

COMMISSIONING AND PROCUREMENT SUB-COMMITTEE – 10.03.16

Subject:	Crime and Drugs Partnership Contract Approval 2016/17		
Corporate Director(s)/ Director(s):	Candida Brudenell, Assistant Chief Executive		
Portfolio Holder(s):	Councillor Alex Norris, Councillor Jon Collins and Councillor Nicola Heaton		
Report author and contact details:	Christine Oliver Head of Service CDP 01158765725		
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total value of the decision: Up to £15,750,392			
Wards affected: All	Date of consultation with Portfolio Holder(s): 7 and 8 December 2015 (Leader)		
Relevant Council Plan Key Theme:			
Strategic Regeneration and Development			<input type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input type="checkbox"/>
Energy, Sustainability and Customer			<input type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input checked="" type="checkbox"/>
Children, Early Intervention and Early Years			<input checked="" type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):			
<p>This report seeks delegated authority to the Assistant Chief Executive to receive and collate grants and other funding from partners and to allocate the funds to the CDP (Crime and Drugs Partnership). The CDP will then act as the accountable body on behalf of grant funders and partners. The report also seeks to grant delegated authority to the Assistant Chief Executive to award funding and to award and extend contracts.</p>			
Exempt information:			
State 'None' or complete the following.			
<p>Appendices 1, 2 and 3 to the report are exempt from publication under paragraph 3 of Schedule 12A to the Local Government Act 1972 because they contain information relating to commercial confidentiality and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is not in the public interest to disclose this information because it is commercially confidential.</p>			
Recommendation(s):			
<p>1 To approve the anticipated receipt and expenditure of the Public Health Grant, Police and Crime Commissioner Grant, NCC and partner contributions by the CDP in 2016/17 as set out in exempt appendix 1.</p>			

2	To delegate authority to the Assistant Chief Executive to allocate anticipated funds for the above expenditure and to secure best value for Nottingham citizens as set out in exempt appendix 1.
3	To approve dispensation from financial regulations 3.29 under corporate contract procurement rule 5.1.2 in respect of the direct award of those contracts identified in exempt appendix 2 and 3 to ensure continuity of specialist services.
4	To delegate authority to the Assistant Chief Executive to approve the outcomes of tenders and award contracts to secure best value for Nottingham Citizens in line with exempt appendices 1,2 and 3. .
5	To delegate authority to the Assistant Chief Executive to sign contracts arising from the tender process once the tender outcome is agreed in line with exempt appendices 1, 2 and 3.

REASONS FOR RECOMMENDATIONS

- 1.1 To ensure the Public Health, Police and Crime Commissioner, NCC and partner contributions are utilised to commission and contract with services in an appropriate way and in accordance with the correct legalisation.
- 1.2 To allow for relevant and necessary commissioning activity to continue in order to maintain service provision for the citizens and meet identified local need including meeting the outcomes of the Substance Misuse Needs Assessment and consultation process.
- 1.3 To enable timely contract variations, extensions, direct awards and allocations to be made to services in order to deliver continuation of services in 2016/17.
- 1.4 To allocate funding to deliver the required savings across the Public Health, NCC and Police and Crime Commissioner funding streams in 2016/7. To allow for commissioning and tendering activities to deliver efficiencies in subsequent years.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Indicative funding to the CDP for 2016/17 is set out in exempt appendix 1.
- 2.2 Exempt appendix 1 also sets out anticipated expenditure for the CDP for 2016/17. This follows papers to the Commissioning and Procurement Sub-Committee in February and July 2015 and the exempt appendices proposals for commissioning and allocation of funds.
- 2.3 Exempt appendix 2 sets out those services where direct award of the contract is proposed in 2016/17. The table sets out current contract values of services where direct award is requested.
- 2.4 Exempt appendix 3 sets out those services where tender is due to take place in 2016/17 followed by award of contract.
- 2.5 The substance misuse tender is now out to market following review, Needs Assessment and consultation on substance misuse services. This will complete the CDP Medium Term Financial Plan (MTFP) savings in 2016/17.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Option 1 – To competitively tender those services set out in exempt appendix 2. This is not considered an option due to the specialist nature of the services provided.
- 3.2 Option 2 - To cancel the provision of the services. This is not considered an option due to the impact on the Crime & Drug Partnership Overall Aims to reduce substance misuse.
- 3.3 Option 3 – Do nothing - this is not considered as an option as contracts will end and tender is appropriate to achieve best value.

4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 The anticipated value of the Public Health Grant, Police & Crime Commissioner Grant, Nottingham City Council, and partner contributions funds totals £11,840,652 in 2016/17 as outlined in exempt appendix 1.
- 4.2 The proposals outlined in exempt appendix 1 allow for savings to be delivered in 2016/17 which align to the requirements of the Medium Term Financial Plan (MTFP). Plans would need to be revised accordingly if funding differs from that anticipated.
- 4.3 Extending the selected Substance Misuse contracts as set out in exempt appendix 2 will allow continuity of service whilst commissioning is extended to ensure value for money. Therefore, dispensation from Contract Procedure Rule 5.1 for operational reasons in accordance with paragraph 3.29 of the Council's financial regulations is reasonable.
- 4.4 The maximum award value for the selected Substance Misuse contract extensions are outlined in exempt appendix 2.

(Author Tania Clayton Perez, Senior Finance Assistant, 12/01/2016)

5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 The proposal to dispense from financial regulations in order to direct award contracts in Appendix 2 for Shared Care and Needle & Syringe (Pharmacy Distribution) is compliant with financial regulations. The services are based locally, provide value for money and specialist provision within a very limited market, and therefore, the proposal is fully supported from a procurement perspective. (Author Julie Herrod Procurement 23.2.16)

5.2 This report does not raise any significant legal issues. The services described in Appendix 2 are below the applicable financial threshold for this type of health and social services which are now often referred to as light touch regime services. In those circumstances a direct award can be made and the one year extension period will enable a review of the future

procurement of these services to be undertaken. The other services will be procured through compliant competitive tender processes. Andrew James, Team Leader (Contracts and Commercial)

6 SOCIAL VALUE CONSIDERATIONS

- 6.1 Recommendations have been considered in line with the Public Services (Social Value) act 2012. All services within this report aim to improve the social wellbeing of the client groups they target.

7 REGARD TO THE NHS CONSTITUTION

- 7.1 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 the decisions relating to public health functions we consider the NHS Constitution where appropriate and take into account how it can be applied in order to commission services to improve health and wellbeing.

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 decision only applies to the retendering of these services.

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 None

11 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT

11.1 Andrew James – Legal Services

11.2 Tim Clark Financial - Analyst CDP

11.3 Candida Brudenell – Assistant Chief Executive.

11.4 Ian Greatorex – Finance Business Partner