

Wiltshire Council

Council

12 July 2016

Urgent Executive Decisions taken by Cabinet - Exemption from Call-in

Purpose of Report

1. To report to Council the decision to exempt decisions by Cabinet at its meeting on 14 June 2016 regarding the 'Help to Live at Home Service Commissioning' from the Scrutiny call-in process.

Relevance to the Council's Business Plan

2. The Help to Live at Home scheme support the Council's Business Plan by providing a mechanism to deliver high quality support to both customers and their carers enabling customers to remain in their family home for as long as possible, and as part of their communities.

Main Considerations for the Council

3. It is a requirement of the Constitution that decisions taken as a matter of urgency in this way are reported to the next available meeting of the Council, together with the reasons for urgency. (Part 8 – paragraph 41 refers). This report seeks to comply with this requirement.

Background

4. Cabinet at its meeting on 14 June 2016 in considering a detailed [report](#) (item 77) resolved as follows:
 - a) **That the contracts with Somerset Care Ltd are extended for the full extension available, West 2 until September 2018 and North 2 until April 2019**
 - b) **That following the recent tender process that the contracts currently held by Mihomecare and Leonard Cheshire for HTLAH are awarded to the preferred provider(s) identified through the current tender process.**
 - c) **That authority is delegated to the Corporate Director and Associate Director for Adult Services, in consultation with the Cabinet Member for Health (including Public Health and Adult Social Care), to finalise**

the terms of the contracts and to agree the extension with Somerset Care Ltd.

5. In order to complete the formal award process and allow the preferred provider(s) the maximum transition period for implementation of the contract, it was necessary to exempt these decisions from the Scrutiny call-in process.
6. Treating the matter as urgent was in both the Council's and the public interest. If the contract was not delivered on time, the Council would have failed in its duty to provide a statutory service to a significant number of vulnerable adults in the community, and would have failed to provide support to a large number of customers currently residing in Sheltered Housing schemes.
7. This urgency procedure is exercised only in very exceptional circumstances and this was in fact the first time it had been used since at least the Council became a unitary authority in 2009. This report is not about the merits or otherwise of the decisions taken, but about the application of this urgency procedure.
8. The procedure requires that the Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The Chairman of Council was consulted and gave his consent on both counts.

Overview & Scrutiny Engagement

9. As stated in the report to Cabinet, the Health Select Committee has been closely involved with Help to Live at Home scheme having previously established a task group to explore the extent to which the service was fulfilling its objectives, achieving value for money and learning any lessons from provider CQC reports. Its final report was endorsed by the Committee in November 2015 and an executive response provided in March 2016.
10. Whilst not a requirement, the Chairman and Vice Chairman of the Health Select Committee were also briefed on the report to Cabinet.

Proposal

11. **That Council notes that the Cabinet decisions, namely in relation to the 'Help to Live at Home Service Commissioning' dated 14 June 2016, were determined as matters of urgency thereby exempting them from the Scrutiny call-in process, in the interests of the Council and the public and for the reasons outlined in this report.**

Reason for Proposal

12. To comply with paragraph 41 of Part 8 of the Constitution – Overview and Scrutiny Procedure Rules which requires that decisions taken as a matter of urgency are reported to the next available meeting of Council.

Robin Townsend
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Background Papers

The following documents have been relied on in the preparation of this report:

None