

Commissioning and Procurement Sub-Committee - 10/11/2020

Subject:	Procurement of Services for Rough Sleepers		
Corporate Director(s)/ Director(s):	Chris Henning, Corporate Director for Development and Growth Hugh White, Corporate Director for Commercial & Operations and Strategy & Resources		
Portfolio Holder(s):	Councillor Linda Woodings, Portfolio Holder for Planning, Housing and Heritage		
Report author and contact details:	Bobby Lowen, Commissioning Lead 0115 876 3571, alan.lowen@nottinghamcity.gov.uk		
Other colleagues who have provided input:			
Key Decision <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Subject to call-in <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Reasons: <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision		<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital	
Significant impact on communities living or working in two or more wards in the City		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Total value of the decision: Up to £10,000,000			
Wards affected: All	Date of consultation with Portfolio Holder(s): 2 nd October 2020		
Relevant Council Plan Key Theme:			
Nottingham People	<input checked="" type="checkbox"/>		
Living in Nottingham	<input checked="" type="checkbox"/>		
Growing Nottingham	<input type="checkbox"/>		
Respect for Nottingham	<input checked="" type="checkbox"/>		
Serving Nottingham Better	<input type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
This report puts forward recommendations to allow the Council to appoint a framework of providers able to provide services for people sleeping rough (and those at risk of rough sleeping) in Nottingham.			
The creation of a framework is proposed in order to ensure that the Council is able to select organisations that have been able to demonstrate their qualification to provide services for rough sleepers to receive contracts for the delivery of these services in Nottingham. The introduction of a framework will also create more opportunity for the Council to achieve best value (in quality and price) and will support compliance with procurement legislation.			
Exempt information:			
State 'None' or complete the following.			
None			
Recommendation(s):			
<p>1 To approve the procurement of a framework of providers of services to assist rough sleepers as a mechanism for the compliant future contracting of these services.</p>			
<p>2 To delegate authority to the Corporate Director of Development and Growth to award contracts to providers selected to the framework through the procurement process.</p>			
<p>3 To delegate authority to the Corporate Director for Development and Growth to agree the outcome of call off competitions under the framework and to award contracts in consultation with the Portfolio Holder for Planning, Housing and Heritage.</p>			

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| <p>4 To delegate authority to the Head of Contracting and Procurement to sign the contracts awarded to providers selected for the framework and for the delivery of services under the framework.</p> |
| <p>5 To note that expenditure on contracts under the framework will be subject to further approval through the appropriate route prior to the award of contracts.</p> |

1 Reasons for recommendations

- 1.1 In recent years, the Ministry for Housing, Communities and Local Government (MHCLG) has sought applications from local authorities to access short-term funding awards (typically on an annual basis) to address rough sleeping. These opportunities have been presented through the *Rough Sleeping Initiative*, the *Rapid Rehousing Pathway*, the *Cold Weather Fund*, and the *Next Steps Accommodation Programme*.
- 1.2 It is anticipated the requirement for local authorities to submit bids will continue as the means used by MHCLG for the administration of funding for services to assist rough sleepers from 2021/22 and beyond.
- 1.3 Nottingham City Council has been successful in successive applications for funding since the launch of the government's Rough Sleeping Initiative in the spring of 2018. It is likely that the Council will continue to apply for funding from MHCLG to assist in its efforts (and in the efforts of its partners) to reduce rough sleeping in Nottingham.
- 1.4 Applications for funding from MHCLG have typically required the submission of proposals within a short bidding window. This has limited the scope to procure the delivery of services through a competitive tender process.
- 1.5 The creation of a framework will provide the opportunity for the Council to make sure that contracts for services for rough sleepers are awarded to organisations that have demonstrated their suitability through a clear procurement process. The provision of a framework will also allow for competitive 'mini-tenders' to help the Council to secure the most suitable services and achieve best value in its use of funding to reduce rough sleeping.
- 1.6 The use of a framework to procure services through an open process will also ensure compliance with EU and UK procurement legislation and the Council's Financial Regulations.
- 1.7 The delegation of authority to the Corporate Director for Development and Growth and the Head of Contracting and Procurement is sought to enable the appointment of providers onto the framework and subsequent award of contracts in accordance with the outcome of procurement processes in a timely way.

