority to the Corporate Director for People to award the contracts to the successful bidders.			

1. **Reasons for recommendations**

- 1.1 The current contracts for the supply of Fresh Fruit & Vegetables and also Dairy expire in the 31 January 2024. 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.
- 1.2 There is a contract for suppliers and is subject to the Public Contracts Regulations 2015 which requires the City Council to undertake a competitive tender process to award the contract.
- 1.3 The rationale for the decision is that all the expenditure will be covered by the charges for school meals, which is either through paid meals for the Free Schools Meals budget or income from the Council operated catering outlets.

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

- 2.1 Nottingham City Council has over 70 schools, catering outlets and care homes which all require fresh fruit, vegetables and dairy products. The current contract expires in January 2024. It is essential to have a stable supply of these products in place for the future. Nottingham City Council Catering is looking to have a tender for all products to provide a cost effective, quality and stable supply chain in place to cover the next 4-year period.
- 2.2 For fresh fruit and vegetables we look to use local suppliers with a focus on reduced food miles and local labour.
- 2.3 Local suppliers will be considered for the Dairy as well, however from previous tenders the location of large Dairy distribution centres are not always local. A focus on direct deliveries to reduce food miles will be a key focus.

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

- 3.1 If we do nothing this would leave Nottingham City Council at risk of no longer receiving products that are essential to produce school meals. This option has been rejected as Nottingham City Council needs suppliers to provide the food to schools, catering outlets, care homes and heritage sites, ensuring that services to citizens continue.

4. **Consideration of Risk**

- 4.1 The risk of not having a contract in place would mean costs would not be held and prices fluctuate. The contracts provide terms for suppliers to adhere to in both cost, quality and supply expectations.

5. **Best Value Considerations**

- 5.1 Best Value is demonstrated including consideration of the following:

- DIY- Not an option as there is not a structure in place or personnel to handle the quantity of food and regulations;
- BIY- This is not an option as the list of products required is extensive and whilst many are sourced in the UK, some fruit and vegetables have to be imported to meet demand particularly when a product is out of season;

- BIWO - We have already incorporated internal departments but whilst we have scoped out working with other local authorities before, this isn't as easy to manage with many varying factors and from feedback from suppliers they find it easier to manage contracts separately to avoid several account managers;
- DIWO - This is joint across internal departments to increase spend and capture best price. Whilst many products are the same, there are specific items required for care homes;
- DIFO – do it for others- trading and income enhancement;
- REDUCE - Services are essential to the catering operations. To reduce the supply would put contracts at risk;
- STOP – this is not an option as we would not be able to fulfil our contracts.

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

- 6.1 This decision seeks approval to go out to tender for supply of Fresh Fruit & Vegetables with a maximum cost of £1,900,000 and for supply of Dairy products (bread, milk, cheese) with a maximum cost of £1,160,000 for up to a 4-year period. (2+1+1) for the Nottingham Catering service for use in over 70 schools, catering outlets and care homes. The contract will be for 2 years with an optional 2-year extension.
- 6.2 Nottingham City Catering currently spends approximately £280k per annum on bread and dairy products and spends approximately £470k per annum on fresh fruits and vegetables, which equates to a total annual value over 4 years of £1,120,000 and £1,880,000 respectively for each supply.
- 6.3 The value of increased costs from the new contracts will need to be reflected in charges for services to ensure no adverse financial impact on Catering services.
- 6.4 Spend on fresh fruit and vegetables and dairy products have increased significantly compared to prior years due to the recent high cost of living and inflation on goods and services. Increase in volume, number of schools, commercial sites and care homes.
- 6.5 The current contract expires in January 2024. It is essential to have a stable supply of these products in place for the future. Nottingham City Council Catering is looking to have a tender for all products to provide a cost effective, quality and stable supply chain in place to cover the next 4-year period.
- 6.6 Ongoing adherence to the Council's procurement procedures will ensure that value for money is achieved and Nottingham Catering is able to deliver on its MTFP position.
- 6.7 The contract will need to be reviewed after the initial 2-year period to ensure prices remain competitive and ensure continued value for money, and that the contract is still fit for purpose for the service.

Abi Yusuff, Interim Commercial Business Partner - 14/09/2023.

7. Legal colleague comments

- 7.1 This decision is seeking to approve the total expenditure of £3,060,000 to supply fresh fruit and vegetables (for the value of £1,900,000) and dairy products (for the value of £1,160,000) across Nottingham City's schools, catering outlets and care homes. The proposals in this report raise no significant legal issues and are supported. The use of funding must be in accordance with Council's Constitution and Contract Procedure Rules such as the Public Contracts Regulations 2015, which may vary depending on the value of the decision.
- 7.2 Legal services will assist as necessary with respect to contract drafting and the future procurement requirements and the sign off will be subject to a final legal review.

Amana Parveen, Solicitor – 20 September 2023

8. Other relevant comments

8.1 Procurement comments

- 8.2 The request to undertake a procurement exercise to establish a framework for the provision of Fresh Fruit, Vegetables and Dairy does not pose any procurement risk to the Council, complying with both the Public Contract Regulations 2015 and the contract procedure rules.
- 8.3 Procurement will support in sourcing both the Supply of Fresh Meat and Frozen and Grocery Food Provisions replacement contracts by utilising the open procedure.
- 8.4 Due to the value, this contract opportunity will be advertised using Contracts Finder, Find a Tender Service and on Due North.
- 8.5 The open procedure enables the wider marketplace to engage with the opportunity, encouraging competitive tension and innovative solutions, procurement will support in the development of the requirement and the assessment criteria.

Holly Fisher, Lead Procurement Officer - 31 August 2023

9. Crime and Disorder Implications (If Applicable)

- 9.1 Not applicable.

10. Social value considerations (If Applicable)

- 10.1 Procuring best quality provisions to provide a nutritious and balanced diet to the City's school children, Residential Unit users and staff.
- 10.2 The tender will be open to a wide range of suppliers including the local suppliers for consideration.
- 10.3 Where possible this will allow better flexibility and the opportunity to reduce food mileage and transport costs.

11. Regard to the NHS Constitution (If Applicable)

- 11.1 Not applicable.

12. Equality Impact Assessment (EIA)

12.1 An EIA is not required because no Equality issues will result as part of this decision. This is a process to procure products for the service and does not involve amending any current policies.

13. Data Protection Impact Assessment (DPIA)

13.1 A DPIA is not required because there is no Data protection impact from this decision to tender as the data shared is based on products and prices only and not specific individual users or sharing protected data.

14. Carbon Impact Assessment (CIA)

14.1 A CIA is not required because the tender will not alter the carbon impact for the catering service. These products are required to run the service and transport miles have been calculated in any current assessments.

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

15.1 None.

16. Published documents referred to in this report

16.1 None.

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Subject:	Highways Annual Procurement Approval 2024-25		
Corporate Director: Director:	Colin Parr - Communities, Environment and Resident Services Mary Lester – Resident Services		
Portfolio Holder:	Councillor Angela Kandola - Highways, Transport and Planning		
Report author and contact details:	Meagan Milic, Highways Compliance Manager Meagan.milic@nottinghamcity.gov.uk Chris Keane, Head of Highway Services Chris.keane@nottinghamcity.gov.uk		
Other colleagues who have provided input:	Sohaib Chaudhry, Senior Commercial Business Partner Anthony Heath, Legal Contracts and Commercial Team Sue Oliver, Places Category Manager Chris Carter, Head of Transport Strategy Mark Jenkins, Head of Traffic and Flood Risk Management Mark Bradbury, Infrastructure Delivery 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: taking account of the overall impact of the decision	<input checked="" type="checkbox"/> Expenditure	<input type="checkbox"/> Income	<input type="checkbox"/> Savings of £750,000 or more
			<input checked="" type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital		
Capital Board consideration is not required as the Frameworks support the delivery of the statutory highways maintenance function and the delivery of external capital grant funded works.			
Total value of the decision: £16.72m			
Wards affected: All			
Date of consultation with Portfolio Holder: 12 October 2023			
Relevant Council Plan Key Outcome:			
Clean and Connected Communities	<input checked="" type="checkbox"/>		
Keeping Nottingham Working	<input checked="" type="checkbox"/>		
Carbon Neutral by 2028	<input checked="" type="checkbox"/>		
Safer Nottingham	<input checked="" type="checkbox"/>		
Child-Friendly Nottingham	<input checked="" type="checkbox"/>		
Healthy and Inclusive	<input type="checkbox"/>		
Keeping Nottingham Moving	<input checked="" type="checkbox"/>		
Improve the City Centre	<input checked="" 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):			
The purpose of this report is to seek Council’s approval for the provision of future procurement arrangements to support Nottingham City delivery of statutory Highway Maintenance Works, Highway Improvement and Public Realm Programmes and Specialist Support Services for Highways Works.			
There are currently established framework arrangements in place to support highways delivery, but considering the level of framework spend to date and forecast planned work activity in future years, it is essential that new and additional frameworks are established commencing in 2024/25.			

