

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

4.00pm 12 September 2023

Hove Town Hall - Council Chamber

Minutes

Present: Councillor Burden (Chair) Galvin, Miller, West and Winder

Part One

14 PROCEDURAL BUSINESS

14(a) Declaration of Substitutes

14.1 There were no substitutes.

14(b) Declarations of Interest

14.2 There were no declarations of interest.

14(c) Exclusion of the Press and Public

14.3 In accordance with Section 100A of the Local Government Act 1972 ("The Act"), the Sub Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the agenda on the grounds that it was 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 to them of confidential information as defined in Section 100(A) of the Act.

14.4 It was noted that the appendix to Item 24 on the agenda contained information which was exempt under Paragraph 3 of the Act. If the Sub Committee wished to discuss any information contained in the appendix they would need to do so whilst the public were excluded. Members did not raise any matters in respect of any information contained in the confidential appendix and therefore all of the business of the meeting was conducted in public session.

14.5 **RESOLVED** – That the Press and Public not be excluded from the meeting during consideration of any item of business on the agenda.

Webcasting of the Meeting

14.6 The Chair explained that the meeting was being webcast live and that it would be available for repeated subsequent viewing.

15 MINUTES

- 15.1 The minutes of the meeting held on 13 June 2023 were agreed as an accurate record of the proceedings.

16 CHAIR'S COMMUNICATIONS

- 16.1 The Chair gave the following communications:

Covid Vaccination

- 16.2 "This year's autumn flu and Covid-19 vaccine programmes are starting earlier than planned in England as a precautionary measure following the identification of a new Covid variant. This week (from 11 September), vaccinations are starting to be given to adult care home residents and those who are housebound. Vaccination teams will be in contact with settings to arrange dates if they haven't already. The timeframe for delivering the vaccinations is tight so homes should do everything they can to support the vaccination teams. From 18 September, the NHS will start to invite people in priority order of risk and those eligible will be able to book an appointment on the National Booking Service online, through the app or by calling 119. People who are immunosuppressed, adults aged 65 and over, carers, pregnant women, and health and social care staff will all be among the groups offered a Covid jab this winter. Eligible people should wait to receive an invite from their local provider and then take up the offer as soon as possible.

Ageing Well Festival

- 16.3 From 29 September, the Ageing Well Festival is back. It's offering offers a large and varied programme of events people aged 50+ in Brighton & Hove which are a chance to join in, meet new people and try something new. Running until 13 October, events include tours, cooking, creative workshops, talks, sports, exercise, advice, music, art, dancing, and much more at venues across the city. Many events are free. For full details visit the Ageing Well website or pick up a programme around the city.
- 16.4 **RESOLVED** - That the content of the Chair's Communications be received and noted.

17 CALL-OVER

- 17.1 All items appearing on the agenda were called for discussion.

18 PUBLIC INVOLVEMENT

- 18.1 There were no items of public engagement.

19 MEMBER INVOLVEMENT

- 19.1 There were no items of Member Involvement.

20 ITEMS REFERRED FROM COUNCIL

20.1 No items had referred from Council for consideration.

21 RECOMMISSIONING OF THE THE CARERS HUB FOR BRIGHTON AND HOVE

- 21.1 The Sub Committee considered report of the Executive Director of Health and Adult Social Care seeking approval for re-commissioning of the Carers Hub, which would continue to be jointly funded by BHCC/NHS Sussex as a single point of contact for all family and friend unpaid carers in the city. The Carers Hub had been commissioned initially in 2017 to bring together the range of services for unpaid carers in the city and to ensure that there was a robust response for the statutory duties towards unpaid carers via a partnership of providers. Supporting unpaid carers was a priority across the statutory services with duties under the Care Act 2014, Children and Families Act 2014 and the Health and Care Act 2014 and the Health and Care Act 2022 as well as recognising the strategic importance of supporting family and family and friend unpaid carers.
- 21.2 Councillor West commended the work which had been undertaken and welcomed the report but queried the rationale for re-commissioning what was clearly been established as a good service. Councillor West also expressed the view that it would be beneficial for Members to receive training in respect of contractual matters and the different approaches adopted as that would aid their understanding of the germane issues and processes involved.
- 21.3 The Executive Director, explained that due to changes in legislation there was a legal requirement to tender for a new contract. The points made regarding Members desire for training were noted.
- 21.4 Councillor Galvin enquired whether there would be multiple contracts to be let. It was clarified that there was a strong local provider who would had proven track record in delivering this service.
- 21.5 Councillor Miller enquired regarding the specific process to be undertaken in terms of cost and quality of provision and whether it could be stipulated that a local provider be appointed. It was explained that whilst this could not be required when awarding the contract factors such as experience and a proven track record would be taken into account.
- 21.6 A vote was taken and the Sub Committee voted unanimously to accept the report recommendations.
- 21.7 **RESOLVED** - (1) That the Sub Committee agrees to the re-commissioning of the Carers Hub for Brighton & Hove; and

(2) Grants delegated authority or the award of a new contract to the Executive Director, Health and Adult Social Care to procure and award a new contract to provide a Carers Hub.

