

# **NOTICE OF A CASE OF SPECIAL URGENCY FOR THE MAKING OF A KEY DECISION<sup>1</sup>**

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<sup>1</sup> In accordance with Regulation 11(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1. Where a decision maker intends to make a key decision,<sup>2</sup> that decision must not be made until at least 28 clear days public notice has been given<sup>3</sup>.
2. Where the publication of the intention to make a key decision is impracticable, that decision may only be made where the Chair of the Overview and Scrutiny Committee has been informed of the matter about which the decision is to be made, notice to the Chair has been made available for public inspection at the Council offices and published on the Council's website, and after 5 clear days have elapsed following the day on which notice to the Chair was made publicly available<sup>4</sup>.
3. Where the date by which a key decision must be made makes compliance with the requirements of paragraph 2 above impracticable the decision may only be made where the decision maker has obtained agreement from the Chair of the Overview and Scrutiny Committee that the making of the decision is urgent and cannot reasonably be deferred<sup>5</sup>.
4. **This notice<sup>6</sup> confirms that the Chair of the Overview and Scrutiny Committee has agreed that the making of the key decision in relation to the business set out below is urgent and cannot reasonably be deferred for the reasons set out below.**

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<sup>2</sup> A Key Decision is defined in legislation as an executive decision, which is likely:

- to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
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<sup>3</sup> In accordance with Regulation 9(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

<sup>4</sup> In accordance with Regulation 10(1) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

<sup>5</sup> In accordance with Regulation 11(1) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

<sup>6</sup> In accordance with Regulation 11(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Date of decision or period within which the decision is to be made	Agenda item title	Short description	Decision maker	Cabinet Member & Lead Officer	List of documents to be submitted to the decision maker	Public or Private meeting. Statement of reasons if private	Reasons why decision is urgent and cannot reasonably be deferred
Between 25-Mar-2022 and 08-Apr-2022	Section 75 NHS Act 2006 Health and Social Care Lead Commissioning and Pooled Funds Partnership Agreement between the Council and NCL CCG	The overarching s. 75 Partnership Agreement between Haringey Council (the Council) and North Central London Clinical Commissioning Group (the CCG) expired on 1 March 2022 and requires extension.	Cabinet Member Signing (Urgent Decision)	Cabinet Member for Health, Social Care, and Well-Being  Assistant Director Commissioning	Report of the Assistant Director of Commissioning  Section 75 Partnership Agreement	Public	<p>The s. 75 Partnership Agreement expired on 1 March 2022 and provides a framework for lead commissioning, pooled budgets and integrated services as set out within the scope of the National Health Services Act 2006. It is imperative for this Agreement to be extended for a further term and the Agreement provides for this. There are several joint arrangements between the Council and the CCG that are currently in place across Haringey, detailed in a series of Schedules to this overarching Agreement, to best meet the needs of local residents with specific additional health and care needs.</p> <p>These Schedules require the overarching Partnership Agreement to be in place in order to enable them to continue. As noted above, the Agreement expired on 1 March 2022 and it is imperative it is extended.</p> <p>With the changes to the health and care landscape set out in the Health and Care Bill currently going through Parliament, it was anticipated that the requirements for the s. 75 Partnership Agreement would differ and therefore</p>

							<p>an extension might not be required in its current form. This has turned out not to be the case, hence the urgency in requesting this extension be approved.</p> <p>Given the above, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution or the 5-day notice period requirement for key decisions. This is set out in Part Four, Section D, Rule 17, of the Constitution.</p> <p>As set out below, the decision is urgent and time critical in accordance with Part 4 Section H paragraph 18 (a) and 18 (b).</p>
Between 25-Mar-2022 and 08-Apr-2022	Section 75 NHS Act 2006 Health and Social Care Haringey Learning Disability Partnership Agreement	The s. 75 Partnership Agreement enabling an integrated service arrangement between Haringey Council (the Council), the Barnet, Enfield and Haringey Mental Health Services Trust (the Mental Health Trust), Whittington Health Services NHS Trust (the Trust) and North Central London Clinical Commissioning Group (the CCG) has expired. Approval is sought for a new partnership agreement.	Cabinet Member Signing (Urgent Decision)	Cabinet Member for Health, Social Care, and Well-Being  Assistant Director Commissioning	Report of the Assistant Director of Commissioning  Section 75 Partnership Agreement	Public	<p>The s. 75 Haringey Learning Disability Partnership Agreement provides a framework for an integrated service for adults with learning disabilities in Haringey as set out within the scope of the National Health Services Act 2006.</p> <p>The existing s. 75 agreement which governs the integrated service has expired. In order to ensure that the contractual framework is in place to enable both the partners' continued funding for and the Council's continued management of the integrated service, it is necessary to renew the agreement urgently and by 1 April 2022. Without the</p>