In preparation of this and to ensure continuity in procurement compliance for delivery in future years, both new and additional Contracts will be required to be put in place, these will be under framework arrangements without commitment to spend.

In addition, there are requirements for approval to access third party frameworks for essential services for Highways.

Approval is sought to put procurement arrangements in place for the following essential activities:

1. Works – Planned Carriageway Maintenance
2. Works – Drilling, Sawing & Cutting
3. Services – Site Surveys including Ground Radar
4. Services – Winter Service Weather Forecasting

It is proposed that Frameworks are awarded through conducting processes in accordance with the Council's Contract Procedure Rules and requirements under the Public Contracts Regulations 2015 and where permitted to access existing national frameworks (provided they demonstrate Best Value).

Frameworks are anticipated to utilise the National Engineering Council (NEC 4) Suite of Construction Contracts or other industry recognised and accepted terms.

A breakdown of the framework requirements is set out in more detail in Appendix 1. This includes the proposed duration of Contracts.

In the operation of any awarded framework agreements, it will be necessary to award call-off Contracts for individual projects. To ensure oversight to the operation of any framework and subsequent call-off arrangements, this report proposes that the responsibility be delegated at an operational level to the Contracts and Compliance Manager for Highways.

Exempt information: None

Recommendations:

- 1 To approve the procurement and subsequent award of Contracts / Framework Agreements as set out in Appendix 1.
- 2 To delegate authority to the Contracts and Compliance Manager for Highways who will act as 'Framework Manager' on the awarded call-off from the Framework Agreements as listed in Appendix 1.

1. Reasons for recommendations

1.1 **Recommendation 1** - Procuring Highway Frameworks will allow Highway Services to continue to compliantly deliver works and services to fulfil statutory obligations to maintain the highway and support all Transport Services in compliant delivery options.

1.2 The identified benefits of putting these arrangements in place are:

- Continuity in the provision of compliant delivery arrangements for highways activities in response to sustained grant allocation for highways and transport projects;

- Enabling the delivery of external grant funded schemes in line with the timescales of the award;
- A value-for-money delivery model with no fixed financial commitment to use the framework;
- Opportunities for local Small to Medium Enterprise (SME) companies to tender for the work; through framework awards under smaller lots;
- The potential for a local workforce either through direct employment or through regional SME sub-contractors;
- Ensuring the Council complies with its duty of Best Value by going through a competitive process to evaluate price and quality; this to include further competition through mini-competition;
- Economies in accessing established third-party frameworks where viable
- The ability to develop relationships with a core set of framework providers to the Council and ensure effective management through such relationships.

1.3 Appendix 1 outlines the frameworks required to be approved under this decision, including estimated spend over a 4-year period. All frameworks have no commitment to spend, and values stated are estimated based on current operational forecasts and the MTFP.

1.4 **Recommendation 2** – To have a named officer to have oversight of the frameworks and approve any call-off arrangements will ensure that there is appropriate and ongoing governance of the spend under, and operation of, the frameworks. In addition, to ensure that the necessary authorities and budgets are in place on a project-by-project basis before a call-off can be awarded.

1.5 This delivery model has a number of additional benefits including:

- Strong links to our corporate value and objectives through:
 - I. Comprehensive compliant financial and procurement arrangements;
 - II. Provision of real opportunities for local businesses and local employment;
- A highly flexible and responsive structure to accommodate short term changes to delivery programmes;
- Local knowledge available in the planning and assessment of proposed works.

2. Background (including outcomes of consultation)

2.1 It is essential that the Authority has compliant procurement routes for the management and delivery of highway maintenance, construction, design, and transport related activities.

2.2 The current Highways Procurement approval decision was approved at Commissioning and Procurement Executive Committee on 13 December 2022. Implementation of all named frameworks are established, delivered in conjunction

with Procurement, Legal Services and in alignment with the MTFP. These arrangements comprise of a suite of significant works and services frameworks for a 4-year period.

- 2.3 This executive decision, to seek approval to procure new and additional works and services frameworks, will actively support the established Highways Procurement Strategy.
- 2.4 Highways project delivery is forecast at £15m per annum, for the next 3 years. This is in response to:
 - I. Continued delivery of area-based improvement programmes and the highways maintenance Capital Programme;
 - II. Successful transport bids, including, but not exhaustive, the Transforming Cities Fund (TCF2) and the Future High Street Fund;

It's essential to forward plan to accommodate for this anticipated significant spend between 2024 to 2027. Through framework use, financial risks of variation to projects are mitigated as there is no commitment to spend over the framework period.

- 2.5 The new frameworks will complement the work undertaken by our Employer Hub. This is Nottingham City Council's local employment and training service and will help the Council to deliver opportunities for local people while providing a free recruitment and training service to meet the workforce needs of suppliers. This will benefit not only Nottingham Citizens with job opportunities but our framework providers in recruitment.

3. Other options considered in making recommendations

- 3.1 Not to let Contracts or Frameworks - Not having compliant procurement measures in place will adversely affect our ability to engage with suppliers and contractors to deliver essential highway works and projects, in particular through time limited external grant funding.

Further, no effective means to demonstrate compliance with financial and procurement regulations for the significant spend in future years by the broader Transport Group at NCC.

- 3.2 To not progress new framework arrangements will jeopardise grant funding and Nottingham would lose out on the opportunity to invest the City, its transformation and in local neighbourhoods. It would also fail to demonstrate commitment to the Government's Levelling Up agenda putting at risk the ability to secure future capital funding.
- 3.3 To directly award Contracts - this would require commitment to spend at point of contract, would not provide the flexibility required for service requirements, including commercial market opportunities, over the period and therefore not provide best value.

4. Consideration of Risk

- 4.1 To manage risks, officers have developed risk assessments, regularly monitor performance, compliance, income, and expenditure, as well as put in place clear escalation procedures to ensure that all funding is received, and any potential risks are identified and mitigated early.

- 4.2 The Senior Responsible Officer (SRO) is the Head of Transport Strategy. The programme of capital works will be managed by officers within Growth & City Development and Resident Services. The Council has a good track record of delivering transport capital projects.
- 4.3 All delivery will be under an established project governance structure reporting into the Capital Board. The governance structure has defined reporting lines and a clear decision-making process.
- 4.4 Through the establishment of frameworks, the financial risks of variation to projects are mitigated as there is no commitment to spend in any fixed year or over framework period. Equally frameworks provide a robust, compliant means to engage the market to support on project delivery within budgetary and grant timelines – effective means of demonstrating best value.

5. Best Value Considerations

- 5.1 'Highway Services' deliver works for NCC's highways and transport requirements, successfully fulfilling all client work-streams. The service area delivers a hybrid model solution, using in house and outsourced scheme delivery options, through Framework Agreements.
- 5.2 Our Framework Agreements allow Highways Services to demonstrate, how the requirement to achieve best value, has been embedded throughout a compliant Procurement process.
- 5.3 An example within this process would be how a service or product is judged to be weighted against 'quality' and 'value for money'.
- 5.4 By operating a hybrid model, the service area are able to effectively manage the fluctuations within the internal programme, to offer best value for money. Where it is not possible to deliver works in house, it is usually the case that specialist skills are required.
- 5.5 A significant portion of this 'Approval to Procure' covers specialist skill sets that otherwise could not be delivered in house and or will better deliver best value by being out-source.

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

- 6.1 The purpose of the decision is to seek approval to procure to the value of £16.72m over a 4-year period. This is on behalf of 'Highways Services' and extends to the entire NCC organisation, thus servicing the 'One Framework for ALL' model. This isn't a contractual liability to spend £16.72m but to seek approvals to tender and accept bids for that value.
- 6.2 The risk involved with this decision is being unable to secure approval for procurement, which will lead to emergency measures and further pressures on the MTFP to source funding. This will also work counter-intuitively in terms of best value considerations.
- 6.3 The source of funding is capital funded, but we are receiving external grants from Local Transport Plan (LTP) of £15m which is scheduled for planned carriageway maintenance, due to be capitalised. This grant would need to be spent in accordance with the policy and requirement of the grant.

- 6.4 The remaining £1.12m works on new contract requirements, shown in appendix 1, are to be funded by the capital programme, Major Programmes as the client for this project except for the winter gritting of £400k which will be met via revenue as this a renewal of an existing framework.
- 6.5 There are currently no MTFP implications with this decision as this is to seek approval to procure. However, as this decision progresses and costing implications are considered, service area would need to monitor and be held responsible to work within these budgeted quotes with any shortfalls needing to be mitigated by the business.