2 Background (including outcomes of consultation)

- 2.1 Rough sleeping across the England increased dramatically over the course of the last decade. Official count estimates used by MHCLG (often regarded as an

underestimate) indicate a 269% increase nationally in the number of people sleeping rough between a typical night in 2011 and 2017.

- 2.2 Rough sleeping nationally has shown a modest decline since the introduction of the Rough Sleeping Initiative (RSI) in 2018. Those local authorities with RSI funding awards have shown the most significant reduction, with a fall of 12% of people estimated to be sleeping rough on a single night between autumn 2018 and 2019.
- 2.3 The ongoing impact of the COVID-19 pandemic (including the economic impact) is likely to create conditions that present the risk of a substantial rise in the number of people sleeping rough over coming years.
- 2.4 A reopening of the process by MHCLG for applications for funding through the Rough Sleeping Initiative for 21/22 is expected this autumn. There may also be additional funding opportunities (e.g. through the continuation of the MHCLG Next Steps Accommodation Programme) that the Council may seek to participate in as part of its efforts to reduce rough sleeping and to help people who resort to sleeping rough to rebuild their lives off the streets.
- 2.5 The Nottingham City Multiagency Homelessness Strategy Implementation Group was consulted on proposals to introduce a framework to procure services for rough sleepers on 25th September and again on 27th October 2020. Concerns were raised in relation to the timing of the introduction of a framework, with a caution to allow sufficient opportunity for the market to engage with the process in light of current pressures within the sector in responding to COVID-19. An adjustment to the timing of the process for the introduction of the framework outlined at the later meeting was welcomed. A further open consultation is planned to determine detailed plans for the delivery of the framework prior to its introduction.

3 Other options considered in making recommendations

- 3.1 Not to establish a framework for services for rough sleepers. This option is not recommended on the basis that it will not offer a compliant arrangement for selecting providers to deliver services and benefits in helping to secure the most suitable and value for money services will not be realised.

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

- 4.1 The creation of the framework itself requires no financial outlay from the Council.
- 4.2 Membership of the framework gives no assurances for those organisations within the Framework of work placed with them and therefore in itself makes no financial commitment.
- 4.2 As recommendation 5 states, further approval will be required before any financial commitment is made to any member of the Framework.

Susan Tytherleigh
Strategic Finance Business Partner – D&G

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

5.1 Procurement Comments

The proposal to establish a framework of providers of services for rough sleepers will provide a compliant mechanism for contracting for these services as required during the life of the framework. It will enable suitably qualified and experienced providers to be appointed and will ensure best value for money is secured in the delivery of these services. Therefore, these proposals are supported. The procurement to establish a framework of providers and to award call off contracts will be undertaken by the Procurement Team in compliance with the requirements of the EU and UK Procurement Regulations, and the Council's Contract Procedure Rules.

Jo Pettifor, Category Manager – Strategy and People, 29th October 2020

5.2 Legal Comments

The decisions set out in this report do not raise any legal concerns. Having in place a compliantly procured framework of providers will assist in ensuring ongoing resilience to meet the Council's requirements. In addition having providers readily available on the framework will assist with streamlining any funding application processes. Legal support will be provided during the procurement process and with the development of appropriate contract documentation.

Naomi Vass – Senior Solicitor 30th October 2020

6 Social value considerations

- 6.1 In accordance with the Procurement Strategy objectives of promoting social value, full consideration will be given to maximising the economic, social and environmental benefits during the procurement process; where appropriate, relevant requirements (e.g. the promotion of volunteering opportunities) will be included in the service specifications. In setting up the proposed framework there is potential to break down categories of supplies into lots, which may incentivise small and local businesses to apply. Services commissioned through the framework will add social value by supporting vulnerable citizens and by preventing and alleviating homelessness.

7 Regard to the NHS Constitution

- 7.1 Not applicable

8 Equality Impact Assessment (EIA)

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

No



An EIA is not required because:

This report proposes an adjustment to the planned procurement of services to assist rough sleepers. EIAs will be submitted in relation to subsequent decisions for the use of funds that detail the services to be called off from the framework and rationale based on assessment of the people at risk of sleeping rough in the City (to include equalities considerations).

Yes

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

9.1 None

10 Published documents referred to in this report

10.1 <https://www.gov.uk/government/publications/rough-sleeping-snapshot-in-england-autumn-2019/rough-sleeping-snapshot-in-england-autumn-2019>