

EXECUTIVE BOARD – 22 MARCH 2016

Subject:	Adoption of Business Charter		
Corporate Director(s)/ Director(s):	Candida Brudenell, Strategic Director/Assistant Chief Executive Katy Ball, Director of Children’s Commissioning and Procurement		
Portfolio Holder(s):	Councillor Nick McDonald, Portfolio Holder for Jobs, Growth and Transport		
Report author and contact details:	Karla Kerr, Acting Market Strategy and Development Manager e: karla.kerr@nottinghamcity.gov.uk t: 0115 8764796		
Key Decision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Subject to call-in
			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reasons:	<input 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 type="checkbox"/> Revenue <input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input type="checkbox"/> Yes <input type="checkbox"/> No
Total value of the decision: Nil			
Wards affected: All	Date of consultation with Portfolio Holder(s): November 2015		
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 checked="" type="checkbox"/>
Adults, Health and Community Sector			<input type="checkbox"/>
Children, Early Intervention and Early Years			<input 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 presents a proposed Business Charter for Nottingham City Council for consideration, approval and adoption. The proposed Charter’s guiding principles are set out in Appendix 1. After the adoption of the Procurement Strategy 2014-2017 the Charter signals a new way of working with businesses in the City that maximises Nottingham’s potential and ensures that together with local businesses we work towards improving the economic, social and environmental wellbeing of Nottingham.</p> <p>The purpose of the Charter is to establish a new working relationship between Nottingham City Council and local businesses to strengthen the impact of how the Council works locally in order to improve the overall economic performance and prosperity across Nottingham.</p> <p>The Charter will help to facilitate the development of strategic, collaborative and commercial relationships with the Council’s suppliers and partners, support the local economy, and facilitate economic and social opportunities for Nottingham citizens.</p>			
Exempt information:			
An appendix to this report is exempt from publication under paragraph 5 of Schedule 12A to the Local Government Act 1972 because it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings 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 contains confidential legal advice.			
Recommendation(s):			
1 To agree the adoption of the Business Charter			

1 REASONS FOR RECOMMENDATIONS

- 1.1 The Charter will support the creation of employment and training opportunities for local residents, including people with disabilities and support people in to work and work experience placements.
- 1.2 The Charter will support and encourage local businesses and those Nottingham City Council contracts with to commit to paying the Nottingham Living Wage or have a clear plan for moving to paying the Nottingham Living Wage.
- 1.3 The Charter will support and encourage local businesses and those Nottingham City Council contracts with to do business locally therefore maximising the Nottingham pound.
- 1.4 The Charter will support and encourage local businesses and those Nottingham City Council contracts with to be environmentally responsible by adopting the “reduce, reuse, recycle” philosophy.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 In December 2014 the Council launched the Procurement Strategy 2014-2017. In response to this Strategy work was undertaken to write a set of guiding principles for how the Council would do business in the City and how the Council can work jointly with the public sector, businesses and third sector organisations to improve the economic, social and environmental wellbeing of Nottingham.
- 2.2 Birmingham City Council launched their Business Charter for Social Responsibility in 2013. The working group used Birmingham City Council’s learning to develop and write Nottingham City Council’s Business Charter. The key learning was to have clear measureable targets, to include legislation targets and to not target low or small spend.
- 2.3 The guiding principles have been piloted in relevant and specific procurements from December 2015, by the Council’s Procurement Team The results are yet to be evaluated as contracts have yet to be awarded, however initial findings are positive and the inclusion of the Charter has been embraced.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 This Business Charter provides an effective framework to maximise the impact of all procurement activity in supporting the delivery of key strategic priorities in particular promoting local employment and Nottingham’s economic prosperity.
- 3.2 The option exists to continue without the Charter. However, based on evidence of the benefits secured elsewhere through this approach, this is not considered to a sustainable course of action going forward.

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

- 4.1 This decision does not have any implications for finance.

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

- 5.1 In 2014 the Council developed its Procurement Strategy 2014-17 setting out how procurement will drive the Council's key priorities of delivering economic, social and environmental benefits for the City. The Strategy states that 'NCC will deliver social benefits through specific requirements in specifications and contracts through compliance with the Public Services (Social Value) Act duties'. The Business Charter will support the delivery of these aims and the Council's compliance with the requirements of the Public Services (Social Value) Act 2012 to pay regard to economic, social and environmental well-being in their procurement and contracting activity.
- 5.2 In conjunction with Economic Development, the Procurement Team has developed a mechanism to implement the Business Charter in contracts procured, through the inclusion of contract specific requirements and targets to maximise the delivery of economic, social and environmental benefits. The Public Contracts Regulations 2015 allow for contract award criteria to include social value considerations, provided these requirements are relevant to the subject matter of the contract. To minimise the risk of legal challenge and to maximise the economic, social and environmental benefits delivered from each contract, the contract requirements and targets related to the Business Charter will be developed in each case as relevant and proportionate to the contract being procured

6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE)

- 6.1 This decision does not have any implications for strategic assets and property.

7 SOCIAL VALUE CONSIDERATIONS

- 7.1 The Business Charter is a key mechanism by which to increase the social value of procurement activity within Nottingham City.
- 7.2 In particular the charter will promote increased employment opportunities for Nottingham citizens and help underpin the long term economic prosperity of the city.

8 REGARD TO THE NHS CONSTITUTION

- 8.1 This decision does not have any implications for the NHS Constitution.

9 EQUALITY IMPACT ASSESSMENT (EIA)

- 9.1 Has the equality impact of the proposals in this report been assessed?

Yes



Attached as Appendix 2, and due regard will be given to any implications identified in it.

**10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT
(NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT
INFORMATION)**

10.1 None

11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

11.1 Birmingham Business Charter

12 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT

12.1 Chris Henning, Director of Economic Development
Steve Oakley, Head of Contracting and Procurement
Jo Pettifor, Strategic Procurement Manager
Nigel Jackson, Employment and Skills Manager
Chris Grocock, Community Partnership Manager
Andrew James, Team Leader (Solicitor)
Anna Coltman, Policy Officer