Sohaib Chaudhry, Senior Commercial Business Partner - 28/06/2023

7. Legal colleague comments

- 7.1 There are no significant legal concerns arising from the recommendations set out in this report. The recommendations are asking for authority to procure or access compliant framework agreements to provide and/or support the delivery of a range of highways related services over a 4-year period. The most suitable contracting arrangements and procurement processes will be determined in consultation with the Corporate Procurement Team and, where required, Legal Services. In any event, they must be in accordance with the Council's Constitution and relevant laws, including the Public Contract Regulations 2015.
- 7.2 It is understood that the value of £16.72m is the indicative maximum spend to be awarded under those contracts over the duration of the frameworks rather than a budget approval for £16.72m to be committed to those services. Any call-off contract placed under the framework must have an approved budget against it – whether as part of a departmental budget for services provided (as is likely to be the case for most call-offs made by Highway Services) - or through a project specific approval for example where Highway Services are delivering services against a funded scheme. Where a budget is in place then any awarding officer may be required to complete an Operational Executive Decision-Making Form in accordance with Constitutional requirements.
- 7.3 Where existing frameworks cannot be accessed, which creates a requirement to create a new Framework, depending on the particular requirements of the Framework there may be a need to engage external legal support to help create the framework. The in-house Legal Services team does not have construction law expertise at present. Engaging external legal support will create a cost that will need to be budgeted for. There may also be a need to use external legal support where the timescale to create the Framework is short due, to the resource capacity limitations of the Contracts and Commercial team. Legal Services can assist in engaging external legal support at preferential rates via the EM Lawshare framework.
- 7.4 Recommendation 2 is to provide a smooth mechanism to place orders under the procured frameworks, without seeking any further approval to award or enter into a contract (subject to budget availability as per 6.2 above). To have authority delegated to the Contracts & Compliance Manager for Highways who will act as a Framework Manager should be an appropriate mechanism as they will have full oversight as to the operation of the contracts and will ensure that call-off arrangements are made compliantly under the terms of the framework and meet the requirements imposed by the Council's Constitution. Where an officer is awarding a contract, it must be in accordance with any financial authorities they have been granted under the Council's Constitution, however the proposed delegation will mean

that the Framework Manager can award a call-off for any value where they have been provided evidence that there is a budget in place and approved. Regard must be had to the Council's Constitution, and specifically the Contract Procedure Rules regarding the execution of contracts for certain values. Where a contract is required to be executed under the Council's Seal – whether due to the financial or risk value – then this will need to be executed by the Director of Legal and Governance or the Head of Legal Services.

- 7.5 Where external grant funding is being used, compliance with Grant Funding Conditions must be ensured.

Anthony Heath, Legal Contracts and Commercial Team - 27/06/2023

8. Procurement comments

- 8.1 There are no significant procurement concerns with the recommendations set out within the report. The procurement team will work with the highways department to ensure that all procurement activity is compliant with Public Procurement Regulations and maximising both best value and social value outcomes for the Council.
- 8.2 Any savings from these procurement exercises will (where applicable) be allocated in respect of the Council's corporate savings target for procurement.
- 8.3 For the newly procured framework agreements the final contract value will not be known at the point of award, it has been agreed with the service area that accrued savings will be calculated and recovered annually. Savings in relation to third party call offs will be calculated at the time of award by deducting the actual contract value awarded from the approved budget. Details will be confirmed with the service area at the time of contract award, via the Tender Summary and Decision form.

Sue Oliver, Places Category Manager - 28/06/2023

9. Crime and Disorder Implications (If Applicable)

- 9.1 Highways Maintenance and public realm improvement programmes improve the lives of residents through physical regeneration improving infrastructure for the betterment of all. Improvements in physical regeneration makes a material difference in reductions in crime and disorder.

10. Social value considerations (If Applicable)

- 10.1 The overall procurement arrangements ensure delivery of specialist elements, flexibility in programming and resource targeting, and opportunities for local training and employment by requiring contractors to source staff through the Employer Hub.
- 10.2 The Employer Hub is Nottingham City Council's local employment and training service and will deliver opportunities for local people while providing a free recruitment and training service to meet the workforce needs of suppliers and contractors.

11. Regard to the NHS Constitution (If Applicable)

- 11.1 Not applicable.

12. Equality Impact Assessment (EIA)

12.1 An EIA is not required because this is a continuation of existing services.

13. Data Protection Impact Assessment (DPIA)

13.1 A DPIA is not required because there is no impact on data protection.

14. Carbon Impact Assessment (CIA)

14.1 A CIA is not required because the carbon impact of the projects these frameworks support will be assessed on a project-by-project basis.

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

15.1 None.

16. Published documents referred to in this report

16.1 Highways Annual Procurement Approval report (Commissioning and Procurement Executive Committee – December 2022).

Appendix 1 - Highway Services - Spend Profile Forecast 2024/25

Highway Services - New Contract Requirements						
Works Category		Category	Works Description	Existing Framework Arrangements	Existing Framework value (£m)	New or Additional Framework arrangements for approval (£m)
1	Planned Carriageway Maintenance	Works	Planning, surfacing, ironworks and small element of maintenance of kerbing and footpaths.	CPU 4622	10.0	15.0
2	Drilling, Sawing & Cutting	Services	To provide drilling, sawing & cutting services to support highways construction activities.	N/A	N/A	0.40
Page 24	Site Surveys (including Ground Rador)	Services	Undertaking of site surveys including ground radar.	CPU 4674	0.10	0.6
	Weather Data Collection	Services	Weather data collection, monitoring & equipment Maintenance.	N/A	N/A	0.12
						16.12

Highway Services - Access Requirements to Third Party Frameworks						
Works Category		Category	Existing National Frameworks	Existing Framework Arrangements	Existing Framework value (£m)	New or Replacement Framework arrangements for approval (£m)
1	Winter Gritting	Services	ESPO Weather Forecasting Services	ESPO	0.28	0.60
						0.40
Total Forecast Spend (£m)					10.4	16.72

Subject:	Continuation of Changing Futures Programme for People Experiencing Severe and Multiple Disadvantage		
Corporate Director:	Catherine Underwood - People		
Director:	Lucy Hubber - Public Health		
Portfolio Holder:	Cllr Linda Woodings - Adults and Health		
Report author and contact details:	Tracey Ford, Senior System Change Commissioning Manager tracey.ford@nottinghamcity.gov.uk		
Other colleagues who have provided input:	Tracey Moore, Commercial Business Partner Benita Meehan, Contracts and Commercial Solicitor Jo Pettifor, Category Manager (People) Steve Oakley, Head of Contracting and Procurement Helen Johnston, Consultant in Public Health Nancy Cordy, Head of Strategy and Service Improvement		
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		
Total value of the decision: £2,444,493			
Wards affected: All			
Date of consultation with Portfolio Holder: 25 October 2023			
Relevant Council Plan Key Outcome:			
Green, 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"/>		
Living Well in our Communities	<input checked="" type="checkbox"/>		
Keeping Nottingham Moving	<input type="checkbox"/>		
Improve the City Centre	<input type="checkbox"/>		
Better Housing	<input type="checkbox"/>		
Serving People Well	<input checked="" type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
<p>This report requests approval to accept and use funding awarded to Nottingham City Council (on behalf of a local partnership facilitated by the Nottingham City Place Based Partnership) following successful applications to the national Changing Futures programme for an extension of the existing Changing Futures grant and to the NHS Nottingham and Nottinghamshire Integrated Care Board (ICB) Health Inequalities and Innovation Fund (HIIF) to deliver a programme of work to improve outcomes for people experiencing severe and multiple disadvantage (SMD).</p> <p>Nottingham has the eighth highest prevalence of SMD in England (JSNA 2019). SMD is one of four high level priorities to improve health and reduce health inequalities of the population in Nottingham included within the Joint Health and Wellbeing Strategy 2022-25.</p> <p>The approval of the recommendations within this report will allow for the continuation and expansion of an ambitious programme for direct delivery of services and infrastructure to improve</p>			

how statutory and voluntary sector partners work together to improve the lives of people experiencing SMD and the effective use of system resources during the 2024/25 year.

Exempt information: None

Recommendations:

- 1** To approve receipt of funding up to a total of £993,265 from the Department for Levelling Up, Housing and Communities' Changing Futures transition fund to deliver an agreed programme of activity from 01/04/2024 to 31/03/2025.
- 2** To approve receipt of funding up to a total of £469,375 from The National Lottery Community Fund's Changing Futures transition fund to deliver an agreed programme of activity from 01/04/2024 to 31/03/2025.
- 3** To approve receipt of funding up to a total of £981,853 from the NHS Nottingham and Nottinghamshire Integrated Care Board's Health Inequalities and Innovation Fund to deliver an agreed programme of activity from 01/04/2024 to 31/03/2025.
- 4** To approve spend of £2,444,493 from 01/04/2024 to 31/03/2025 to meet the Changing Futures programme objectives, in line with the indicative spending plan in appendix 1, with operational oversight delegated to the Changing Futures Programme Delivery Board.
- 5** To approve awards of contracts as set out in appendix 1 for transacting the spend to deliver the Changing Futures programme in 2024/25.

