

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3048

Author:

Chris Henning

Department:

Development and Growth

Contact:

Chris Henning

(Job Title: Director, Email: chris.henning@nottinghamcity.gov.uk, Phone: 01158764906)

Subject:

Nottingham Homelessness Reduction and Cold Weather Plan

Total Value:

£149,612.00 (Type: Revenue)

Decision Being Taken:

To agree to:

- 1) receive Homelessness Reduction Act and Overhauling Data grants of £149,612;
- 2) delegate authority to Strategic Director, Economy to award funding up to £133,742 for proposals in Exempt Appendix 1 and to hold the remaining £15,870 for future, related activities;
- 3) dispensation from Contract Procedure Rule 5.1.1 in accordance with Financial Regulation (3.29)(Operational Issues) to vary 2 contracts and award 1 contract as set out in Exempt Appendix 1

Reasons for the Decision(s)

All local authorities are obligated to produce a Severe Weather Emergency Protocol (SWEP) to ensure that no one has to sleep rough during periods of severe weather (typically defined as where temperatures fall to zero degrees or below for three consecutive nights). SWEPs operate outside of the usual frameworks that determine eligibility for housing (e.g. so that people without recourse to public funds can be accommodated). Nottingham City Council and its partners operate an Extended Cold Weather Plan that goes beyond the core principles of a SWEP to ensure that a range of provision is in place to prevent rough sleeping and to manage the risks to health and wellbeing throughout the entire winter period (from November to 31st March).

Since 2012, these arrangements have included the provision of a winter night shelter operated by Emmanuel House in collaboration with a number of the City's churches. This shelter provides an additional 18 to 22 beds for rough sleepers alongside the year round supported accommodation already commissioned by the Council. The arrangements operated under the Extended Cold Weather Plan have been sufficient in recent years to uphold the Council's commitment to No Second Night Out, which strives to ensure that no one will live on the streets and that no one new to sleeping rough will sleep rough for a second night. In response to the recent increases in rough sleeping in the City, the Council and its partners from the multi-agency Homelessness Strategy Implementation Group have brought together a number of proposals to increase access to accommodation and shelter to help reduce rough sleeping to a minimum.

The proposals contained within this decision puts in place additional accommodation and support for rough sleepers and will allow the Council to continue to honour its commitment to No Second Night Out during the winter months. It utilises grant aid made available for the implementation of the Homelessness Reduction Act to reduce street homelessness ahead of April 2018 and Implementation of the Act. The council has already made a significant investment in homelessness prevention this year utilising the funds available through the Flexible Homeless Support Grant.

This decision ratifies urgent actions taken to address street homelessness issues during December/January 2017/18, fully considered by senior management and Portfolio Holders. Dispensation from financial regulations is requested as the urgency with which the services are required and the short term nature of the services mean is technically unfeasible to secure a provider through a procurement process. The Council is currently undertaking a procurement process which award a single contract for a Rough Sleepers Enablement and Outreach Service (incorporating No Second Night Out) to be delivered from the 1st April 2018

Other Options Considered:

To maintain current arrangements or not to fund the proposals set out in Exempt Appendix 1. This option is rejected on the grounds that current provision is likely to be insufficient to ensure accommodation is available to maintain the Council's commitment to No Second Night Out during the winter period.

To seek quotes or tender for providers to deliver services in accordance with the Council's Financial Regulations. This option is rejected on the grounds of urgency and low probability that other more suitable options can be found within the available time.

Background Papers:

Published Works: Nottingham Cold Weather Provision Plan 2017
Delegated Decision 2912
Minutes of Commissioning and Procurement Sub Committee 15.02.2017

Affected Wards: Citywide

Colleague / Councillor Interests:

Any Information Exempt from publication: Yes

Dispensation from Financial Regulations: Yes

Exempt Information:

Description of what is exempt: Appendix 1 contains commercially sensitive information

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the decision contains financially sensitive contract information for a provider of services for the council which may also prejudice future procurement.