							<p>contractual framework which enables funding transfers between the NHS and the Council, payments from partners will be at risk. Likewise, the Council's ability to manage the integrated service as a single entity across the partnership will be constrained.</p> <p>With the changes to the health and care landscape set out in the Health and Care Bill currently going through Parliament, it was anticipated that the requirements for the s. 75 Partnership Agreement would change and that therefore an extension might not be required in its current form. This has turned out not to be the case, hence the urgency in requesting this extension be approved.</p> <p>Given the above, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution or the 5-day notice period requirement for key decisions. This is set out in Part Four, Section D, Rule 17, of the Constitution.</p> <p>As set out below, the decision is urgent and time critical in accordance with Part 4 Section H paragraph 18 (a) and 18 (b).</p>
Between 25-Mar-2022 and 08-Apr-2022	Section 75 NHS Act 2006 Health and Social Care Covid-19 Hospital Discharge	The boroughs of North Central London, Barnet, Camden, Enfield,	Cabinet Member Signing (Urgent Decision)	Cabinet Member for Health, Social Care, and Well-Being	Report of the Assistant Director of Commissioning	Public	Partners are keen to vary the s. 75 Hospital Discharge Partnership Agreement to ensure that

	Partnership Agreement	<p>Haringey and Islington, and the North Central London Clinical Commissioning Group (the CCG) have agreed a s. 75 Partnership Agreement which covers additional hospital discharge arrangements and funding, in light of the Covid-19 pandemic. New funding has been made available through the Department for Health and Social Care which will be hosted by the five London Councils mentioned above and notably Haringey Council. This report enables the Council to accept the additional funding and the variation to the s 75 Hospital Discharge Partnership Agreement.</p>		Assistant Director Commissioning	Section 75 Hospital Discharge Partnership Agreement and variation.		<p>additional funding very recently made available in light of the Covid-19 pandemic can be used most effectively to respond to local need and support the longer-term sustainability of health and social care.</p> <p>The proposal for a variation to enable additional funding to be safeguarded for local residents has recently come forward and partners have had to act at pace to ensure that Councils can agree to accept the additional funding as indicated.</p> <p>Given the above, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution or the 5-day notice period requirement for key decisions. This is set out in Part Four, Section D, Rule 17, of the Constitution.</p> <p>As set out below, the decision is urgent and time critical in accordance with Part 4 Section H paragraph 18 (a) and 18 (b).</p>
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Section 75 NHS Act 2006 Health and Social Care Lead Commissioning and Pooled Funds Partnership Agreement between the Council and NCL CCG:

*Please be advised that the Chair of Overview and Scrutiny has further agreed that the call-in procedure shall not apply to this urgent decision. This is because the decision is urgent and any delay in implementation caused by the call-in procedure would seriously prejudice the Council's or the public's interests as there is a need to continue with the current health and social care partnership arrangement between the Council and the CCG. This decision is considered to be urgent as extension of the agreement would enable the Council and CCG to continue with the existing commissioning and service provision arrangements and for the benefit of local residents. The Chair of Overview and Scrutiny Committee has agreed that the decision is both reasonable in all circumstances, and that it should be treated as a matter of urgency. This is in accordance with Part 4, Section H, and Paragraph 18 (a) and (b) of the Council Constitution.*

Section 75 NHS Act 2006 Health and Social Care Haringey Learning Disability Partnership Agreement:

*Please be advised that the Chair of Overview and Scrutiny has further agreed that the call-in procedure shall not apply to this urgent decision. This is because the decision is urgent and any delay in implementation caused by the call-in procedure would seriously prejudice the Council's or the public's interests as the s. 75 Haringey Learning Disability Partnership Agreement, which provides a framework for an integrated service for adults with learning disabilities in Haringey has expired. This decision is considered to be urgent as approval to enter into and continue the partnership agreement would enable the Council, the Barnet, Enfield and Haringey Mental Health Services Trust, Whittington Health Services NHS Trust, and the North Central London Clinical Commissioning Group to continue to provide the integrated service arrangement and meet their respective obligations, in particular, relating to payments and funding. The Chair of Overview and Scrutiny Committee has agreed that the decision is both reasonable in all circumstances, and that it should be treated as a matter of urgency. This is in accordance with Part 4, Section H, and Paragraph 18 (a) and (b) of the Council Constitution.*

Section 75 NHS Act 2006 Health and Social Care Covid-19 Hospital Discharge Partnership Agreement:

*Please be advised that the Chair of Overview and Scrutiny has further agreed that the call-in procedure shall not apply to this urgent decision. This is because the decision is urgent and any delay in implementation caused by the call-in procedure would seriously prejudice the Council's or the public's interests as the variation of the 75 Hospital Discharge Partnership Agreement would ensure that additional funding very recently made available in light of the Covid-19 pandemic can be used most effectively to respond to local need and support the longer-term sustainability of health and social care. This decision is considered to be urgent as the Council needs to accept the additional funding as soon as possible to enable additional funding to be safeguarded for local residents. The Chair of Overview and Scrutiny Committee has agreed that the decision is both reasonable in all circumstances, and that it should be treated as a matter of urgency. This is in accordance with Part 4, Section H, and Paragraph 18 (a) and (b) of the Council Constitution.*

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