1. Reasons for recommendations

- 1.1 Approval to take receipt of the funding detailed in recommendations 1 – 3 (totalling £2,444,493) is sought to allow for the continued delivery and extension of Nottingham's Changing Futures programme in line with proposals submitted to the Changing Futures national team and the Integrated Care Board.
- 1.2 Appendix 1 details the proposed spend of the three sources of funding from 01/04/2024 to 31/03/2025 as described in recommendation 4. This largely replicates the existing model and extends some areas of programme activity in line with opportunities to increase the impact of the programme. These are ring fenced grant monies, subject to the Council's financial regulations. Oversight of the full budget remains with the Changing Futures Partnership Board, which needs flexibility to resource the programme.
- 1.3 Appendix 1 also details the compliant routes to market for the proposed contracts to be approved under recommendation 5. This includes:
 - 1.3.1 extending the existing s. 75 agreements, so the programme can continue the roles of the Mental Health Practitioner and Programme Director hosted by NHT from 01/04/2024 to 31/03/2025 and the Advanced Analyst at the ICB from 01/07/2024 to 31/03/2025;
 - 1.3.2 expansion of the embedded practitioner model into up to four additional public bodies. Changing Futures currently has embedded practitioners in five partner agencies. This model is proving beneficial and is improving the way they work with people experiencing SMD. The development of new partnerships is currently being explored to confirm scope for delivery and to reach those areas most relied upon by people experiencing SMD.

Subsequent approval will be sought for spend and approach to contracting once proposals have been confirmed. It is intended that these arrangements will be in place from 01/04/2024 to 31/03/2025;

- 1.3.3 the Main Delivery Service contract, currently delivered by Framework, has been confirmed as exempt from Contract Procedure Rules under 18.94. This will allow the current services to continue from 01/04/2024 to 31/03/2025 with some extensions to provision. The services are to meet the needs of people experiencing SMD, this is a particularly complex cohort, which requires specialist knowledge and experience;
- 1.3.4 the transition to new contracting and funding arrangements in 2024/25 would represent a risk to continuity due to uncertainty in the provider organisation and staff members. This carries a risk of the loss of experienced staff (as occurred during the transition from Opportunity Nottingham). These contracting arrangements will minimise this risk for delivery in 2024/25, with the intention to undertake the more comprehensive recommissioning required for ongoing compliance with procurement regulations prior to the start of the 2025/26 year;
- 1.3.5 by extending the existing contracts for advocacy and the Primary Care Embedded Practitioner, the services will continue uninterrupted from 01/04/2024 to 31/03/2025. This applies equally to the grant agreement with NCVS, which would be extended from 19/06/2024 to 31/03/2025.

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

- 2.1 The Changing Futures programme is a £77 million joint initiative by the Department for Levelling Up, Housing and Communities (DLUHC) and The National Lottery Community Fund (TNLCF), the largest funder of community activity in the UK. The fund is for local organisations to work in partnership to better support those who experience SMD, defined as experiencing three or more of the following concurrently: homelessness, substance use, mental health issues, domestic violence, and contact with the criminal justice system.
- 2.2 The Place Based Partnership (PBP) bid for Changing Futures funding in 2021/22. A grant of £3,878,673 was awarded, the award was made to Nottingham City Council. A report was brought to this committee in September 2021 to approve receipt of the initial award and the model of expenditure. The funding was due to come to an end in March 2024.
- 2.3 This significant programme of activity, designed to help improve the lives of people in the city who experience SMD, commenced in February 2022 and has been fully in place since July 2022. Improving the lives of people experiencing SMD is one of four priorities in the Nottingham City Joint Health and Wellbeing Strategy 2022-25.
- 2.4 DLUHC and TNLCF sought expressions of interest for an extension of funding for another year (from 01/04/2024 to 31/03/2025) to support local Changing Futures partnerships in their efforts to transition to local sustainability. Once again, the PBP bid for the funding. All bidders were limited to bidding for up to 70% of this year's allocation. The bid was accepted, and an award of £993,265 has been offered to Nottingham City Council by DLUHC and a further £469,375 from TNLCF.
- 2.5 The PBP simultaneously bid to the ICB's Health Inequalities and Innovation Fund for funding for services to people experiencing SMD. This bid has also been approved and an award of £981,853 offered from 01/04/2024 to 31/03/2025. The funding will

be subject to review during the year, with the potential for recurrent funding from 2025 onwards.

- 2.6 There has been considerable work negotiating with the funders to clarify the complementary use of funds and ensure collective agreement with the overall programme of work proposed and the allocation of the funding. The costed proposal is at Appendix 1, showing which elements will be funded from which source and the mechanism for commissioning the services.
- 2.7 Accepting these grants will ensure Nottingham can continue the delivery and further development of Changing Futures activity to realise the significant benefits of improving the lives of vulnerable people and the avoidance of serious negative outcomes. The acceptance and approval of spend for the grants will enable the programme to continue through 2024/25, preventing a substantial loss of existing support for people experiencing SMD by providing continuity of provision beyond the end of the current award.
- 2.8 Consultations have taken place with Nottingham's SMD Partnership and the Experts by Experience Board. The comments of both groups have been incorporated into the proposed model for delivery. The proposed model of delivery has also been approved (subject to formal approval by the Council) by the Nottingham City Changing Futures Programme Delivery Board.
- 2.9 The effectiveness of this programme is contingent on system change across public sector organisations. The expansion of Embedded Practitioners is needed to support direct engagement between the service and the wider Changing Futures programme with scope to directly influence developments within their organisation.

3. Other options considered in making recommendations

- 3.1 To not accept the funding awarded. This is not recommended on the basis that to not take receipt of the funding would lose the opportunity to realise expected benefits from direct operational delivery and prospects for longer term improvements.
- 3.2 Various options were considered in developing the model. The model proposed incorporates all elements of the current model and provides for expansion of the Wraparound Multi-Disciplinary Team and the Embedded Practitioner roles.
- 3.3 Reprocurring all services was considered as an option. This is not possible for operational reasons. There would be significant risk to the continuity of services. To minimise the risk around transition, the Programme has recommended options to extend existing agreements where compliant with the Council's financial regulations. This will ensure the continuity of the programme and minimise associated uncertainty amongst services and colleagues over their future involvement in the programme.

4. Consideration of Risk

- 4.1 There are risks associated with not accepting the funding and ceasing all Changing Futures services on 31/03/2024 when the current funding comes to an end. Referrals would be immediately and permanently ceased, exit planning for the individuals currently on service would begin. This would likely be hampered as staff leave for more secure jobs. This would potentially result in increased demand on other services, and worsening outcomes for vulnerable people.
- 4.2 The transition to new contracting and funding arrangements in 2024/25 represents a risk to continuity due to uncertainty amongst provider organisations and staff

members over their continued involvement in the delivery programme. This carries an associated risk of the loss of experienced staff (as occurred during the transition from Opportunity Nottingham). Consideration has been given to contracting arrangements that will promote stability to minimise this risk for delivery in 2024/25, with the intention to undertake more comprehensive recommissioning required for ongoing compliance with procurement regulations prior to the start of the 2025/26 year.

- 4.3 Legal Services and Procurement have been consulted in the development of this report. All routes to market are considered compliant with Public Contracts Regulations and the Council's internal Contract Procedure Rules.
- 4.4 There are substantial risks if there is no smooth onward provision of the Main Delivery Service with anticipated staff loss and interruptions to delivery. To go through a procurement that would not attract any viable interest would destabilise the service and, as was experienced previously, result in loss of experienced staff. An award through negotiated procedure without prior publication is appropriate in this case on the basis that no alternative provider is able to meet these requirements.
- 4.5 The ambition for delivery programme for Changing Futures in 2024/25 is fully funded by the funding streams identified in this paper and contracts have been written such that the Council is not exposed to separate financial risk. Financial liability for two Council staff will be assessed, costed and appropriately budgeted for in 2024/25.

