

Nottingham City Council

Commissioning and Procurement Executive Committee

Minutes of the meeting held at Loxley House, Station Street, NG2 3NG, on 13 December 2022 from 10.01 am - 10.42 am

Membership

Present

Councillor Adele Williams (Chair)
Councillor Sally Longford
Councillor Linda Woodings

Absent

Councillor Cheryl Barnard
Councillor Toby Neal

Colleagues, partners and others in attendance:

Louise Graham - Voluntary and Community Sector Partnerships Manager
Michael Hainge - Director, Commercial Procurement & Contract Management
Melody Hinds - Commissioning Officer
Chris Keane - Head of Highway Services
Mark Leavesley - Governance Officer
Steve Oakley - Head of Contracting and Procurement

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 20/12/2022. Decisions cannot be implemented until the working day after this date.

39 Apologies for Absence

Councillor Barnard - other Council business
Councillor Neal - personal

40 Declarations of Interests

None.

41 Minutes

The Committee agreed the minutes of the meeting held on 15 November 2022 as a correct record and they were signed by the Chair.

42 Corporate review of VCS and Financial Vulnerability grants - key decision

Louise Graham, Voluntary and Community Sector Partnerships Manager, presented the report, and stated the following:

- a) the report details a revised approach to grants to the Voluntary and Community Sector (VCS), when the current arrangements end in March 2023, through:
 - Area Based Grants (ABG);
 - Communities of Identity Grants;

- Specialist Grants;
 - Financial Vulnerability Grant.
- a) the grants total £2,262,672, made up of £1,528,672 from the general fund and £734,000 from the public health grant;
 - b) a corporate review of the focus of the current grants has been undertaken with the Voluntary and Community Sector and external funders and, following that it is proposed that a one-year extension to the current arrangements be made, with refreshed priorities for the VCS grants for 2023/24;
 - c) the extension will provide some continuity to providers whilst the review is undertaken and, in addition, a small allocation from the budget is proposed to enable a new piece of work to co-produce a new model for 2024/25;
 - d) the review is framed around the Council's overall strategic framework of prevention and early intervention. For example, during 2023, a new 0-25s Early Help offer will be developed, setting clear foundations upon which our statutory duties will be set. Furthermore, a review of our neighbourhood model is being undertaken, and further partnership work on Health and Well-Being themes will progress, all requiring integrated partnership approaches. The VCS can play a vital role to early intervention;
 - e) the proposal is subject to revised budget agreements through the current corporate budget process and, following the conclusion of this process it will be necessary to review the public health grant contribution to ensure it remains a proportionate and eligible use of this ring fenced grant;
 - f) some of the funding is also used in part as match funding for a European Social Fund grant, although no guarantees as to the level of the match have been made beyond April 2023.

Resolved to

- (1) note the findings and outcomes of the corporate review in relation to the Council's allocation and management of grants, as detailed in appendix 1 to the report;**
- (2) approve the extension of the current arrangements (subject to budget level being agreed through the Councils current budget process) with the following principles:**
 - (i) a minimum reduction to the Financial Vulnerability Grant;**
 - (ii) refreshed principles for ABG grants proposed to:**
 - focus on open access universal service provision for children and young people;**
 - provide training for staff and support for volunteering ensuring quality provision and safeguarding;**

- **continue locally accessible job clubs and jobs fairs to support people into work/training or into better employment opportunities;**
 - **lead organisations for ABG and Communities of Identity Grants to provide services/advice relating to management and governance, applying for funding, managing finances, training and volunteering;**
 - **support for the delivery of anticipatory health and well-being activity to help prevent or delay people coming into adult social care support and reduce escalation (subject to sufficient budget);**
- (3) agree to the principle of seeking a lead organisation to enable the co-production of a new VCS Grants model for 2024/25 (allocating approximately £30k), with a focus on:**
- (i) prevention and early intervention;**
 - (ii) maximising opportunities for the VCS to source funding from external sources with an emphasis on seeking match funding in any new model;**
 - (iii) the consideration that any proposed model will fit with existing and developing Council strategy and strategic approach to prevention and early intervention, (e.g. geographical and themed models that will work best alongside broader City work on potential family hubs / neighbourhood models);**
 - (iv) strengthened outcomes framework that provides assurance of impact to the Council but is felt to be proportionate by the VCS.**
- (4) approve consolidation of the four current grant programmes into a single VCS grant budget, sitting with a single budget holder from April 2023.**

Reasons for recommendations

In 2012 Nottingham first developed the geographical and thematic partnership programmes of Area Based and Communities of Identity Grants. Prior to this, arrangements had not been reviewed for 10 years. The current round of agreements with providers comes to an end in March 2023.

A commissioning review by a corporate working group has been undertaken during 2022. The grant providing support for externally delivered financial support and advice was also included in this review. The review asked both internal and external stakeholders to consider which priorities should be supported and identify the preferred delivery model.

The total budget allocated is £2.26m.