22 SUPPORTED LIVING PRIOR INFORMATION NOTICE AND AWARD- OUTCOME REPORT

- 22.1 The Sub Committee considered a report of the Executive Director Health and Adult Social Care in respect of the Supported Living Prior Information Notice and Award.
- 22.2 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 coming through transition and those with complex needs. As a result of the lack of local provision many individuals with such needs were being placed outside of the city, often in placements at high cost which were an overprovision. To address this approval had been sought to issue Prior Information Notices (PINs) as Calls for Competition to the market to enable delivery of the necessary services.
- 22.3 A report had been presented to the Sub Committee in November 2022,(comprised of a different membership at that time) and in consequence of an amendment made to the recommendations it had been agreed that a report be placed before the Procurement Advisory Board (PAB) before the PIN was issued. PAB had considered that report at their meeting on 13 February 2023 at which time it had considered and overseen the content of the PIN before it was issued including the proposed award criteria in the event of multiple suitable expressions of interest.
- 22.4 At its meeting in November 2033, the Sub Committee had also requested that a report came back before it, identifying the preferred provider and seeking approval for their appointment. That report was now before the Sub Committee for its approval and details of the tender process were detailed in the report as was an analysis and consideration of any alternative options and the community engagement and consultation which had taken place.
- 22.5 Councillors Miller, Galvin and West stated that they had not been party to the original decision and the rationale for the decision that the report be referred back to the Sub Committee.
- 22.6 The Legal Adviser to the Sub Committee explained that it was unusual for a PIN to be referred back in this way. It was not, due however, to any concerns in respect of the process to be followed. The Council was required to comply with the Public Contracts Regulations 2015 in relation to the procurement and award of contracts above the relevant financial threshold. It would not be compliant with the regulations to award the contract to any supplier other than the successful bidder. If the process were to be abandoned tenderers were required to be informed of that situation and that decision could be subject to legal challenge.
- 22.7 Whilst Councillors Galvin, Miller and West considered that there was nothing to suggest that there had been any irregularity in this process they did not feel that they had sufficient information/knowledge in order to determine the matter.

- 22.8 Councillors Burden and Winder were content that the information provided in the report and at the meeting explained the position fully and therefore supported the report recommendation.
- 22.9 A vote was taken and on a vote of 2 for with 3 abstentions the report recommendation was approved.
- 22.10 **RESOLVED** - That the Sub Committee notes the outcome of the procurement and agrees that the contract will be awarded to the winning bidder.

23 YOUNG PEOPLE'S SUBSTANCE USE SUPPORT SERVICE CONTRACT

- 23.1 The Sub Committee considered a report of the Executive Director Adult Social Care and Health seeking the Sub Committees' agreement to contract the Oasis Project for the delivery of specialist substance use treatment and support for children young people and families.
- 23.2 It was noted that the funding for this work was to augment substance misuse treatment and for substance misuse treatment and support under the national Combatting Drugs Strategy. The children and young people's element of the Brighton and Hove proposal had been developed by the Council's Adolescent Service which delivered to children and young people and the Oasis Project which delivered to children, young people and parents.
- 23.3 Councillor Miller asked for further information about the project and it was explained that it delivered services across a number of areas including a therapeutic offer, some of which were funded in the city with some elements delivered via other funding streams. Councillor Miller noted that different approaches could be adopted to service delivery enquiring how the city's model compared with others and whether this impacted on crossover and transitional services.
- 23.4 The Executive Director explained that although a number of different services were involved measures were in place to ensure that all of the various elements were melded together cohesively.
- 23.5 Members voted unanimously in support of the report recommendation.
- 23.6 **RESOLVED** – That the Sub Committee agrees that the Council now enters into a formal written contract with Oasis project to deliver treatment and for substance use issues support to children, young people and families.

24 RESIDENTIAL AND NURSING CARE HOME BLOCK CONTRACTING

- 24.1 The Sub Committee considered a report of the Executive Director Health and Adult Social Care. The report explained that the Council was facing continued difficulties in securing residential nursing and complex needs care home provision at competitive and sustainable rates, the high demand for placements in the city had driven up costs. To help address this approval was being sought to block contract beds.

- 24.2 By entering into block contracts arrangements capacity could be secured at more competitive rates, whilst maintaining good quality provision. It was intended to issue Prior Information Notices (PINs) to seek expressions of interest from providers.
- 24.3 Councillor West referred to the arrangements being made (Chair's Communications) to roll out the vaccine, including care home residents who were being targeted specifically. The report sought to make additional bed spaces available, and he sought clarification regarding how this played against the current extreme funding pressures.
- 24.4 The Assistant Director explained that this process created stability as it provided an opportunity to engage with the market and helped to provide financial stability by working with the market/providers in reaching a price which they could operate at.
- 24.5 Councillor Miller sought confirmation regarding the process to be undertaken, requiring re-assurances that sufficiently robust measures were in place and that sanctions could be invoked if provision fell short of what was expected. It was explained that all providers/care homes needed to meet compliance standards.
- 24.6 Councillor West enquired regarding regulation by central government, and it was explained that precise clarification was awaited.
- 24.7 Councillor Galvin expressed concern that all staff should be paid the living wage. He was concerned that schemes could be used as a means of off-shore tax avoidance. It was explained that there would be closely scrutinised. The Executive Director explained that this was a country wide issue, most of the care homes in the city were run by local families the council worked very closely with these providers' but it was also necessary to work with the market as well.
- 24.8 Councillor Winder stressed that it was important that there was equality of provision and that there was sufficient local provision. It was explained that this was the guiding principle for this process It was hoped in Wish Ward for example, to bring 28 bed spaces back into the city. The Chair, Councillor Burden stated that this was welcomed.
- 24.9 A vote was taken and Members voted unanimously in support of the report recommendation.
- 24.10 **RESOLVED** - That the Sub Committee grants delegated authority to the Executive Director, Health and Adult Social Care to take all necessary steps to procure and award multiple block contracts for a period of eight years (8 Years) which will run with bi-annual breaks i.e., two (2) plus two o (2) plus two (2)plus two (2) for residential nursing beds.

25 PART TWO

- 25.1 No discussion took place in respect of the appendix to Item 24 above which contained exempt information under Category 3 of the Local Government Act. It was not necessary therefore to exclude the press or public from the meeting.

The meeting concluded at 5.20pm

Signed

Chair

Dated this

day of