5. **Best Value Considerations**

- 5.1 Best value is achieved for the City by accepting the award. This is income enhancement.
- 5.2 Best value is achieved by commissioning and spending using mechanisms described in Appendix 1. Two lines extend existing City Council temporary staff contracts, four providers will be selected by seeking three quotes. All proposed contract awards will be fully transparent, with contract values based on actual salaries and on costs, with a negotiated amount for expenses, management and overheads. The programme will also extend its reach into other public bodies through deploying additional embedded practitioners. All of this is designed to improve efficiency and outcomes from services provided by the Council and partner organisations.
- 5.3 The infrastructure provided through the programme helps to improve efficiency and outcomes from other services provided by Council and partner organisations. Changing Futures provides support and navigation within services, reducing inappropriate presentations and reliance on reactive crisis services.
- 5.4 All contracts and other agreements proposed to be extended were secured through competitive tender or other compliant processes which ensured Best Value.
- 5.5 All services commissioned are reviewed quarterly. Additionally, there are quarterly reviews of the overarching programme and spend reported to our funders.
- 5.6 The Personalised Commissioning Budget provides a flexible and innovative means of tailoring services to meet individual needs. All awards will be made following a documented procedure.

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

- 6.1 This decision seeks approval for the receipt and the spend of grant funding to continue the Changing Futures Programme during 2024/2025. This follows a

previous decision on 11 January 2022 at the Commissioning and Procurement Executive Committee.

- 6.2 The total value of this decision is £2,444,493 which is a combination of three grants, the breakdown is contained within the table below:

Changing Futures Funding: 2024/2025	Total Grant £
Department for Levelling Up, Housing and Communities	£993,265
The National Lottery Community Fund	£469,375
NHS Nottingham and Nottinghamshire Integrated Care Board Health Inequalities and Innovation Fund	£981,853
Total Grant 01/04/24 to 31/03/2025	£2,444,493

- 6.3 All grant funding must be spent between 01/04/24 to 31/03/2025 and in line with the individual funding proposals. 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. Any underspend may be subject to being paid back or carried forward where agreed.
- 6.4 The decision seeks to award extension of funding to existing contracts see details in appendix 1 and the programme manager has confirmed best value where appropriate.
- 6.5 The decision seeks to extend one staffing position for 1 year and two internal agreements within Nottingham City Council.

Post	Grade	FTE	Value £	Notes
System Change Commissioner <i>*see below</i>	K3	1	70,003	Extend fixed term contract to 31/03/2025
Housing Aid Practitioner	n/a	0.5	26,500	Extend current SLA with Housing to 31/03/2025
Social Worker Practitioner	n/a	0.5	28,500	Extend current SLA with Adults to 31/03/2025

** See assumptions below*

- 6.6 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.
- 6.7 The actual costs associated with this decision will require regular monitoring to form appropriate financial accounting and an audit trail to support robust forecasting. Any decisions taken will need to be captured against this decision value to ensure it is not exceeded. This information will also be used for internal/external reporting purposes as required.
- 6.8 Assumptions:
- The above figures are based on the 2022/23 NCC pay scales, as yet no pay award has been announced for 2023/24 or 2024/25, therefore any agreed pay inflation increase will need to be mitigated by the grants. The figures do include changes to recent NCC pay structures however do not include any pension deficit.
 - The grant is sufficient to cover the costs of this proposal in 2024/25.
 - The posts which are identified as fixed term may incur redeployment and/or redundancy costs. Any additional costs that are incurred as a result of this decision will need to be mitigated by the grant, seeking further approval where required in line with Council process'.

Further approval will be required:

- to establish any additional posts not requested in this decision;
- if there are any changes to the proposals outlined in this decision.

Tracey Moore, Commercial Business Partner - 23 October 2023

7. **Legal colleague comments**

- 7.1 Legal advice and input has been sought on these proposals alongside procurement colleagues and therefore the routes to procurement outlined in Paragraph 8 of this report and more particularly described in Appendix 1 are thus considered to be compliant from a legal perspective.
- 7.2 The extensions are considered permissible amendments to existing contracts in accordance with Article 18.110 of the Council's Contract Procedure Rules and are considered to be either amendments that are necessary additional works, services and supplies by the original Contractor or the extensions are considered to be non-substantial variations within the provisions of Regulation 72(1)(b) and/or Regulation 72 (1)(e) respectively.
- 7.3 In relation to the proposed expenditure moving forward, Legal Services will continue to work with the client department to ensure that proposed terms and conditions relating to further extensions are adequate, appropriate and in place and will assist as necessary with any future procurement requirements.
- 7.4 Any funding conditions attached to the funding streams outlined will need to be observed and managed in accordance with processes already established to avoid any risk of claw-back.

8. **Other relevant comments**

8.1 **Procurement colleague comments**

This report relates to the acceptance and expenditure of funding awarded to the Council from the national Changing Futures grant programme and NHS Nottingham and Nottinghamshire Integrated Care Board (ICB) Health Inequalities and Innovation Fund (HIIF), for the continuation of a programme of work to improve outcomes for people experiencing severe and multiple disadvantage.

Procurement advice has been sought on these proposals and they are supported. In relation to the proposed awards of funding for external service delivery set out at appendix 1, procurement comments are as follows.

- The proposed contracts for specialist navigator posts will be awarded through a quotation process to ensure compliance and value for money; procurement will support this as needed.
- The recommended Section 75 arrangements are considered permissible as public sector co-operation (in accordance with Regulation 12 of the Public Contracts Regulations 2015 and Article 18.33-35 of the Council's Contract Procedure Rules).
- The award for the main delivery service through a negotiated procedure is considered permissible under Regulation 32 (2)(b)(ii) of the Public Contracts Regulations 2015 CRS due to the absence of competition for technical reasons. The allocation of further grant funding to the Council was not anticipated, and due to the nature and complexity of the services and need for continuity of provision, it is not possible to secure an alternative provider for the period required. Should further funding be made available for continuation of this service in the longer term, a competitive tender process will be required and it is recommended that market development work is undertaken to facilitate a wider supplier market for this in future. Exemption from CPRS under Article 18.94 for this award has been agreed.
- The proposed contract extensions outlined are deemed permissible in accordance with Article 18.110 CPRs based on the principles of Regulation 72 of the Public Contracts Regulations being applicable.

The conditions of funding should be fully complied with in the use of this funding. Procurement will engage with ongoing work to determine the future requirements and funding for this programme and ensure full compliance and value for money is secured should the programme continue in the longer term.

Jo Pettifor, Category Manager (People) - 13 October 2023

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

- 9.1 Contact with the Criminal Justice System (CJS) is one of the primary sources of disadvantage in the definition of SMD.

9.2 Research into the programme that preceded Changing Futures, Fulfilling Lives, delivered locally by Framework Housing Association under the name Opportunity Nottingham, shows that crime, and costs to the CJS, are reduced through the provision of intensive support. (Why We Need to Invest in Multiple Disadvantage; The University of Sheffield and CFE Research)

10. Social value considerations (If Applicable)

10.1 The delivery of the Changing Futures programme is achieving significant social value through the delivery of assistance intended to improve circumstances and outcomes for vulnerable people. Further consideration of the opportunity to create additional social value will be considered as part of the procurement of services in 2025/26.

11. Regard to the NHS Constitution (If Applicable)

11.1 The development of Nottingham's Changing Futures programme was prepared in collaboration with NHS Nottingham and Nottinghamshire Integrated Care Board and the wider Place Based Partnership.

12. Equality Impact Assessment (EIA)

12.1 An EIA is not required because this is a continuation of an existing programme. The programme includes specific elements to address the needs of women and people from minority communities. The programme monitors and reports against all protected characteristics, adapting to address underrepresentation.

13. Data Protection Impact Assessment (DPIA)

13.1 A DPIA is not required because this is an extension of existing arrangements. A Data Sharing Agreement is in place for current Changing Futures partners. This DSA will be reviewed and signed by all existing and new partners.

14. Carbon Impact Assessment (CIA)

14.1 A CIA is not required because this is an extension of an existing model. The resultant arrangements will not impact on the Council's carbon footprint.

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

15.1 None.

16. Published documents referred to in this report

16.1 CPEC report - Changing Futures Programme for People Experiencing Severe and Multiple Disadvantage - 14 September 2021.

16.2 'Why we need to invest in multiple disadvantage; Evaluation of Fulfilling Lives: Supporting people experiencing multiple disadvantage' - Rachel Moreton, Dr Joanna Welford, Peter Howe - published by The University of Sheffield and CFE Research.