This review has included consultation with the current grant funded organisations, the wider Voluntary and Community Sector, internal key stakeholders, external funders and other local authorities to understand other approaches to VCS grants. The

results of this review identified the following priorities for the future direction of the allocation of grants:

- Continued support for the financially vulnerable including the provision of welfare rights and benefits advice, as well as those newly affected by the cost of living crisis;
- Delivering universal provision for children and young people as well as support for training of staff and volunteers, ensuring quality provision and safeguarding of all participants;
- Support for the provision of locally accessible job clubs and job fairs to help people into employment and training. These should also support people already in work with better employment opportunities as we move from match funding from European Social Fund to Shared Prosperity Fund sources;
- Help support the sector through the provision of services relating to management and governance, applying for funding, managing finances, training and volunteering;
- Support for the delivery of anticipatory health and well-being activity to help prevent or delay people coming into adult social care support and reduce escalation (subject to sufficient budget).

(See Appendices 1 'Grants Presentation' and 3 'Grants Survey Summary')

This proposal ensures that grants are responsive to the current context of the cost of living crisis and pressures on social care for 2023/24 and that time and creativity for a future model from 2024/25 can be developed. National and local thinking about how people can be better supported in the community, supporting a sustainable Voluntary and Community Sector in the City, and building the important relationship of the VCS within current approaches to tackle health inequalities through prevention and early intervention are all key elements to a future model.

This work has been undertaken as a corporate endeavour supported by departments which are directly affected by funded VCS activity and will be directed by colleagues from all areas affected by these funding streams.

Services provided through this funding must feed into both existing and developing Council strategy and policy (eg providers of universal youth and play services should contribute to the Early Help Strategy currently being developed).

As the Council makes or adopts changes to strategic frameworks in the future, the VCS, through this funding, must support the implementation of such changes.

A co-production approach to the future model should be led by the sector, capitalising on the reach and trust with communities and seeking collective use of resources to maximise impact. The Council will work alongside the sector, providing data on need and supporting the setting of priorities. This will support development of options that consider how best to tailor resources and approaches with a best value lens.

An appropriate performance management framework for the future model should also be co-produced. This will need to provide assurance of impact to the Council, feel proportionate to the sector, and be able to demonstrate longer-term benefits to citizens. There may be opportunities to make changes to broader commissioned services, where there is duplication with provision through the grants.

(See Appendices 1 'Grants Presentation' and 4 'Grants Market Intelligence')

Other options considered

There have been three headline options considered to support these recommendations. Options are dependent on the current budget process.

Option 1 is to keep the current arrangements in place as they are for future years, however as outlined in the report there is an opportunity to redesign the model for the commissioning and allocation of grants to improve the benefits derived for the local communities and therefore this option is not recommended.

Option 2 is to cease the grants altogether from the Council's approach to supporting communities. However, there is considerable value in maintaining a grants programme to support the council's strategic approach of engaging with and enabling communities in way that leads to early intervention and supports improved outcomes.

Option 3 is to remodel the approach to the commissioning of grants in way that is co-produced with the voluntary and community sector and to align this with the council's strategic approach to engaging with and enabling communities. It is to be noted that the total value of the budget to be set for this would follow the budget setting process of the council. This is the preferred and recommended option.

43 Recommissioning of Independent Advocacy Services for Adults - key decision

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

Melody Hinds, Commissioning Officer, presented the report and stated the following:

- a) Local Authorities are under several statutory duties to provide independent advocacy services for adults. The current service, known as 'Your Voice, Your Choice', was jointly commissioned by Nottinghamshire County Council and Nottingham City Council and is delivered by POhWER;
- b) the existing contract expires, following previous extensions, on 30 September 2023 and, therefore need to be re-commissioned;
- c) Nottinghamshire County Council will be the lead authority on procurement of the recommissioned services and it is proposed to enter a Collaboration Agreement, which sets out the framework for collaboration and outlines each partner's roles and responsibilities in the recommissioning;

- d) Executive approval is required for the City Council's spend of the allocated budget, entering into a Collaboration Agreement, engaging in a joint tender process, and entering an appropriate single provider framework agreement and call-off agreements with the successful provider.

Resolved

- (1) to approve undertaking a tender process for a single provider framework to deliver Independent Advocacy Services for Adults until September 2032 (an initial 5 years, with an option to call off a further 4 years) with a maximum value of £2,322,342;**
- (2) to delegated authority to the:**
- (a) Director of Commissioning and Partnerships to:**
- (i) enter into a Collaborative Agreement with Nottinghamshire County Council for the recommissioning of Independent Advocacy Services for Adults;**
- (ii) approve the tender process for the Independent Advocacy Service for Adults;**
- (b) Head of Procurement to enter into an appropriate Framework Agreement and award and sign call-off contracts as appropriate.**

Reasons for recommendations

Councils have a statutory responsibility to ensure the availability of advocacy services for vulnerable adults. These are jointly commissioned at present with Nottinghamshire County Council. The current contract ensures both authorities advocacy requirements are met but it expires in September 2023 following previous extensions. Both Nottingham City and Nottinghamshire County Council need to recommission the provision of services after September 2023.

