

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4356

Author:

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Department:

Growth and City Development

Contact:

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Subject:

Rough Sleeping Initiative Grant 2021-22

Key Decision (decision valued at more than £1million):

Yes

Total Value:

£2,068,790 (Type: Revenue)

Decision Being Taken:

- 1) To accept the Ministry of Housing, Communities and Local Government (MHCLG) Rough Sleeping Initiative (RSI) grant award of £2,068,790 for use in 2021/22, and to approve the spend of the grant in accordance with the programme as set out in Exempt Appendix A.
- 2) To extend the fixed-term roles as outlined in points 1-3 of Exempt Appendix A. The funding is being approved by the Leader of the Council as an executive decision, and the extension of the post is being approved by the Corporate Director as a non-executive decision under Delegation 16.
- 3) To approve dispensation from Contract Procedure Rules 4.1.2, in accordance with Financial Regulation 3.29 (Operational Issues), in order to continue the services as outlined in points 4-14 of Exempt Appendix A and to commence the services as outlined in points 19-22 of Exempt Appendix A through direct award, without carrying out a tendering process.
- 4) To approve dispensation from Contract Procedure Rules 4.1.1, in accordance with Financial Regulation 3.29 (Operational Issues), in order to continue the services as outlined in point 15 of Exempt Appendix A and to commence the services as outlines in points 16-18 of Exempt Appendix A through direct award, without conducting a quotation exercise.
- 5) To delegate authority to the Corporate Director of Growth and City Development to adjust the remit or reinvest any grant underspend on services for rough sleepers in agreement with the MHCLG as demand requires, within the financial envelope of the grant.
- 6) To delegate authority to the Corporate Director of Growth and City Development to agree the direct award of the funding in point 18 of Exempt Appendix A at a future date, when a provider is confirmed and following confirmation of quality assurance.

Reasons for the Decision(s) In May 2021, 101 different individuals were identified by the Street Outreach Team as rough sleeping in Nottingham. Additionally, a new flow to street homelessness is a significant challenge, accounting for around 44% of all individuals seen since the beginning of 2021. Supporting people away from rough sleeping and protecting them from the risk of street homelessness is a priority in Nottingham and the Council seeks opportunities to secure resources to enable it to address this issue and meet the Council Plan objective of ensuring no one needs to sleep rough in Nottingham.

Since 2018, the Council has submitted successful bids to the annual RSI fund, provided by the MHCLG. The funding has been used by the Council to introduce a comprehensive and cohesive system of services to identify, engage, shelter, support and resettle rough sleepers and prevent homelessness. This has included a combination of specialist support roles, emergency accommodation and resettlement options delivered by the Council directly, as well as contracted partners. Following a successful application to RSI4 in 2021/22, the Council has been awarded £2,068,790 ring-fenced revenue funding to administer a set programme of interventions (as set out in Exempt Appendix A) over the financial year to maintain and expand the local offer (as set out in Appendix B).

Briefing notes documents: Appendix B - Rough Sleeping services in Nottingham.docx

Other Options Considered:

1) To not bid for the RSI funding: this option was rejected because the need for services for rough sleepers in Nottingham remains acute and there is no other available funding source to enable delivery.

2) To accept the RSI funding, but not spend it according to the programme outlined at Exempt Appendix A: this option was rejected because a condition of the grant is that it is ring-fenced for spend according to the predetermined programme. This includes direct awards to the specified providers. This is as necessary approach because of the grant requirements to mobilise quality assured services at pace, which requires partnerships with experienced, specialist providers who can enhance existing provision and deliver cohesively with the wider system.

Background Papers: None

Published Works: None

Affected Wards: Citywide

Colleague / Councillor Interests: None

Any Information Exempt from publication: Yes

Dispensation from Financial Regulations: Yes

Exempt Information:

Description of what is exempt: Exempt Appendix A - Programme of Spend for Rough Sleeping Initiative 2021-22

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

1 - Information relating to any individual The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the programme of spend contains the salary and employment information of individuals.

2 - Information which is likely to reveal the identity of an individual The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the programme of spend describes unique roles that are only filled by one individual.

3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the programme of spend contains service costings that are commercially sensitive and, if published, could prejudice the Council's negotiating position for future commissioning.

Documents exempt from publication: Exempt Appendix A - Programme of spend Rough Sleeping Initiative 2021-22.docx

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: None

Equality: Please login to the system to view the EIA document: RSI 202122 EIA.docx

Social Value Considerations:

This is the fourth consecutive year of service delivery for Point 5 of Exempt Appendix A and, cumulatively, the contract has now reached the EU procurement threshold. Outlined in the service specification contained within the contract, the provider is expected to add social value through delivery of this service in the following ways:

- reducing health inequalities experienced by homeless people;
- reducing social isolation;
- managing services in a way that minimises the negative impact on the local community;
- preventing costs to other services such as health (particularly emergency health services), police and probation services; and
- taking steps to minimise any adverse impacts of the services delivered on the environment.

Relates to staffing:

Yes

Decision Type:

Leader's Key Decision

Subject to Call In:

Yes

Call In Expiry date:

03/09/2021

Advice Sought:

Legal, Finance, Procurement, Human Resources, Equality and Diversity

Legal Advice:

A dispensation may be granted for operational reasons in accordance with Financial Regulation 3.29. The specific dispensations being requested are to extend or enter into new contracts with suppliers without conducting a quotation exercise (Contract Procedure Rule 4.1.1), or a tendering process (Contract Procedure Rule 4.1.2).