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Appendix 1

Proposed Commissioning and Contracting Arrangements in 2024/25

Funding Source*	Activity to be funded	From	To	Value (£)	Proposed provider	Mechanism for expenditure	Approval required (£)
ICB	Programme Director	01/04/2024	31/03/2025	£ 87,879	Nottinghamshire Healthcare NHS Foundation Trust	Extend existing s.75 agreement (from Feb 2022 - Mar 2024) for transfer of funding	£ 116,262
CF	Embedded Practitioner - Mental Health (50% funded)	01/04/2024	31/03/2025	£ 28,382			
CF	Embedded SMD Analyst - ICB SAIU	01/07/2024	31/03/2025	£ 44,398	NHS Nottingham and Nottinghamshire ICB	Extend existing s.75 agreement (From Feb 2023 to Jul 2024) for transfer of funding	£ 44,398
CF	New Embedded Practitioner roles (4) based in services that interact with people experiencing SMD	01/04/2024	31/03/2025	£ 210,769	TBC	Subject to confirmation of providers. Will be subject to a new s.75 agreement or alternative compliant route.	£ 210,769
ICB	Operations Manager	01/04/2024	31/03/2025	£ 75,384	Main Delivery Contract, provided by Framework HA	Award via negotiated procedure without publication. Exemption from Contract Procedure Rules has been agreed.	£ 1,534,376
ICB	Admin Support			£ 60,655			
ICB	Team Leaders			£ 65,120			
ICB	Core Navigators			£ 395,278			
ICB	Staff Welfare & Support			£ 36,178			
ICB	Multidisciplinary Team			£ 95,758			
CF	MDT Capacity and Development			£ 86,310			
CF	Personal Budgets (Navigators)			£ 24,700			
CF	Lived Experience Budget			£ 50,000			
CF	Learning & Evaluation Lead			£ 52,400			
CF	Practice Development Unit			£ 106,921			
CF	IDH Research Assistant			£ 28,844			
CF	Lived Experience Lead			£ 44,478			
CF	Participation & Activity Coordinators			£ 124,466			
CF	Team Leader - Peer Mentors			£ 44,308			
CF	Peer Mentors			£ 31,010			
CF	Independent Peer Mentoring Support			£ 36,178			

CF	Embedded Practitioner - Nottinghamshire Probation (50% funded)			£ 26,508			
CF	Housing First Team			£ 149,880			
CF	Embedded Practitioner - Primary Care (50% funded)	01/04/2024	31/03/2025	£ 21,996	Nottingham City GP Alliance	Extend existing contract (from Feb 2022 to Mar 2024) extension not materially different in character	£ 21,996
CF	System Change Commissioner	01/04/2024	31/03/2025	£ 83,164	NCC	NCC staffing - extend contract of employment	£ 138,164
CF	Embedded Practitioner - Housing Aid (50% funded)	01/04/2024	31/03/2025	£ 26,500	NCC	NCC staffing - extend current service level agreement	
CF	Embedded Practitioner / Social Worker - Adult Social Care	01/04/2024	31/03/2025	£ 28,500	NCC	NCC staffing - extend current service level agreement	
CF	Advocacy Service	01/04/2024	31/03/2025	£ 48,300	Pohwer	Extend existing contract (from 01/07/2022 to 31/03/2024); service was procured through compliant quotes process	£ 48,300
CF	EM Community Engagement Service	19/07/2024	31/03/2025	£ 31,763	NCVS	Extend existing grant agreement (from 17/06/2023 to 16/06/2024); service was selected through compliant quotes process	£ 31,763
ICB	Specialist Navigators x 4	01/04/2024	31/03/2025	£ 165,602	TBC	Procure individual services through quotes process. Will be provision for an optional additional year within quotes process.	£ 176,002
CF	Specialist Navigators Personal Budgets x 4	01/04/2024	31/03/2025	£ 10,400	TBC		

CF	Personalised commissioning budget	01/04/2024	31/03/2025	£ 80,000	Various	Applications below £25k corresponding to needs of individual beneficiaries - not subject to procurement	£ 80,000
CF	Communications	01/04/2024	31/03/2025	£ 42,000	Various	Various providers individually below £25k - not subject to procurement	£ 42,000
TOTAL				£2,444,028			£ 2,444,028

***Funding Source**

ICB:	NHS Nottingham and Nottinghamshire Integrated Care Board	£ 981,853
CF:	Changing Futures Transition Fund (Department of Levelling Up, Housing and Communities and The National Lottery Community Fund)	£1,462,640
TOTAL		£2,444,493
	Unallocated Expenditure	£ 465

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Subject:	Community Prevention, Support and Treatment Services for Young People and Young Adults		
Corporate Director:	Catherine Underwood - People		
Director:	Lucy Hubber - Public Health		
Portfolio Holder:	Councillor Linda Woodings – Adults and Health		
Report author and contact details:	Tammy Coles, Public Health Principal tammy.coles@nottinghamcity.gov.uk		
Other colleagues who have provided input:	Tracey Moore, Commercial Business Partner Amana Parveen, Solicitor Jo Pettifor, Category Manager, People Helen Johnston, Consultant in Public Health Nancy Cordy, Head of Strategy and Service Improvement		
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: £3,055,043			
Wards affected: All			
Date of consultation with Portfolio Holder: 25 October 2023			
Relevant Council Plan Key Outcome:			
Green, 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"/>		
Living Well in our Communities	<input type="checkbox"/>		
Keeping Nottingham Moving	<input type="checkbox"/>		
Improve the City Centre	<input type="checkbox"/>		
Better Housing	<input type="checkbox"/>		
Serving People Well	<input type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
<p>During the recently completed commissioning review for new substance use services it was identified that the young people and young adults’ provision, including preventative interventions as well as treatment and support, was comparatively underfunded relative to the adults treatment and recovery service. An operational decision was taken to spend an additional £245,000 ring-fenced public health grant in 2023/24, and this was subsequently included within the contract value for this financial year (six months impact only).</p> <p>Approval is now requested for the spend up to £3,055,043 of additional Public Health Grant money within the commissioned Young People Young Adults Service from 1 April 2024 to 31 September 2032 to enable the continuation of this current level of investment and the enhancements to capacity and quality this has enabled. This additional resource has been identified from within the existing alcohol and drugs budget allocation, and the spend is consistent with Best Value principles including benchmarking with other core cities.</p>			

Exempt information: None

Recommendation:

1 To approve the spend of up to £3,055,043 of ring-fenced Public Health Grant between 1 April 2024 to 31 March 2032 within the commissioned Community Prevention, Support and Treatment Service for Young People and Young Adults who use Alcohol and Drugs.

1. Reasons for recommendations

- 1.1 Substance use treatment and recovery services are funded primarily through the ring-fenced Public Health Grant, as required by grant conditions. Nottingham City Council is also in receipt of funding from the Office of the Police and Crime Commissioner as a funding partner and receipt of additional national Grants. This decision relates to ring-fenced Public Health Grant spend only.
- 1.2 All of the funding for substance use services commissioned by Nottingham City Council sits either under ring-fenced grant conditions (Public Health Grant, SSMTRG) or partnership agreements, for which the Director of Public Health is accountable, and the resource must be stewarded in line with these conditions.
- 1.3 Nottingham has a young age-structure, with just under 30% of the population aged 18 to 29, with Full-time university students comprising about 1 in 7 of the population. The updated Substance Misuse (illicit drugs and alcohol) (2022) joint strategic needs assessment for Nottingham reported drug use is highest among 16-19 and 20-24-year-olds but these age groups account for only 8% of people in structured treatment in Nottingham, identifying a potential gap within service provision for this age group. The recently commissioned young people young adults service has a refreshed focus on meeting the needs of young adults aged 18-25 years

2. Background

- 2.1 Local authorities, must, under the conditions of the Public Health Grant: 'have regard to the need to improve the take up of, and outcomes from, its drug and alcohol misuse treatment services, based on an assessment of local need and a plan which has been developed with local health and criminal justice partners'. The ring-fenced Public Health Grant for Local Authorities is allocated by the Department of Health and Social Care on an annual basis.
- 2.2 The national 'From Harm to Hope' 10 Year Drugs plan was published by the government in autumn 2021, building forward from the Dame Carol Black Review. The plan sets out an emphasis on breaking drug supply chains, developing a world-class treatment and recovery system, and reducing the demand for recreational drugs including bringing about a generational shift in the use of drugs across society.
- 2.3 A commissioning review for new substance use services was undertaken which identified that the young people and young adults' provision which includes preventative interventions as well as treatment and support was comparatively underfunded relative to the adult's treatment and recovery service.
- 2.4 Approval to undertake a procurement process and approval of the spend of ring-fenced Public Health Grant, ring-fenced substance use grants, and partner funding up to a total value of £62,498,502 on substance use services for Nottingham for up to 9 years (5+2+2), was given by CPEC on 12 July 2022. Spend was allocated across

three lots, including a lot to deliver a Community Prevention, Support and Treatment Service for Young People and Young Adults (CPU5320). The tender process concluded in June 2023, with contracts awarded to the successful bidders, with a 1 October 2023 commencement date.

