

LONDON BOROUGH OF CROYDON

To: All Members of Council
Croydon Council website
Access Croydon & Town Hall Reception

PUBLIC NOTICE OF KEY DECISIONS MADE BY CORPORATE DIRECTOR OF ADULT SOCIAL CARE & HEALTH ON 17 JULY 2024

This statement is produced in accordance with Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

In accordance with the Scrutiny and Overview Procedure Rules, the following decisions may be implemented from **1300 hours on 26 July 2024** unless referred to the Scrutiny and Overview Committee (ie after 13.00 hours on the 6th working day following the day on which the decision was taken). The call-in procedure is appended to this notice.

The following apply to the decision below:

Reasons for these decisions: As per the part A report

Other options considered and rejected: As per the part A report

Details of conflicts of interest declared by the decision maker: none

Note of dispensation granted by the Head of Paid Service in relation to a declared conflict of interest by that decision maker:

The Executive Mayor has delegated authority to the Corporate Director for Adult Social Care and Health to make the following key decision

Decision Title: CROYDON COMMUNITY EQUIPMENT SERVICE - PROCUREMENT OF A BUSINESS PARTNER.

Key Decision No: 0324ASCH

Details of decision:

Having carefully read and considered the Part A report, and associated confidential Part B report, and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the reports, the Corporate Director of Adult Social Care & Health.

RESOLVED to:

:

- 2.1 approve the award of a contract (Partnering Agreement) to the Preferred Partner identified in Part B of this report for a term of seven years with the option for the Council to extend for a further three years, with a maximum contract value of £42,971,673. The Partnering Agreement is for the provision of CES to the Council (CES Services), business support and development services to the Mutual (Partnering Services), and also entry into a framework agreement in relation to CES services (Framework Services). The CES Services and Framework Services will be provided, by the Partner, through means of a flow-down agreement (Flow Down) between the Partner and the Mutual;
- 2.2 note that the contract value stated above in relation to the Partnering Agreement excludes the value of the CES Services provided under existing contracts held by the Council with other local authorities (including an inter-authority collaboration agreement for the Provision and Maintenance of a Community Equipment Shared Service Framework hosted by the Council). Such contractual arrangements will in future be fulfilled by the Council through the CES Services element of the Partnering Agreement;
- 2.3 note that bid details concerning the Delivery Partner's minority interest in the mutual are set out in Part B of this report;
- 2.4 agree that subject to (i) any discussions held to 'clarify, specify and optimise' the Preferred Bidder's Final Tender or otherwise finalise the terms of the Partnering Agreement and other transaction documents to the satisfaction of the Council; and (ii) there being no material alteration to either the scope of the Preferred Bidder's Final Tender or matters set out in this report, the Director of Legal Services is authorised to arrange for the execution of the Project Agreement and other transaction documents referred to in this report);
- 2.5 note the establishment of the Mutual and that, as part of the transaction, (and subject to further internal governance approvals being obtained as applicable) a) certain CES-related Council assets will be transferred to the Mutual pursuant to a business transfer agreement (BTA), b) a 25-year lease over the Council's premises at Imperial Way will be granted and c) seed funding of up to £500k and a loan facility of £1.9m will be granted;
- 2.6 note that the overall savings to the Council remain broadly in line with the details previously advised in the Strategy Report, with some reductions as detailed in the Part B report;

2.7 note that a draw-down from the transformation project budget totalling £334k has enabled the successful delivery of the project.

Signed: Monitoring Officer

Notice Date: 18 July 2024

Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 26 July 2024** (the 6th working day following the day on which the decision was taken) unless referred to the Scrutiny and Overview Committee.
2. The Council Solicitor shall refer the matter to the Scrutiny and Overview Committee if so requested by:-
 - i) the Chair and Vice Chair of the Scrutiny and Overview Committee and 1 member of that Committee; or for education matters the Chair, Vice Chair and 1 member of that Committee; or
 - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Democratic Services by the deadline stated in this notice. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
 - i) The grounds for the referral
 - ii) The outcome desired
 - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
 - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision. The Chair of the Scrutiny & Overview Committee shall also be notified.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Council Solicitor, this would cause undue delay. In such cases the Council Solicitor will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.
7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to Cabinet for reconsideration, setting out in writing the nature of the concerns. The Cabinet shall then reconsider the decision, amending the decision or not, before making a final decision.
8. The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision is outside of the budget and policy framework of the Council. In such circumstances, the provisions of Rule 7 of the Budget & Policy Framework Procedure Rules (Part 4C of the Constitution) apply. The Council

may decide to take no further action in which case the decision may be implemented. If the Council objects to Cabinet's decision it can nullify the decision if it is outside the Policy Framework and/or inconsistent with the Budget.

9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.
10. If the Council determines that the decision was within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision, to the Cabinet. The Cabinet shall choose whether to either amend, withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
11. The responses of the decision-taker and the Council shall be notified to all Members of the Scrutiny and Overview Committee once the Cabinet or Council has considered the matter and made a determination.
12. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
13. **URGENCY:** The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process. The Chair of the Scrutiny and Overview Committee must agree that the decision proposed cannot be reasonably deferred and that it is urgent. In the absence of the Chair, the Deputy Chair's consent shall be required. In the absence of both the Chair and Deputy Chair, the Mayor's consent shall be required. Any such urgent decisions must be reported at least annually in a report to Council from the Leader including the reasons for urgency.

Signed: Monitoring Officer

Notice Date: 18 July 2024

Contact Officers: petra.stephenson@croydon.gov.uk

PROFORMA

**REFERRAL OF A KEY DECISION TO THE
SCRUTINY AND OVERVIEW COMMITTEE**

For the attention of: Petra Stephenson, Democratic Services & Scrutiny e-mail to Petra.Stephenson@croydon.gov.uk

Meeting:
Meeting Date:
Agenda Item No:

Reasons for referral:

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

The outcome desired:

Information required to assist the Scrutiny and Overview Committee to consider the referral:

Signed:

Date:

Member of _____ Committee