With the exception of one contract, the value of the various extensions and contract values are below the relevant thresholds in respect of procurement legislation, and specifically the Public Contracts Regulations. The power to extend or award the contracts therefore is subject to the Council's Constitutional requirements. The contract above this threshold meets the requirements set out within Regulation 72 of the Public Contracts Regulations and therefore could be modified as proposed. As contracts awarded may need to be recorded on Contracts Finder, advice should be sought from the Procurement team in this regard, to ensure compliance.

The Council is also under a duty to secure Best Value under the provisions of the Local Government Act 1999. In determining Best Value, considerations should not just be given to the cost or potential savings to be achieved, but the application of value to all aspects of the Council's operation and having regard to a combination of economy, efficiency and effectiveness.

The reasons for requiring the dispensations to ensure that the grant money can be spent to deliver services for rough sleepers have been set out by the report author. If the Chief Finance Officer and decision maker are satisfied with those reasons, and that Best Value can be demonstrated, then a dispensation can be granted.

Advice provided by Naomi Vass (Senior Solicitor) on 16/08/2021.

Finance Advice:

The Ministry for Housing, Communities and Local Government (MHCLG) confirmed in May 2021 that the Council had been successful in securing a total of £2,068,790 ring-fenced revenue Rough Sleepers Initiative Grant. To date, the first quarter's funding (£386,793) has been received (confirmation of this was received before this financial year to ensure continuity of service provision), as has £200,000 specifically for work to protect Rough Sleepers from Covid-19 in the first quarter.

The grant is ring-fenced and subject to conditions and adherence to these are monitored by the relevant colleagues in Housing Strategy. All payments and income relating to the grant are managed on separate codes to ensure full clarity on spend and these are subject to regular review by Managers and Finance colleagues.

The 2021/22 allocation includes a reduction for reported underspend in 2020/21 (£162,257) and this amount was accrued into 2021/22 for this purpose. MHCLG requires any grant not spent in 2021/22 must be reported to ensure that the same process can occur in the next financial year and any 2022/23 allocation is reduced in line with unspent grant.

The Exempt Appendix A attached in this decision sets out the detail of the expenditure as agreed with MHCLG and this detail is included in the monitoring and coding to ensure detailed feedback can be provided to MHCLG on each element.

There is no base budget for Rough Sleeping - this provision is provided entirely through grants.

The dispensation from Contract Procedure Rules 4.1.1 in accordance with Financial Regulation 3.29 (Operational Issues) is considered appropriate as these are specialist services that are currently working in partnership with the Council to support this work and continuity and this specialism is required.

Advice provided by Susan Tytherleigh (Senior Finance Manager) on 13/07/2021.

Procurement Advice:

Dispensation from the Contract Procedure Rules 4.1.1 for services at point 15 and points 16-18 of the Exempt Appendix A, and dispensation from Contract Procedure Rules 4.1.2 for services at points 4-14 and points 19-22 of the Exempt Appendix A, in accordance with Financial Regulation (3.29) (Operational Issues), are supported from a Procurement perspective for the Rough Sleeping Initiative grant award to be spent as specified in Exempt Appendix A. Such awards will enable a range of measures to be put in place to support people away from rough sleeping and protecting them from the risk of street homelessness in Nottingham. The individual values of these proposals fall below the European Union procurement threshold, apart from the intervention at Point 5 in Exempt Appendix A, which is permitted under Regulation 72 of the Public Contracts Regulations 2015, and is supported from a Procurement perspective. It should be ensured that there are appropriate contractual arrangements in place with providers.

Advice provided by Julie Herrod (Procurement Officer) on 27/07/2021.

HR Advice:

Exempt Appendix A identifies the following posts for consideration against the Programme of Spend: 1 x Rough Sleeper Co-ordinator (internal); 2 x Specialist Navigators (internal), 2 x Private Rented Assistance for Rough Sleepers Workers (1 x seconded from Framework HA, 1 x internal). Management must ensure to take the appropriate action to extend the agreed fixed-term contracts through notifying payroll services of the revised end dates.

As the extensions to the arrangements are temporary and subject to agreed funding, an appropriate exit strategy must be in place in order to terminate the contract in line with Council guidance in the event that the posts cannot be made permanent at the end of the fixed-term period. Management will need to ensure appropriate timelines are in place to notify the affected employee and give appropriate notice.

Advice provided by Aadil Bhatti (HR Consultant) on 17/08/2021.

Equality and Diversity Advice:

There are no impacts to any of the protected characteristics.

Advice provided by Rosey Donovan (Equality and Employability Consultant) on 18/08/2021.

Signatures:

David Mellen (Leader/ PH Strategic Regeneration Communications)
SIGNED and Dated: 25/08/2021
Michael Wayne Bexton (Interim CD for Growth & City Development)
SIGNED and Dated: 24/08/2021
Clive Heaphy as Chief Finance Officer (Chief Finance Officer) - Dispensation from Financial Regulations
SIGNED and Dated: 20/08/2021
Chief Finance Officer's Comments: