

Brighton & Hove City Council
Adult Social Care & Public Health Sub-Committee

1.00pm 8 November 2022

Hove Town Hall - Council Chamber

Minutes

Present: Councillor Nield (Chair) Shanks (Deputy Chair), Robins (Opposition Spokesperson), Appich and Brown

Part One

11 PROCEDURAL BUSINESS

11(a) Declaration of Substitutes

11.1 Councillor Brown was present in substitution for Councillor Barnett.

11(b) Declarations of Interests

11.2 There were none.

11(c) Exclusion of Press and Public

11.4 In accord with Section 100A of the Local Government Act 1972 ("The Act"), the Adult Social Care & Public Health Sub Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure of them of confidential information as defined in Section 100A (3) of the Act.

11.4 **RESOLVED** – That the public be not excluded during consideration of any item of business on the agenda.

12 CHAIR'S COMMUNICATIONS

- 12.1 The Chair, Councillor Nield, explained that as this was a special meeting there were no communications on this occasion.
- 12.2 The Chair also reminded those present that the meeting was being webcast live and would be capable of repeated subsequent viewing.

13 PUBLIC INVOLVEMENT

- 13.1 There were no public involvement items.

14 MEMBER INVOLVEMENT

- 14.1 There were no Member involvement items.

15 SUPPORTED LIVING PRIOR INFORMATION NOTICE AND AWARD

- 15.1 The Sub-Committee considered a report of the Executive Director, Health and A, Health and Adult Social Care relating to Supported Living Prior Information Notice and Award.
- 15.2 In response to questions it was explained that the council was facing increased demand for supported living services in the city to meet the needs of adults with learning disabilities, including those with complex needs.
- 15.3 In answer to questions it was explained that permission was being sought to seek expressions of interest from providers. Commissioners were also seeking permission to conduct any subsequent procurement processes and to award contracts following the publication of each PIN. The Council was seeking to award up to a maximum of seven contracts for the provision of supported living for up to 51 individuals, wherever possible within the boundaries of the city. By carrying out this process it was intended that the Commissioners would be able to shape and grow the market to enable people to remain living close to family and friends. The Council would have better oversight of the quality of care provided and of over costs.
- 15.4 The Chair, Councillor Nield invited Councillor Robins to introduce the Labour Group amendment set out below, Councillor Appich who had seconded the proposed amendment was then invited to speak in support.

the relevant changes are made to the recommendations as shown in
strikethrough and ***bold italics***:

Recommendations

2.1 That the Adult Social Care & Public Health (ASCPH) Sub-Committee grant delegated authority to the Executive Director of Health & Adult Social Care to issue Prior

Information Notices to seek expression of interest from providers interested in developing Supported Living services in the city for adults with learning disabilities, ***subject to recommendation 2.2 below.***

2.2 That the ASCPH Sub-Committee requests a report to come to Procurement Advisory Board before the Prior Information Notice is issued to consider and oversee the proposed award criteria;

2.3 That the ASCPH Sub-Committee requests a report to come before the committee identifying the preferred provider and seeking committee approval.

Proposed by: Cllr Appich Seconded by: Cllr Robins

- 15.4 Councillor Appich referred to concerns which had arisen in relation to service delivery arrangements in respect of the Old Brewery site in Portslade. Issues in respect of this matter were still under investigation by the Chief Executive and there were concerns that contracts, including this one should not be let without sufficient oversight and sign off by the appropriate overarching committees beforehand. In Councillor Appich's view it was very important that Members and Ward Councillors had oversight and scrutiny prior to the award of contracts. Councillor Appich stated that he had no objections to the awarding of the Prior Information Notice (PIN) but wanted to ensure that all of the necessary re- assurances were in place.
- 15.5 Councillor Robins concurred with all the points raised by Councillor Appich.
- 15.6 Councillor Shanks queried whether this matter had already been considered by considered and agreed in principle by the Procurement Advisory Board and the implications of any potential delay.
- 15.7 It was explained that logistical issues could arise if following conversations with providers there was delay and or the need to convene another special meeting of the Sub Committee. The approach suggested aimed to provide an agile means of providing services. In order to make this "work" timings were crucial, a further update report could be brought forward to a future meeting of the Sub Committee.
- 15.8 Councillor Shanks stated that she did not consider that it was appropriate for the Committee to become involved in who the individual contracts were let to, Members did not have expertise in procurement. Delays could compromise the whole process.
- 15.9 Legal advice was sought and, it explained that a strict process was adhered to, the matter came to Committee for approval or not. There could, potentially be a number of different providers and a rolling programme of provision. Providers needed to go through a strict process in order to meet the criteria set out.
- 15.10 Councillor Robins stated that he disagreed that there would be an unacceptable delay considering that it was very important for Members to be confident that adequate

mechanisms were in place. Greater delays would result if something went wrong and contracts that had been let broke down further down the line.

15.11 Councillor Shanks stated that for clarity it would be beneficial for each of the recommendations set out in the report were voted on separately. Therefore recommendations 2.1 and 2.2 were voted on and agreed unanimously. The recommendation set out in Paragraph 2.3 was agreed on a vote of 3 to 2.

15.12 The Labour Group Amendment was therefore agreed, the original recommendations were lost, the Labour Group amendments became the substantive recommendations and were agreed as follows:

15.13 **RESOLVED** – (1) That the Adult Social Care & Public Health (ASCPH) Sub Committee grant delegated authority to the Executive Director of Health & adult Social Care to issue Prior Information Notices to seek expression of interest from providers interested in developing Supported Living services in the city for adults with learning disabilities, subject to recommendation 2.2;

(2) That the ASCPH Sub Committee requests a report to come to procurement Advisory Board before the Prior Information Notice is issued to consider and oversee the proposed award criteria; and

(3) That the ASCPH Sub Committee requests a report to come before the Sub Committee identifying the preferred provider and seeking committee approval.

The meeting concluded at 1.45pm

Signed

Chair

Dated this

day of