Documents exempt from publication: Appendix 1 - Contract variations and award of contracts v3.docx

Consultations:
Date: 13/12/2017
Ward Councillors: Jane Urquhart
Councillor Urquhart confirms agreement with the proposal.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

These proposals will help to reduce crime and disorder by positively helping to alleviate rough sleeping in the City.

Equality:

EIA not required. Reasons: An EIA is not required because the urgency of the need for implementation.

Social Value Considerations:

N/A

Decision Type:

Portfolio Holder

Subject to Call In:

No
The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

Person Consulted: Councillor Brian Parbutt
Consultation Date: 09/01/2018
Contracts need to be concluded with the provider (Framework) as soon as possible to enable Nottingham City Council formalise the decision to receive that grant and commit the expenditure to provide services for vulnerable citizens.

Advice Sought:

Legal, Finance, Procurement

Legal Advice:

The proposals in this report are split into three separate recommendations in relation to the receipt of Homelessness Reduction grant money and contracts as detailed in Appendix 1 - 1) permission to extend the existing contract for the Rough Sleepers Enablement service requiring dispensation from Contract Procedure Rule 5.1.1; 2) permission to extend the existing contract for the 'No second night out' service provision requiring dispensation from Contract Procedure Rule 5.1.2 and 3) permission to award a new contract for emergency winter accommodation for rough sleepers with complex needs, requiring dispensation from Contract Procedure Rule 5.1.1.

All of the contracts form part of the Council's obligation to ensure provision is in place to prevent rough sleeping and to manage the risks to health and wellbeing during winter months in line with the Nottingham Cold Weather Provision Plan.

These extensions are deemed to be modifications as permitted under Regulation 72 of the Public Contracts Regulations and for the reasons provided within the report, the fact that they are temporary measures and it is the intention that a procurement process to establish more secure homelessness prevention services is due to be undertaken, dispensation in each case is supported and raises no significant legal issues. Advice provided by Dionne Claire Screamon (Solicitor) on 20/12/2017.

Finance Advice:

The grant has already been received by the Council. The dispensation from Financial Regulations is required as the contracts outlined in the DDM need to be directly awarded given time constraints of the work and its urgency.

As delegated authority is to be given to the Strategic Director of Economic Development to approve the measures listed - he must ensure that the spend outlined is in accordance with the grant conditions and that appropriate records are kept as required. Advice provided by Susan Tytherleigh (Senior Finance Manager) on 18/12/2017. Advice provided by Susan Tytherleigh (Senior Finance Manager) on 18/12/2017.

Procurement Advice:

The proposal to vary the current contract for the "Rough Sleepers Enablement Service" will provide funding for additional support for vulnerable homeless citizens during the winter period. The proposed additional funding is permitted as a small modification under Regulation 72 (5) of the Public Contracts Regulations 2015.

The proposed variation to the 'No Second Night Out' contract will provide funding for accommodation for people at risk of rough sleeping over the winter period. Due to the urgent and short term nature of the services needed, it is not considered technically or economically feasible to procure an alternative provider therefore modification variation under Regulation 72(1)(b) of the Public Contract Regulations 2015 is supported

The proposed direct award of a contract for Emergency (winter) Accommodation for Rough Sleepers with Complex Needs will fund additional accommodation and support to alleviate rough sleeping during the winter period.

The proposed variations and direct award will enable the provision of essential support and accommodation for rough sleepers that is urgently required during the winter period. A procurement process is currently underway to secure outreach and homelessness prevention services in the longer term, therefore these arrangements will be an interim basis. For these reasons, dispensation from the Contract Procedure Rules 5.1.1 and 5.1.2 in accordance with Financial Regulation (3.29) (operational reasons) is supported from a procurement perspective.

Advice provided by Jo Pettifor (Procurement Team Manager) on 20/12/2017.

Signatures

Jane Urquhart (PH for Planning, Housing and Heritage)
SIGNED and Dated: 16/01/2018
David Bishop (Deputy CE, CD for Development and Growth)
SIGNED and Dated: 10/01/2018
Theresa Channell (Head of Corporate and Strategic Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 10/01/2018
Chief Finance Officer's Comments: