

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	3130
<b>Author:</b>	Bethan Hopcraft
<b>Department:</b>	Strategy and Resources
<b>Contact:</b>	Bethan Hopcraft (Job Title: Strategy and Commissioning Officer, Email: bethan.hopcraft@nottinghamcity.gov.uk, Phone: 0115 876 5073)
<b>Subject:</b>	Supervised consumption of methadone/buprenorphine contract
<b>Total Value:</b>	44,167 (Type: Revenue)
<b>Decision Being Taken:</b>	To approve dispensation from Contract Procedure Rules 5.1.1 in accordance with Financial Regulation 3.29 (Operational Issues) for the extension of the Supervised Consumption of Methadone/Buprenorphine Contracts for a period of two months (April / May 2018).
<b>Reasons for the Decision(s)</b>	<p>The current contracts between NCC and Nottingham City pharmacies is due to expire on 31st March 2018. Authority has been given to go through a light-touch tender process in order to award contracts for one year, with the option to extend for two further one-year periods. This decision was signed on 8th February 2018.</p> <p>The number of supervised consumption transactions has increased consistently over the past four years. This is partly due to improved monitoring and financial processes, and partly due to the increase of new opiate users requiring Opioid Substitution Therapy (OST) medication in the city. As part of the response to this increase, payment rates are being reviewed. Negotiation on the appropriate transactional rate is underway with the Local Pharmaceutical Committee. Additional time is required to complete this negotiation.</p> <p>Late changes to the services specification are also required due to changes in data protection legislation (GDPR) to ensure that NCC and provider roles and responsibilities are clearly set out.</p>
<b>Other Options Considered:</b>	To continue with procurement and award contracts on 1st April 2018. This option was rejected as it holds risks around data protection as there are changes that need to be made to the contracts to reflect the requirements in the GDPR; non-compliance with the regulations could result in a large fine to the organisation. It is necessary to review that payment structure and consider a transactional price reduction to help manage ongoing pressures against this budget.

**Background Papers:** None

**Published Works:** None

**Affected Wards:** Citywide

**Colleague / Councillor Interests:** None

**Dispensation from Financial Regulations:** Yes

**Consultations:** Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:** The CDP is required to produce an annual strategic assessment and partnership plan to consider crime, anti-social behaviour, substance misuse and re-offending in the city. The plan for 2017/18 was agreed by the Partnership Board in March 2017. Reducing drug-related harm is a key part of the partnership plan. The consideration to extend the contracts forms part of the Partnership Plan and the Council Plan by continuation of the current contracts.

**Equality:** EIA not required. Reasons: Continuation of currently provided service.

**Regard for NHS Constitution:** 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 this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.

**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:** Cllr Brian Parbutt  
**Consultation Date:** 03/04/2018  
Due to timescales involved with implementation.

**Advice Sought:**

**Legal, Finance, Procurement**

**Legal Advice:**

The proposal set out in this report does not raise any significant legal concerns. This is a short term extension to ensure that future contracts represent best value to the Council and are in place to support a vulnerable community within the City.

On the basis that (1) these type of services fall within the 'light touch' regime; (2) the Council may grant a dispensation for operational reasons to its requirement to seek quotations for the value of this report; and (3) the extension is for a short period to ensure the correct information is present for the procurement of future contracts, the proposal can be supported from a legal perspective.

Advice provided by Naomi Vass (Senior Solicitor) on 28/03/2018.

**Finance Advice:**

This proposal seeks to extend the current contract for supervised consumption of methadone/buprenorphine for a period of 2 months from 01st April 2018 until 31st May 2018.

The total value of this decision is: £44,167. Due to slippage in the tender exercise for this contract, there is sufficient resource available to cover this cost in 2018/19, as incorporated within the MTFP.

This decision seeks dispensation from Contract Procedure Rules 5.1.1 in accordance with Financial Regulation 3.29 (Operational Issues) and this request is deemed appropriate for the reasons outlined by the report author.

Value for money will be secured through the light touch tender exercise.

Advice provided by Hayley Mason (Strategic Finance Business Partner) on 03/04/2018.

**Procurement Advice:**

The proposal to extend the current contracts for Supervised Consumption of methadone / buprenorphine from 1st April 2018 until 31st May 2018 will enable negotiations on the appropriate transactional rates to be completed prior to the a light touch tender process. Therefore, approval to dispense with Contract Procedure Rule 5.1.1 in accordance with Financial Regulation (3.29) (Operational Issues) with regard to extend these contracts is supported from a procurement perspective.

Advice provided by Julie Herrod (Procurement Officer) on 20/03/2018.

**Signatures**

<b>Nick McDonald (PH for Adults and Health)</b>
<b>SIGNED and Dated: 12/04/2018</b>
<b>Candida Brudenell (Corporate Director for Strategy and Resources)</b>
<b>SIGNED and Dated: 10/04/2018</b>
<b>Theresa Channell (Head of Corporate and Strategic Finance) - Dispensation from Financial Regulations</b>
<b>SIGNED and Dated: 09/04/2018</b>
<b>Chief Finance Officer's Comments:</b>