

Notice to the Chair of the Community and Wellbeing Scrutiny Committee



Urgent Key Decision form

DECISION DETAILS
Decision Maker: Strategic Director, Community Wellbeing
Decision Title: Authority to approve the extension of the existing Section 75 Agreement in respect of the Better Care Fund pooled budget and the award of a contract for rehabilitation beds
Description of Decision: To approve the extension of the existing Section 75 Agreement in respect of the Better Care Fund pooled budget and the award of a contract for rehabilitation beds to be funded from the pooled budget.
When will the Decision be made? 28/10/20
Will the accompanying report be: Open <input checked="" type="checkbox"/> Part Exempt <input type="checkbox"/> Fully Exempt <input type="checkbox"/>
Reasons for exemption (if applicable) 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
Please tick all that apply: <ul style="list-style-type: none"> <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
If you have selected options A, B or C please explain: <ul style="list-style-type: none"> Why it was not possible to provide the required notice (i.e. why the decision or exemption was not anticipated) There has been delay this year in the publication of national guidance regarding the Better Care Fund. Such guidance informs discussions with the Brent Clinical Commissioning Group (CCG) regarding the s75 Agreement. It was thus not clear when guidance would be issued

and when it would be possible to reach agreement with the CCG. Agreement has now been reached to allow the transfer of funding between the CCG and local authority to continue to provide the jointly agreed services, to include urgently required rehabilitation beds.

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

Due to delays in the publication of national guidance regarding the Better Care Fund, it has only just been possible to reach agreement with the CCG to allow the transfer of funding between the CCG and local authority to continue to provide the jointly agreed services.

This issue is particularly pressing due to the new addition of the provision of rehabilitation beds and packages of care as part of the CCG minimum contribution to the Better Care Fund, which will be provided by the local authority. There is a need to provide rehabilitation beds as soon as possible, with the award of a contract for such beds from 1 November so that it is in place for the potential second wave of Covid-19.

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 provision of the rehabilitation beds is critical as the health and care system prepares for Winter pressures, and the potential second wave of Covid-19, to ensure there is sufficient capacity in the system to support timely hospital discharge. Failure to procure the beds would have a significant detrimental impact on the system's resilience to cope with any increased pressure.

SIGN-OFF

Director of Community Wellbeing

Printed Name: Phil Porter

Signature: *P. Porter*

Chief Executive

Printed Name: Carolyn Downs

Signature: *C. Downs*

THE FOLLOWING SECTION IS TO BE COMPLETED BY GOVERNANCE SERVICES

CHAIR OF SCRUTINY

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

The Chair is asked to:

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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.

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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.

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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.

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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 26/10/20

Chair's approval: Required ☒ Not Required ☐

Date approval granted (if applicable): 26/10/20