The purpose of the Collaboration Agreement is to set out the roles and responsibilities of each partner organisation and to outline accountability arrangements, financial contributions and dispute resolutions.

Continuing to commission the service jointly with Nottinghamshire County Council will ensure advocacy provision is equitable across a Nottinghamshire/Nottingham-wide footprint and will offer economies of scale and comply with the best value duty.

A Single Provider Framework will enable the necessary contracts in the proposed period, to be called-off to ensure all current statutory requirements in relation to advocacy are met. A Single Provider Framework will allow Councils to call off individual service requirements as appropriate under the terms outlined in the Framework with the provider, without the need for further competition. A maximum 4-year contract length in each case has been determined as appropriate for the services in question.

Nottingham City Council would therefore not be overcommitting nor be bound to a long-term financial commitment. This type of Framework also gives the Councils the opportunity to call-off contracts in the future that may be necessary to meet new or changing requirements without the need for a further competition. Anticipated changes are due to the implementation of Liberty Protection Safeguards (LPS) and changes to the Mental Capacity Act (2005) around Independent Mental Capacity Advocacy (IMCA).

A single provider or a partnership arrangement working on a lead/sub basis with a single point of access, will ensure the delivery of a consistent service across the City and County. It will also ensure a simpler service offer for people requiring advocacy; as well as professionals making referrals, than would be achievable through a multi-supplier framework.

As a service governed by the light touch procurement regime, a Framework duration of 5 years is proposed to provide flexibility for the implementation of Liberty Protection Safeguards (LPS) and the awaited changes to the Mental Capacity (2005).

A proposed maximum duration of 4 years call-off contract, towards the end of the 5 years would allow for full implementation of the above changes and for the provider along with all stakeholders to embed the new practices and the opportunity to measure early indicators of impact. As the advocacy services are a statutory regulation, this duration offers stability to the market and the ability to award call off contracts to enable a consistent approach.

Other options considered

Not to procure an independent advocacy service for adults. This is not an option, as this would mean the councils would fail to meet their statutory duties.

To extend the contract to continue the service with the current provider. This is not an option, as all extension options in the current contract have been utilised.

Different services for specific forms of advocacy, which would involve separate contracts with different providers. This was discounted as it could lead to the services being disjointed and small contracts are more susceptible to staffing problems and service disruption. There would be limited capacity to flex delivery to meet fluctuating demand.

44 Highways Annual Procurement Approval 2023-24 - key decision

Chris Keane, Head of Highway Services, presented the report and stated the following:

- a) the purpose of the report was to seek approval for the provision of future procurement arrangements to support Nottingham City delivery of:
 - (i) statutory highway maintenance works;
 - (ii) highway improvement and public realm programmes;
 - (iii) specialist support services for highways works;

- b) there are currently established framework arrangements in place to support highways delivery but, considering the forecast of planned work activity in future years, it is essential that additional frameworks are established commencing in 2023/24;
- c) in preparation for this, and to ensure continuity in procurement compliance for delivery in future years, additional new contracts and framework arrangements (without commitment to spend) will be required to be put in place;
- d) in addition, there are requirements for approval to access third party frameworks for essential services for Highways;
- e) approval was sought to put procurement arrangements in place for the following essential activities:
 - (i) works - multi-disciplined works, including improvement schemes, junction improvement schemes, safety schemes and city centre improvements;
 - (ii) services – highway design and project support, specialist highway, asset management, project support and winter service weather forecasting;
- f) it was proposed that contracts were awarded through conducting processes in accordance with the Council's Contract Procedure Rules and requirements under the Public Contracts Regulations 2015 and, where permitted, (provided they demonstrate Best Value), to access existing national frameworks;
- g) contracts are anticipated to utilise the National Engineering Council (NEC 4) Suite of Construction Contracts or other industry recognised and accepted terms;
- h) a breakdown of the contract requirements is detailed in appendix 1, including the proposed duration of contracts;
- i) in the operation of any awarded framework agreements, it will be necessary to award call-off contracts for individual projects;
- j) to ensure oversight to the operation of any framework and subsequent call-off arrangements, it is proposed that responsibility be delegated to the Contracts and Compliance Manager for Highways.

Resolved

- (1) to approve the procurement and subsequent award of contracts / Framework Agreements as detailed in appendix 1 to the report;**
- (2) that authority be delegated to the Contracts and Compliance Manager for Highways to act as 'Framework Manager' for awarded call-off from the Framework Agreements as listed in appendix 1 to the report.**

Reasons for recommendations

Recommendation 1 - Procuring Highway Contacts & 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.

The identified benefits of putting these arrangements in place are:

- continuity in the provision of compliant delivery arrangements for highways activities in response to increased 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;
- 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;
- 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.

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

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.

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.

Other options considered

Not to let contracts - 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 increased spend in future years by the broader Transport Group at NCC.

To not progress new contract and framework arrangements will jeopardise 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.

To directly award contracts as opposed to framework contract arrangements that have no commitment to value. This would require commitment to spend at point of contract, would not provide the flexibility required for service requirements over the period and therefore not provide value for money.