

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	4217
Author:	Josephine Yousaf
Department:	Resident Services
Contact:	Andrew Errington (Job Title: Director of Community Protection, Email: andrew.errington@nottinghamcity.gov.uk, Phone: 101 3182998)
Subject:	Grant from MHCLG to fulfil the new statutory duty functions relating to the provision of support to survivors of domestic violence and abuse.
Total Value:	£871,229 (Type: Revenue)
Decision Being Taken:	<ol style="list-style-type: none"><li>1. To accept the Ministry Of Housing, Communities and Local Government (MHCLG) new statutory grant funding award of £871,229 for use from 1st April 2021 to 31st March 2022.</li><li>2. To request dispensation from Contract Procedure Rule 4.1.1 in accordance with Financial Regulation 3.29 (Operational Issues) in order for the continuation of service contracts or the award of new contracts to operate as one year services as outlined in Appendix 1 (Table 1) without a quotation process;</li><li>3. To request dispensation from Contract Procedure Rule 4.1.2 in accordance with Financial Regulation 3.29 (Operational Issues) in order for the continuation of service contracts or award of new contracts as applicable to operate as one year services, as outlined in Appendix 1. (Table 2.) without a tender process;</li><li>4. To approve funding to appoint 1FTE member of staff to support the implementation of the new statutory duty (Appendix 1, Table 4).</li><li>5. To authorise an expression of interest process/quotation process for therapeutic services for children as detailed in Appendix 1, Table 3;</li></ol>
Reasons for the Decision(s)	<p>The Domestic Abuse Act 2021 places a statutory duty on Tier 1 local authorities as of 1st April 2021. The grant will enable Nottingham City Council to fulfil the functions of the new statutory duty on Tier 1 Local authorities relating to the provision of support to survivors of domestic violence and abuse and their children residing within safe accommodation.</p> <p>The grant covers revenue expenditure relating to the functions set out in the new statutory duty as set out in Part 4 of the Domestic Abuse Act 2021.</p> <p>Nottingham has been awarded £871,229 new burden costs for year one - 1st April 2021 to 31st March 2022.</p>

Briefing notes documents:	Briefing on Statutory Duty delegated decision for AE 14-05-21.doc, Stat Duty funding recommendations JCG 2nd March 2021 JL VL.doc, Appendix 1. DDM DVA Statutory funding MHCLG April 2021 JY.docx
Other Options Considered:	<p>NCC has one year to spend the funding. MHCLG have indicated that failure to spend will result in reduction of the 3 year award - decided at the Spending Review in November.</p> <p>NCC will submit our strategy &amp; spend to MHCLG in Aug 2021 (in-line with the Stat Duty).</p> <p>If we do not submit the strategy &amp; proposed spend in August - we will receive no funding in the following years. We urgently require authorisation to spend the funding allocated and the services require notification to deliver as soon as possible (to recruit).</p> <p>NCC expected a three year funding award for April 2021 and had commissioning plans ready to this effect, however as we have one year funding the commissioning process for future years will begin in Autumn 2021.</p> <p>This approach is the justification for varying existing contracts where possible and awarding new short term contracts.</p>
Background Papers:	Stat funding recommendations JCG 2nd March 2021 Appendix1.DDM DV Stat funding MHCLG April 2021 Appendix 1.
Unpublished background papers:	Briefing on Statutory Duty delegated decision for AE 14-05-21.doc, Stat Duty funding recommendations JCG 2nd March 2021 JL VL.doc
Published Works:	Domestic Abuse Act 2021
Affected Wards:	Citywide
Colleague / Councillor Interests:	
Dispensation from Financial Regulations:	Yes
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	<p>Section 17 of the Crime &amp; Disorder Act requires local authorities to do all they reasonably can to prevent crime and disorder.</p> <p>DVA is a local priority in the Crime &amp; Disorder plan published by the Crime Drugs Partnership on behalf of NCC.</p>

<b>Equality:</b>	Please login to the system to view the EIA document: EIA Equality Impact Assessment 2021 DVA StatDuty 29th April 2021.docx
<b>Regard for NHS Constitution:</b>	Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.
<b>Decision Type:</b>	Portfolio Holder
<b>Subject to Call In:</b>	Yes
<b>Call In Expiry date:</b>	28/05/2021
<b>Advice Sought:</b>	Legal, Finance, Procurement, Human Resources, Equality and Diversity
<b>Legal Advice:</b>	<p>The proposals in this report seek to accept MHCLG grant money and to use it to support the Council's new statutory duties with respect domestic violence and abuse services under the Domestic Abuse Act 2021, which has very recently become law.</p> <p>The Act imposes a number of obligations upon the Council as a Tier 1 Local Authority and so the funding will enable the Council to comply with these duties.</p> <p>Due to the requirement to ensure the services are established as soon as possible, as there are already a number of existing contracts in place, it is deemed appropriate and cost and time efficient to utilise these existing contracts by way of contract variations to supplement the services or to award short term contracts directly. The individual proposals are detailed within the appendix and are deemed as permitted modifications in accordance with the regulations or to fall below the procurement threshold values in accordance with the regulations, respectively.</p> <p>The Council must ensure compliance and implementation of any grant funding conditions imposed upon it, in return for the funding from MHCLG and in turn it must ensure that such conditions are passed onto providers as applicable.</p> <p>It is understood the funding is only being provided for one year and so for the reasons given with the report and on the understanding spend is required imminently to utilise the monies and deliver against its duty, dispensation is supported. Future service requirements will need to be considered in a timely manner to ensure any additional longer provisions are considered and commissioned in a compliant manner. Advice provided by Dionne Claire Screaton (Solicitor) on 11/05/2021.</p>

**Finance Advice:**

This decision seeks approval to accept and spend a Ministry Of Housing, Communities and Local Government(MHCLG) new statutory grant funding award of £0.871m for use from 1st April 2021 to 31st March 2022.

The grant will enable Nottingham City Council to fulfil the functions of the new statutory duty on Tier 1 Local authorities relating to the provision of support to survivors of domestic violence and abuse and their children residing within safe accommodation. Detailed allocation of spend against this grant is set out in the appendices within this report.

In line with this statutory duty, a strategy and spend plan for DVA services needs to be submitted in August 2021. NCC had expected a three year funding award for April 2021 and had commissioning plans ready to this effect, however, a one year funding round has been announced instead. Because of this the commissioning process for future years will now begin in Autumn 2021. MHCLG have indicated that failure to spend this one year award will result in reduction of the three year award - to be decided at the Spending Review in November. Due to this future financial risk, the requirement to spend the grant within the one year and therefore the subsequent need to ensure services are established as soon as possible, dispensation from Finance Regulations is sought to directly award and amend existing DVA contracts.

This decision also seeks approval to establish and recruit to a fixed term DVA Statutory Policy Officer (grade H -1 FTE). Funding will need to be identified if any extension to the fixed term period is needed beyond the initial year.

The Council must ensure all spend is within the terms and conditions of the grant and that no future financial risk is committed to. All spend must be monitored closely and managed with the grant allocation amount, ensuring no financial pressure materialises.

This grant funding will be received into the Residents department element of the Crime and Drugs Partnership (CDP).  
Advice provided by Philip Gretton (Finance Analyst) on 07/05/2021.

**Procurement Advice:**

The proposal to accept and spend the Ministry Of Housing, Communities and Local Government statutory grant funding for the provision of support to survivors of domestic violence and abuse, for the period 1st April 2021 to 31st March 2022, for the measures outlined in Table 1 and Table 2 are supported from a procurement perspective. Dispensation from Contract Procedure Rule 4.1.1 as referred to in Table 1, and dispensation from Contract Procedure Rule 4.1.2, as referred to in Table 2, in accordance with Financial Regulation 3.29 (operational issues) is supported in order for the continuation of service contracts, or the award of new contracts as listed in Table 1 and Table 2. This decision will enable Nottingham City Council to fulfil the functions of the new statutory duty on Tier 1 Local authorities relating to the provision of support to survivors of domestic violence and abuse and their children residing within safe accommodation. The individual values of these proposals fall below the EU procurement threshold. The use of this funding should comply with the MHGLG grant conditions and suitable agreements should be in place with external providers to ensure compliance and satisfactory performance. Advice provided by Julie Herrod (Procurement Officer) on 04/05/2021.

**HR Advice:**

HR comments are contained within the attachment Advice provided by Labeeb Aslam (HR Consultant) on 07/04/2021.

Advice documents: MHCLG Grant HR Comments.docx

**Equality and Diversity  
Advice:**

**EIA not yet completed.**

**There are no impacts to any of the protected characteristics and therefore happy to sign off. Advice provided by Rosie Donovan (Equality and Employability Consultant) on 10/05/2021.**

**Signatures**

<b>Neghat Khan (PH Neighbourhoods, Safety and Inclusion)</b>
<b>SIGNED and Dated: 21/05/2021</b>
<b>Mary Lester (Head of Community Partnerships)</b>
<b>SIGNED and Dated: 19/05/2021</b>
<b>Clive Heaphy (Chief Finance Officer/CD for Finance &amp; Resources) - Dispensation from Financial Regulations</b>
<b>SIGNED and Dated: 13/05/2021</b>
<b>Chief Finance Officer's Comments:</b>