

COMMISSIONING AND PROCUREMENT SUB-COMMITTEE- 15/02/2017

Subject:	Crime and Drugs Partnership Contract Approval 2017/18		
Corporate Director(s)/ Director(s):	Katy Ball, Director of Commissioning & Procurement Alison Challenger, Director Public Health Colin Monckton, Director of Strategy & Policy		
Portfolio Holder(s):	Councillor Norris – Portfolio Holder for Adults and Health, Councillor Collins – Portfolio Holder for Strategic Regeneration and Councillor Heaton – Portfolio Holder for Community Services		
Report author and contact details:	Christine Oliver Head of Service Commissioning 01158 765725 Tim Spink, Head of Service Neighbourhood Crime & Justice 0115 8764506		
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 type="checkbox"/> Yes <input type="checkbox"/> No
Total value of the decision: Up to £11,300,808			
Wards affected: All	Date of consultation with Portfolio Holder(s): Councillor Norris - 25/01/17. Consultation with Councillor Chapman regarding dispensation from financial regulations - 01/02/17.		
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 checked="" 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): The purpose of this report is to seek delegated authority to the – Director of Commissioning & Procurement to receive and collate grants and other funding, to allocate this Funding to the Crime and Drugs Partnership to act as the accountable body on behalf of grant funders and partners. In addition to grant delegated authority to the Director of Commissioning & Procurement to award funding and to tender, award and extend contracts and to the Head of Procurement and Contracts to sign contracts.			
Exempt information: 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 it contains 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. Report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is not in the public interest to disclose this information because it would reveal provisional tender amounts and potentially prejudice any future tender exercise.			

Recommendation(s):	
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 2017/18 as set out in exempt appendix 1.
2	To delegate authority to the Director of Commissioning & Procurement 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 Contract Procedure Rule 5.1.2 in accordance with Financial Regulations 3.29 in respect of the direct award of those contracts identified in exempt appendix 2 to ensure continuity of specialist services.
4	To approve dispensation from Contract Procedure Rule 5.1.1 in accordance with Financial Regulation 3.29 in respect of the direct award of those contracts identified in exempt appendix 2 and 3 to ensure continuity of specialist services.
5	To approve tender of contracts as set out in exempt appendix 3.
6	To delegate authority to the Director of Commissioning & Procurement to approve the outcomes of tenders and award contracts to secure best value for Nottingham Citizens as set out in exempt appendix 3.
7	To delegate authority to the Head of Procurement and Contracts to sign contracts arising from the tender process once the tender outcome is agreed (exempt appendix 3) and to sign extensions of contracts in exempt appendix 2.

1 REASONS FOR RECOMMENDATIONS

- 1.1 To ensure the Public Health, Police and Crime Commissioner, Nottingham City Council and partner contributions funding allocations 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
- 1.3 To enable timely contract variations, extensions and allocations to be made to services in order to deliver continuation of services in 2017/18.
- 1.4 To allocate funding to deliver the required savings across the Public Health and Police and Crime Commissioner funding streams in 2017/18.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Indicative unconfirmed allocations to the CDP for 2017/18 are set out in exempt appendix 1.
- 2.2 Exempt appendix 1 also sets out anticipated expenditure for the CDP for 2017/18.
- 2.3 Exempt appendix 2 sets out those services where direct award of contracts is proposed in 2017/18. The table sets out current contract values of services where direct award is requested.
- 2.4 Exempt appendix 3 sets out services to be tendered in 2017/18 and anticipated contract values.
- 2.5 Consultation will be undertaken as part of any tender set out in exempt appendix 3.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 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 and interdependencies with other funding sources and broader contracts.
- 3.2 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.

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 £11,300.808 in 2017/18 as outlined in exempt appendix 1.
- 4.2 The proposals outlined in exempt appendix 1 allow for savings to be delivered in 2017/18 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 Dispensation from financial regulations 3.29 and contract procedure rule 5.1.2 is supported for this service by the Chief Financial Officer.
(Dee Fretwell - Commercial Business Partner - 16/1/2017)

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 Contract Procedure Rule 5.1.2 (operational reasons) in order to direct award the contracts listed in Appendix 2, and the proposal to dispense from financial regulations Contract Procedure Rule 5.1.1 (operational reasons) for the services for Male IDVA, Contribution to BBV and Contribution to Specialist Midwife Team as listed in Appendix 2, are compliant with financial regulations. The rationale for direct awards are described in Appendix 2, all of which are below the applicable financial threshold for this type of health and social services (light touch regime services) and therefore, the proposal is fully supported from a procurement perspective.
- 5.2 This report raises no significant legal issues in addition to those comments from the Procurement team in para 5.1 above. However the City Council must ensure it complies with the partnership funding agreements with the CCG and PCC when commissioning services and awarding contracts. Where contracts are being extended without a tender the City Council must still secure best value from the providers.

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 An EIA is not required either because this decision applies to the extension of services for which there is an existing EIA, or because an EIA will be undertaken separately for each tender exercise.

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 Lucy Putland, Commissioning Manager CDP – 0115 8765732
- 11.2 Tim Clark, Financial Analyst CDP - 0115 8762711
- 11.3 Julie Herrod, Lead Procurement Officer - 0115 8763563
- 11.4 Andrew James, Team Leader Legal Services – 0115 8764431
- 11.5 Dee Fretwell, Commercial Business Partner – 0115 8763711