

# 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.