- 2.5 The updated Substance Misuse (illicit drugs and alcohol) (2022) needs assessment for Nottingham reported drug use is highest among 16-19 and 20-24-year-olds but these age groups account for only 8% of people in structured treatment in Nottingham, identifying a potential gap within service provision for this age group. The new service has a refreshed focus on meeting the needs of young adults aged 18-25 years.
- 2.6 Due to the complexity of the number of Grants in relation to the Substance Use Budget and on Nottingham City Council legal and procurement advice, tenders for these services included a financial narrative to explain the likelihood of potential future funding to be added to the contracts. This ensured any potential bidders were aware of any potential future funding and anticipated values and provided for additional funding to be added compliantly
- 2.7 During the commissioning review for new services, it was identified that the young people and young adults' provision which including preventative interventions as well as treatment and support was comparatively underfunded relative to the adult's treatment and recovery service. In response an Operational Decision was made on 29 November 2022 for additional spend of £245,000 to be included in the contract value for 2023/24 (6 months only due to 1 October 2023 start date).
- 2.8 This decision seeks approval to spend up to £3,055,043 of additional ring-fenced Public Health Grant money within the commissioned Young People Young Adults Service, in order to sustain the current level of investment for the remaining lifetime of the contract (up to 8.5 years), which will enable the continuation of improvements to both capacity and quality. This additional resource has been identified from within the existing alcohol and drugs budget allocation, and the spend is consistent with Best Value principles including benchmarking with other core cities.

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

- 3.1 The other option considered was to not increase the level of investment in the contract. This was rejected as this would not deliver the enhancements to capacity and quality of the service provided and not meet the identified unmet need within the 18-25 population.

4. **Consideration of Risk**

- 4.1 As outlined above the tender included a financial narrative to explain the likelihood of additional funding. The provider bid for the tender on this basis and submitted a bid which outlined what would be possible to deliver within the 'core' budget. Bidders were required to demonstrate an appreciation of the evolving funding picture and demonstrate their flexibility over the lifetime of the contract.
- 4.2 If not agreed the provider will be deliver against the 'core' contract only and this funding will not be added to their contract.

5. **Best Value Considerations**

- 5.1 Best value is demonstrated by:

- Economy: Commissioning review and review of substance use budget was undertaken prior to tender process. The previous contract was comparatively underfunded compared to adult treatment and recovery service;
- Effectiveness: The commissioning and subsequent tendering of substance use services has been developed in line with national best practice to determine the effective and efficient routes for investing in impactful services;
- Efficiency: The tender process included questions around staffing and cost breakdown to deliver against nationally set targets. For the first 6 months of the contract monthly implementation meetings will be held with the provider to monitor performance and spend against the budget

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

- 6.1 This report follows on from a previous Substance and Misuse Treatment and Recovery Services report agreed on the 12 July 2022 at the Commissioning and Procurement Committee.
- 6.2 For reasons outlined by the report author, this decision seeks approval to commission and award spend of £3,055,043 from the Public Health grant, towards a Young People Young Adults Service from 1st April 2024 to for 30 September 2032, 8 years and 6 months.
- 6.3 **Table 1:** Community Prevention, Support and Treatment Service for Young People and Young Adults who use Alcohol and Drugs budget allocation 2024/25 – 2032/33

2024/25	£333,200
2025/26	£339,864
2026/27	£346,661
2027/28	£353,595
2028/29	£360,666
2029/30	£367,880
2030/31	£375,237
2031/32	£382,742
2032/33 – 6 months only	£195,198
Total	£3,055,043

- 6.4 The maximum cost of this decision is **£3,055,043** and is incorporated within the Medium-Term Financial Plan. If the Public Health grant was to reduce in future years, the service would need to realign services within the revised available funding limit ensuring that no financial pressure arises.
- 6.5 Approval to undertake a procurement process of the spend of the Public Health Grant, was given by CPEC on 12 July 2022. The tender process concluded in June 2023, with contracts awarded to the successful bidders for a fixed price contract. Best Value was considered during this process.
- 6.6 There are no staffing implications within this decision.
- 6.7 The actual costs associated with this decision will require regular monitoring to form appropriate financial accounting and an audit trail to support robust forecasting. Any

decisions taken will need to be captured against this decision value to ensure it is not exceeded. This information will also be used for internal/external reporting purposes as required.

Tracey Moore, Commercial Business Partner - 24 October 2023

7. Legal colleague comments

- 7.1 This report seeks further approval of the spend of up to £3,055,043 (5+2+2 against 8 years and 6 months budget) of additional Public Health Grant money within the commissioned Young People Young Adults Service. This proposal raises no significant legal concerns. The Council must ensure compliance with the grant funding conditions. The proposed addition to the contract is permissible under Regulation 72(1)(a) of the Public Contracts Regulations 2015 and in accordance with Article 18.110 of the Contract Procedure Rules.

Amana Parveen, Solicitor - 18 October 2023.

8. Other relevant comments

Procurement colleague comments

- 8.1 This report seeks approval for the expenditure of new Public Health Grant funding on additional substance use services for young people and young adults, through an expansion of the previously commissioned contract.
- 8.2 The current contract for these services was awarded through a competitive tender process, which secured the best value for money offer. The tender included clear provisions for the potential addition of funding for additional activities, should further grant funding become available during the life of the contract. Therefore, the proposed addition to contract is permissible under Regulation 72 of the Public Contracts Regulations 2015 and in accordance with Article 18.110 of the Council's Contract Procedure Rules. The proposal is considered the appropriate route to commission the additional services required and is supported from a procurement perspective.

Jo Pettifor, Category Manager, People - 16 October 2023

9. Crime and Disorder Implications (If Applicable)

- 9.1 Drugs and alcohol are a major driver of crime and disorder. Ensuring sufficient accessible treatment and recovery services for substance use is a fundamental aspect of addressing this nationally and locally

10. Social value considerations (If Applicable)

- 10.1 High quality substance use services add social value through improving the outcomes for people affected by substance use and their wider families and communities. The Procurement Strategy objectives for promoting social value and maximising economic, social and environmental benefits were applied during the tender process. The provider will, as outlined in their successful tender bid will be: Offering volunteering opportunities to the local community, young people and young adults; Promoting job opportunities to local residents and Taking all reasonable steps to minimise any adverse impacts the service may have on the environment

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

11.1 Nottingham and Nottinghamshire Integrated Care System are key partners in the Substance Use Strategic Partnership, the multiagency partnership developed in response to the requirements in From Harm to Hope the 10 Year Drugs plan.

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

12.1 An EIA has been completed on the approved commissioning model and due regard will be given to any implications identified in it

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

13.1 A DPIA has been completed on the approved commissioning model and due regard will be given to any implications identified within it

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

14.1 A CIA will be completed on the approved commissioning model and due regard will be given to any implications identified within it.

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

15.1 None.

16. **Published documents referred to in this report**

- Substance Misuse (illicit drugs and alcohol) (2022), available on www.nottinghaminsight.co.uk
- From harm to hope: A 10-year drugs plan to cut crime and save lives (2021), available on www.gov.uk
- Commissioning of substance misuse treatment and recovery services for Nottingham - report to Commissioning and Procurement Executive Committee (June 2022), available on www.nottinghamcity.gov.uk
- Public health ring-fenced grant 2023 to 2024: local authority circular (March 2023), available on www.gov.uk

Subject:	Provision of a Pantomime at the Theatre Royal		
Corporate Director:	Colin Parr – Communities, Environment and Resident Services		
Portfolio Holder:	Cllr Pavlos Kotsonis - Leisure and Parks		
Report author and contact details:	Peter Ireson, Venue Director, Theatre Royal and Royal Concert Hall peter.ireson@nottinghamcity.gov.uk		
Other colleagues who have provided input:	Maria Balchin, Senior Commercial Business Partner Vendie Charles, Solicitor Holly Fisher, Lead Procurement Officer		
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 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		
Total value of the decision: £4.8m			
Wards affected: All			
Date of consultation with Portfolio Holder: 14 September 2023			
Relevant Council Plan Key Outcome:			
Green, 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"/>		
Living Well in our Communities	<input type="checkbox"/>		
Keeping Nottingham Moving	<input type="checkbox"/>		
Improve the City Centre	<input checked="" type="checkbox"/>		
Better Housing	<input type="checkbox"/>		
Serving People Well	<input type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
<p>The Council engages Crossroads Pantomimes Ltd, an experienced pantomime producer to co-produce the Theatre Royal pantomime. The producer takes on the risks of mounting the production, including the casting, sets, props and costumes based on an agreed share of the anticipated box office revenues.</p> <p>The contract with the current producer comes to an end in January 2025 following the final performance and get-out of the 2024/25 pantomime. There is the need to confirm and put in place a contract with a producer before the end of the 2024/25 pantomime to enable the planning and marketing of the 2025/26 pantomime to commence simultaneously and seamlessly.</p> <p>As well as contributing to the Council Key Outcome highlighted above, contract also contributes to the Council meeting its statutory duty around Best Value.</p>			

Exempt information:

An appendix to the report is exempt from publication under paragraph 3 of Schedule 12A to the Local Government Act 1972 because it contains information relating to financial or business affairs of any particular person (including the authority holding that information and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

It is not in the public interest to disclose this information because financial information is based on initial estimates, there is also a breakdown of the financial element included and sharing this information would not be recommended as it may prejudice the tender process and the income the Council could generate.

