

COUNCIL – 19 APRIL 2018

REPORT OF THE LEADER OF THE COUNCIL

COUNCIL CONSTITUTION – CALL-IN AND URGENCY PROVISIONS

I wish to report that the Chair of the relevant Overview and Scrutiny Committee gave consent, under Rule 46 of the Overview and Scrutiny Procedure Rules set out in the Council Constitution to the following issue being dealt with, on the basis that the decision could not be reasonably deferred, and not be subject to call-in.

CABINET – 8 MARCH 2018

135. Domiciliary Care Contracts

The Cabinet considered the report of the Head of Commissioning Support and Business and Intelligence that sought approval to further extend existing Domiciliary Care contracts for an initial three month period (1st May 2018 to 31st July 2018).

The report outlined the reasons for the extensions and the ongoing work taking place with Knowsley Metropolitan Borough Council, under the Liverpool City Region joint working arrangements.

Decisions Made: That:

- (1) the extension of current contracts for a further initial three month period (1st May 2018 to 31st July 2018) be approved;
- (2) delegated authority be granted to the Cabinet Member for Adult Social Care to approve any further extensions beyond 31st July 2018, should they be required;
- (3) it be noted that the proposal was a Key Decision that had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Adult Social Care and Health) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the current contracts are scheduled to end on 30th April 2018 and whilst a joint procurement process is being undertaken with Knowsley Council and new contracts were scheduled to be in place on 1st May 2018, challenges registered by some bidders for those contracts have delayed completion of the process. The process included for a 3 month implementation phase for new contracts and both authorities are concerned that significantly shortening that phase would detrimentally effect the safe and effective transition to the new arrangements; and

- (4) that it be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Adult Social Care and Health) had given her consent under Rule 46 of the Overview and Scrutiny Procedure Rules for these decisions to be treated as urgent and not subject to "call in" on the basis that they cannot be reasonably deferred because current contracts are scheduled to end on 30th April 2018 and whilst a joint procurement process is being undertaken with Knowsley Council and new contracts were scheduled to be in place on 1st May 2018, challenges registered by some bidders for those contracts have delayed completion of the process.

Reasons for the Decisions:

Following the Cabinet decision made on 8th June 2017, existing Domiciliary Care contracts were extended for an additional one month period (1st April 2018 to 30th April 2018).

At the same time Cabinet also approved the commencement of a procurement exercise for Domiciliary Care services from 1st May 2018 onwards, in cooperation with Knowsley Metropolitan Borough Council under Liverpool City Region joint working arrangements.

The procurement exercise has been conducted; however challenges have been submitted by bidders regarding the awarding of new contracts. As a result, sufficient time is required to address and resolve matters and to then ensure that for any new contracts awarded, there is an appropriate amount of time given to implement them and ensure that any potential transfer of services is conducted in an efficient and safe manner.

Alternative Options Considered and Rejected:

The following option was considered and rejected;

1. **Not extending current contracts** – this option was considered and rejected as the current contracts are ending on 30th April 2018 and at this present time a date for the awarding of new contracts is not known due to the procurement process currently being subject to challenge. If the existing contracts were not extended then there is a risk that the delivery of services to vulnerable people would be adversely affected and both existing and any potential new Providers would not have sufficient time to safely transfer and implement services.

DECISION TAKEN BY THE LEADER OF THE COUNCIL – 29 MARCH 2018

Warm Homes Fund – Category 1 Funding Offer

The Head of Corporate Resources provided a summary of the Council's successful bid to the Warm Homes Fund and sought approval from the Leader of the Council to formally accept the funding offer within the given timescales.

Decisions Made: That:

- (1) the request to formally accept the Category 1 Warm Homes Fund bid offer to be accepted by the Council by deadline of 29 March 2018, be approved;
- (2) the subsequent contract approval to the Council's Section 151 Officer, be delegated to the Head of Corporate Resources and Head of Regulation and Compliance;
- (3) that it be noted that the application of Rule 46 to waive the call in period in respect of this decision; and
- (4) the formal acceptance and approval of contract of the Category 3 bid, if successful, be delegated to Head of Corporate Resources.

Reason for decisions:

The offer letter dated 14 March 2018 required the Council to accept the funding offer by 29 March 2018, thus not allowing for constitutional timeframes to be met.

Alternative Options Considered and Rejected:

Failure to accept funding offer within deadlines will result in loss of £925K funding offered.