

# Notice to the Chair of the Community and Wellbeing Scrutiny Committee



## Urgent Key Decision form

DECISION DETAILS
<b>Decision Maker:</b> Chief Executive
<b>Decision Title:</b> Award of Contract for set up and management of Covid-19 Lateral Flow Testing
<b>Description of Decision:</b> To approve the direct award of the contract for the set up and management of Covid-19 Lateral Flow Testing on behalf of the DHSC for a period of 6 weeks from 21 December 2020.
<b>When will the Decision be made?</b> 18/12/20
<b>Will the accompanying report be:</b> Open <input checked="" type="checkbox"/> Part Exempt <input type="checkbox"/> Fully Exempt <input type="checkbox"/>
<b>Reasons for exemption (if applicable)</b> The report will contain the following category of Information exempt from publication under the Schedule 12A of the Local Government Act 1972, namely paragraph:
TYPE OF URGENCY
<b>Please tick all that apply:</b>
<input type="checkbox"/> A. The decision is urgent and <u>28 clear days' notice</u> of the decision cannot be given but at least 5 clear days' notice can
<input checked="" type="checkbox"/> B. The decision is extremely urgent and even <u>5 clear days' notice</u> of the decision cannot be given
<input type="checkbox"/> C. The decision will be made by members at a meeting and <u>28 clear days' notice</u> that the proposed decision may be discussed in private (i.e. the report will contain information <u>exempt from publication</u> ) cannot be given
<input checked="" type="checkbox"/> D. The decision must be implemented urgently and the <u>5 day call-in period</u> must be <u>dis-applied</u> to allow the decision to take immediate effect.
REASONS FOR URGENCY
<b>If you have selected options A, B or C please explain:</b>
<ul style="list-style-type: none"><li><b>Why it was not possible to provide the required notice (i.e. why the decision or exemption was not anticipated)</b> Given the need to urgently procure a Lateral Flow Testing service, it is not considered that the Council has time to provide notice on the Forward Plan in order to undertake a tender process to select a provider. Given the urgency in setting up the system, it is impossible to comply with the usual timescales in the Public Contracts Regulations</li></ul>

2015. There is no time to run an accelerated procurement under the open or restricted procedures or competitive procedures with negotiation; There is no time to place a call off contract under an existing commercial agreement such as a framework or dynamic purchasing system. Officers therefore seek approval to direct award of a contract for a Lateral Flow Testing service on the basis of extreme urgency. The intention is to award a contract for 6 weeks only, to address the immediate danger to the public

- **Why it is impractical to defer the decision to a later date to allow the appropriate notice to be provided.**  
See above

**If you have selected Option D please explain why the council's interest or the public interest would be seriously prejudiced by the decision not taking immediate effect.**

The rate at which rates of Covid-19 infection are increasing and the success of the pilot, means that there is genuine urgency in the need to roll out widespread testing across the borough. The Lateral Flow Tests provide a rapid result within 30 minutes and are less intrusive than the swabs for the current PCR (Polymerase Chain Reaction) tests. The efficacy of such lateral testing in quickly identifying Covid-19 and thus helping to reduce transmission rates has only recently been recognised and become widely available.

SIGN-OFF

**Strategic Director Customer Services & Digital**

**Chief Executive**

**Printed Name: Peter Gadsdon**

**Printed Name: Carolyn Downs**

**Signature:** *Peter Gadsdon*

**Signature:** *Carolyn Downs*

**THE FOLLOWING SECTION IS TO BE COMPLETED BY GOVERNANCE SERVICES**

CHAIR OF COMMUNITY & WELLBEING SCRUTINY COMMITTEE

**Notice to:** Councillor Ketan Sheth, Chair of the Community and Wellbeing Scrutiny Committee

**The Chair is asked to:**

**Note that an urgent decision will be taken as detailed in the form above.**

The decision is deemed urgent because insufficient (less than 28 days) notice of the intention to take the decision was provided on the Forward Plan. However, at least 5 clear days' notice has been provided and therefore the Scrutiny Chair is only required to note that the decision will be taken.

**Permit the extremely urgent decision to be taken as detailed in the form above.**

The decision is deemed extremely urgent as less than 5 clear days' notice of the intention to take the decision has been provided. The Scrutiny Chair is asked to agree that the decision is urgent and cannot be reasonably deferred for the reasons detailed in the form above.

**Permit discussion of exempt information in private relying on Schedule 12A of the Local Government Act 1972**

If a report is likely to contain information exempt from publication under schedule 12A of the Local Government Act 1972, then 28 days' notice of this must be provided on the Forward Plan. Where this requirement has not been met, the agreement of the Scrutiny Chair is required before proceeding.

**Permit the dis-application of the 5 day call-in period, allowing the decision detailed in the form above to take immediate effect.**

A Cabinet decision or a Key Decision cannot be implemented until the 5 day call in period has elapsed and no valid call-in has been received. The call-in protocol can be dis-applied if the council's or the public interest would be seriously prejudiced by the decision not taking immediate effect. The Chief Executive must determine whether a decision is urgent in this regard. The consent of the Scrutiny Chair to the matter being treated as urgent is also required.

SIGN-OFF

**Notice sent to Councillor Ketan Sheth, Chair of the Community and Wellbeing Scrutiny Committee on 18/12/20**

**Chair's approval:** Required  Not Required

**Date approval granted (if applicable): 18/12/20**