Recommendations:

- 1 To approve the undertaking of a full procurement process to secure a pantomime producer for the Theatre Royal Pantomime for 5 years duration (2025/26 - 2029/30).
- 2 To delegate authority to the Venue Director of the Theatre Royal and Royal Concert Hall to enter into a contract with the successful bidder.

1. Reasons for recommendations

- 1.1 The contract with the current pantomime producer comes to end after the completion of the pantomime in January 2025.
- 1.2 Offering a 5-year contract rather than a shorter period is more likely to attract suitable producer bids, as producers will feel they have an opportunity to recoup and make a return on any necessary investment.
- 1.3 The approval requested in this report will allow the Council to initiate the tender process to secure a pantomime producer. This will allow TRCH to work with the successful producer to plan, develop and deliver the Theatre Royal pantomime in December 2025, which generates a financial contribution supporting the sustainable operation of the venue.

2. Background (including outcomes of consultation)

- 2.1 Since the Theatre Royal opened in 1865 the provision on an annual pantomime has been a key element of Nottingham's festive celebrations. The theatre's celebrity led pantomime runs for several weeks and attracts large, multi-generational audiences, helping develop audiences for the rest of TRCH's programme whilst generating a significant financial contribution to help ensure TRCH's sustainability.
- 2.2 The Council has historically chosen to work with an external pantomime producer to present the pantomime. This has been in order to optimise the financial return to the Council whilst at the same time transferring much of the risk inherent in producing a commercial pantomime.

3. Other options considered in making recommendations

- 3.1 The option of presenting shows other than a pantomime at the Theatre Royal over the festive period was considered but rejected as the pantomime is extremely popular, makes a significant net contribution to the Council and the Royal Concert Hall is able to host alternative, complementary performances during the festive period.

3.2 The option of producing the pantomime in-house without an external producer was considered. This option was rejected as it would expose the Council to significant additional risks in the sourcing and securing of artists, sets, props and scenery without the specialist experience and economies of scale available to major producers who present a number of pantomimes across the UK each year.

4. **Consideration of Risk**

4.1 There is the risk that the pantomime producer procured is unable to meet the requirements of the Council. This is mitigated by TRCH's experienced and industry specialist staff working with colleagues in procurement to ensure that the tender specification and assessment criteria secure a producer of the highest quality. The potential gross box office takings available over a 5-year contract, present an opportunity which is also likely to attract all the main producers, currently producing pantomimes in similar venues across the UK.

4.2 There is the risk that delays in the procurement or contractual arrangements may delay the mobilisation of the new contract. This is mitigated by commencing the procurement process in good time and also by the potential to put the 2025/26 pantomime on sale whilst contractual arrangements are finalised.

5. **Best Value Considerations**

5.1 The proposal in this report represents best value for the Council, as through procuring an external producer, the Council is able to secure the optimal financial return whilst at the same time minimising any risks.

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

6.1 This decision seeks approval to undertake a compliant procurement process to secure a pantomime producer.

6.2 On completion of the procurement process, the Medium-Term Financial Plan (MTFP) will be updated to reflect the expected income to the Council.

6.3 There is an exempt appendix outlining the financial details for this proposed contract. The appendix is exempt in order to secure the most advantageous income stream for the Council.

Maria Balchin, Senior Commercial Business Partner - 3 October 2023

7. **Legal colleague comments**

7.1 This proposal seeks to approve the undertaking of a full procurement process to secure a pantomime producer to co-produce the Theatre Royal Pantomime for 5 years duration, and to delegate authority to the Venue Director of the Theatre Royal and Royal Concert Hall to award and enter into a concession contract with the successful producer following completion of the tender process.

7.2 There is the need to confirm and put in place a contract with a producer before the end of 2024/25 pantomime, to enable the planning and marketing of the 2025/26 pantomime to commence simultaneously and seamlessly, in readiness for the January 2025, and the December 2025 Production.

- 7.3 It has been confirmed that the proposed contract comprises a Concession Contract falling within regulation 3 of the Concession Contract Regulation 2016 as the contract opportunity involves the transfer to the concessionaire of an operating risk in exploiting services encompassing demand or supply risk or both and the part of the risk transferred to the concessionaire involves real exposure to the vagaries of the market, such that any potential estimated loss incurred by the concessionaire is not merely nominal or negligible.
- 7.4 It is understood a concessionaire will assume operating risk, under normal operating conditions, as it is not guaranteed to recoup the investments made or the costs incurred in operating the services, which is dependent upon sale of ticket sales for the pantomime productions, which are the subject-matter of the concession contract.
- 7.5 The Concession Contract Regulations 2016 will govern the procurement process and must be followed if the value of the concession opportunity (inclusive of VAT) exceeds the threshold value of £5,336,937 as stated in PPN 09/21. The Value stated stands at £4.8 Million, however, exclusive of VAT, thereby meeting the Concession Contract financial threshold 2023.
- 7.6 Notwithstanding that, and the discretion under the CCR to determine the precise nature of the tender process, as there is no prescribed tender process in the CCR 2016, a Local Authority must treat economic operators equally and without discrimination and must act in a transparent and proportionate manner during its tender process. That said, key procedural principles must be applied such as those highlighted in the Crown Commercial Services Handbook for the Concession Contracts Regulations 2016 Microsoft Word - 20160607 Handbook for the Concession Contracts Regulations 2016 final.xml (publishing.service.gov.uk).
- 7.7 The proposed 5 years duration of the contract is permitted under the Concession Contract Regulations 2016 (Chapter 3 of Part 2) as the duration of the contract is limited and based upon the services requested, and is of a duration in which a concessionaire can reasonably be expected to take to recoup the investments made in operating the services together with a return on invested capital taking into account the investments (both initially and during the term) required to achieve the pantomimes.
- 7.8 Due to the nature of the services, there is also a request that the financial information contained in the report be exempt from publication under paragraph 3 of Schedule 12A, to the Local Government Act 1972, as it contains information relating to financial or business affairs of the Council and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 7.9 Under Section 19 of the Freedom of Information Act 2020, every public authority is required to adopt and maintain a Publication Scheme. The Council has based its Publication Scheme on the Information Commissioner Office Model Publication Scheme, which gives clear guideline on which information the Council publishes. Having considered the request for exemption of publication under paragraph 3 of Schedule 12A to the Local Government Act 1972, and with regard to Section 19 of the Freedom of Information Act 2020, it holds merit. The exemption against publication of the part of the report affected, is warranted as it would not be in the public interest for disclosure and may prejudice the tender process and the potential revenue the Council could generate.

- 7.10 Furthermore, the proposal on analysis contributes to the Council meeting its statutory duty around Best Value under the Constitution, whilst transferring the inherent risks to the producer and generating income to the council.
- 7.11 Subject to the above comments, compliance with the Concessions Contract Regulations 2016; the Council's Contract Procedure Rules; and the Council's procedure around exemption under paragraph 3 of Schedule 12A to the Local Government Act 1972, the proposal does not raise any significant legal concerns.

Vendie Charles, Solicitor - 05/10/2023.

8. **Other relevant comments**

8.1 **Procurement**

The request to undertake a procurement exercise for the provision of a five-year agreement for the co-production of the annual pantomime does not pose any procurement risk to the Council. The request complies with both the contract procedure rules and Concession Regulations 2016. Procurement will support throughout to ensure the process and award remains compliant with the referenced rules and regulations.

Holly Fisher, Lead Procurement Officer - 19 September 2023

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

9.1 N/A

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

10.1 The pantomime has the potential to create social value through generating and sustaining jobs at the venue and in the local supply chain.

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

11.1 N/A

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

12.1 An EIA is not required as there are no implications identified from the proposals in this report, however, the procurement process will ensure that the chosen producer delivers a pantomime which is accessible to all.

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

13.1 A DPIA is not required as there are no implications identified from the proposals in this report, however, the procurement process will ensure that any data protection implications are identified and addressed including any DPIA and any data sharing agreements.

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

14.1 A CIA is not required as there are no implications identified from the proposals in this report, however, the procurement process will ensure that the successful producer signs up to the Council's Business Charter Principle 'to be environmentally responsible.

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

15.1 None.

16. Published documents referred to in this report

16.1 None.

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