

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



## Urgent Key Decision form

<b>DECISION DETAILS</b>
<b>Decision Maker:</b> Strategic Director, Community Wellbeing
<b>Decision Title:</b> To award Gateway to Support Services contract
<b>Description of Decision:</b> To award the Gateway to Support Services contract to Age UK Brent, Harrow and Hillingdon. Gateway includes five different services; Care Act Advocacy, Mental Health Act Advocacy, Mental Capacity Act Advocacy, Carers Services and Social Isolation Prevention Services.
<b>When will the Decision be made?</b> 03/10/19
<b>Will the accompanying report be:</b> Open <input type="checkbox"/> Part Exempt <input checked="" 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: <a href="#">Select paragraph.</a>
<b>TYPE OF URGENCY</b>
<b>Please tick all that apply:</b> <ul style="list-style-type: none"> <li><input checked="" 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</li> <li><input type="checkbox"/> B. The decision is extremely urgent and even <u>5 clear days' notice</u> of the decision cannot be given</li> <li><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</li> <li><input type="checkbox"/> D. The decision must be implemented urgently and the <u>5 day call-in period</u> <u>must be dis-applied</u> to allow the decision to take immediate effect.</li> </ul>
<b>REASONS FOR URGENCY</b>
<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>               The Gateway procurement originally took place in March / April 2019. At that time it was decided not to proceed and award a contract. When the procurement was started again in July 2019, it was not added to the council's Forward Plan. This was due to officer oversight. Once this was realised the decision was added to the Forward Plan. This was done on 16<sup>th</sup> </li> </ul>

September. The earliest the decision could be implemented if we followed the Forward Plan timetable would be 24<sup>th</sup> October. The Gateway contract is due to go-live on 2<sup>nd</sup> December.

The Gateway procurement was completed in mid-August, but award of the contract delayed because the due diligence process took longer than planned. The procurement of the service has been reviewed by Internal Audit following a complaint received by the council. This has resulted in a shorter than planned implementation and hand over period. An exemption is sought so that the implementation period is not reduced further.

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

This contract provides a number of advocacy services to vulnerable people in Brent as well as support for carers. These services are currently delivered via multiple contracts which will end on 1<sup>st</sup> December 2019. The nature of the services and the complexity of ensuring a smooth handover between a number of organisations means that it is important to maximise the period of time available for implementation prior to the current contracts expiring.

TUPE will apply to staff involved in delivering services currently. In order to make sure staff transfers are managed properly, the more time available to the organisations involved to arrange this the better. There are also implications for the organisations who have not been successful in this procurement. For some, the council has been their main funder for many years. These organisations will need time to either secure additional funding from other sources, review their operations to manage without council funding, or close their business. Again, having the time to properly manage this would be to their benefit.

**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.**

[Click here to enter text.](#)

#### SIGN-OFF

**Strategic Director, Community Wellbeing**

**Chief Executive**

**Printed Name: Phil Porter**

**Printed Name: Carolyn Downs**

**Signature:** *Phil Porter*

**Signature:** *Carolyn Downs*

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

**CHAIR OF SCRUTINY**

**Notice to:** Cllr Ketan Sheth

**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 Cllr Ketan Sheth on 27/09/19**

**Chair's approval:**

Required ☐

Not Required ☒

**Date approval granted (if applicable):** N/A