

Wards Affected: *All Wards*

TRANSFER OF RESPONSIBILITIES AND FUNDING FOR TIER 4 SERVICES (RESIDENTIAL DRUG AND ALCOHOL TREATMENT)

Revised Legal Implications Section

4.5 Legal

~~The Council's Legal Department has been consulted and agrees that the Council can transfer its responsibilities to fund tier 4 placements to Compass, with the following conditions:~~

Provision of detox services is not a statutory obligation of the Council. However, the Council has powers under section 1 of the Localism Act 2011 to do anything which an individual can do.

Compass already provides services for the Council for adult drug and alcohol support which by nature blend with the required additional services for detox as proposed under this report. The award of the original contract to Compass followed a compliant procurement process. The detox services fall within the Light Touch Regime services under the Public Contracts Regulations 2015 and the value of the proposed additional services for the duration of one year is such that the contract with compass may be modified without the need for a further procurement exercise. If approved, the Council needs to ensure that the following are undertaken to mitigate risks:

- (a) There is robust financial monitoring in place.
- (b) The terms and conditions of Compass' contract, including the specification is reviewed and amended to reflect the requirements and to ensure that any risks are adequately addressed and mitigated.

The Public Health Drugs and Alcohol lead will ensure that these conditions are followed, liaising with the Legal Department as required.