

LONDON BOROUGH OF CROYDON

To: all Members of the Council (via e-mail)
Access Croydon, Town Hall Reception

PUBLIC NOTICE OF KEY DECISIONS MADE BY THE CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE & LEARNING ON 28 MARCH 2019 UNDER GENERAL EXCEPTION

In accordance with Regulation 10(3) of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 the following key decision has been taken on behalf of the London Borough of Croydon under General Exception. The decision could not be reasonably deferred because:

- In order to meet delivery of the vehicles in time for the start of new School year term, the Council will need to award a contract during the week commencing 1 April 2019 in order for the supplier to place the order with the manufacturer, to book production slots that will meet the Council's latest delivery date of 12 August 2019. This is a date which the vehicles will need to be delivered by if the growing in-sourced SEND transport service is to be fully operational by the beginning of September 2019.
- There is a risk that if the decision is not made in time, that costs may also rise as new factory orders for the vehicles will need to be made. Additionally, if such costs increase, then there is a risk the tender may have to be re-run, and the delivery of vehicles will not be able to be reached.
- This award is listed in 25 March 2019 Investing in our Borough report. Please refer to this report for more information.

In accordance with the Scrutiny and Overview Procedure Rules, the following decisions may be implemented from **1300 hours on 5 April 2019** unless referred to the Scrutiny and Overview Committee.

The following apply to each decision listed below

Reasons for these decisions: are contained in the Part A report
<https://democracy.croydon.gov.uk/documents/s14464/Background%20document%20-%20Contract%20award%20in%20house%20vehicles.pdf>

Other options considered and rejected: are contained in the Part A report
<https://democracy.croydon.gov.uk/documents/s14464/Background%20document%20-%20Contract%20award%20in%20house%20vehicles.pdf>

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

KEY DECISION REFERENCE NO.: 1019CYPL

Decision Title: SEN Passenger Transport In House Service Vehicles

Having carefully read and considered the Part A 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 Cabinet Member for Children, Young People & Learning in consultation with the Cabinet Member for Families, Health & Social Care and the Cabinet Member for Finance & Resources

RESOLVED: To

1. Approve the award of SEN Passenger Transport In House Service Vehicles in accordance with Regulation 27(c) of the Council's Tenders and Contracts Regulations to the named supplier and for the contract prices listed in Part B of the report for a contract term of 5 years.
2. Note and agree the additional budget and funding of £297,000 that is required for the 16 new vehicles that will be needed to deliver the in-house transport services.
3. Note that the name of the successful supplier and price will be released once the contract award has been agreed and implicated.

Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 5 April 2019** (5 working days after the decisions were made) 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 or Deputy Chair of the Scrutiny and Overview Committee and 4 members 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 Victoria Lower 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.
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 the decision taker for reconsideration, setting out in writing the nature of the concerns.
8. The Scrutiny and Overview Committee may refer the decision to Full Council if it considers that the decision is outside of the budget and policy framework of the Council.
9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.

10. The Full Council may decide to take no further action in which case the decision may be implemented.
11. If the Council objects to the decision it can nullify the decision if it is outside of the policy framework and/or inconsistent with the budget.
12. If the decision is 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. The decision taker 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.
13. The response shall be notified to all Members of the Scrutiny and Overview Committee
14. 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.
15. **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.

Signed: Council Solicitor and Monitoring Officer

Date: 28 March 2019

Contact Officers: victoria.lower@croydon.gov.uk and cliona.may@croydon.gov.uk

PROFORMA

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

For the attention of: Victoria Lower, Democratic Services & Scrutiny
e-mail to
Victoria.lower@croydon.gov.uk and cliona.may@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