

CABINET

19 March 2013

Title: Urgent Action: Transfer of Contracts for Public Health Services	
Report of the Chief Executive	
Open Report	For Information
Wards Affected: All	Key Decision: Yes
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Accountable Divisional Director: Fiona Taylor, Head of Legal and Democratic Services	
Accountable Director: Graham Farrant, Chief Executive	
Summary: <p>At its meeting on 18 September 2012, the Cabinet approved proposals relating to the transfer of the public health function from NHS North East London and the City (NHS NELC) to the Council under the Health and Social Care Act 2012 with effect from 1 April 2013.</p> <p>As part of the Council's new responsibilities, the contracts for public health related services, formerly commissioned by the PCT and now through NHS North East London & City cluster, will transfer to the Council. The portfolio of contracts transferring form a complex set of arrangements for the provision of services such as smoking cessation, sexual health, healthy child programmes and GP-led drug treatment. Some contracts are with major local NHS providers, such as North East London NHS Foundation Trust, whilst others are broken into a large number of smaller agreements with individual local GPs and pharmacists. National directions have been given on a number of matters relating to the contract transfer, and the standard contracting rules and regulations apply to how the Council can approach re-contracting or extension.</p> <p>It was hoped that a report could be presented to the Cabinet meeting on 12 February 2013 setting out all of the information required to enable the necessary decisions to be made. However, the information has been slow to come through to the Council, in part due to the complexity of the task and the timing of Department of Health directions. In some instances the information needed still remains unclear at this point.</p> <p>In the circumstances and as the matter could not practically be delayed until the 19 March Cabinet meeting, the Chief Executive decided that it would be in the Council's best interests to deal with the matter under the Urgent Action provisions of paragraph 17, Article 1, Part B of the Constitution so that the appropriate delegations could be given to officers to progress the proposals ahead of the 1 April 2013 deadline.</p> <p>In line with the Urgent Action provisions, and as the matter qualified as a "key decision" and had not been publicised in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the</p>	

Leader of the Council and the Lead Member of the Health and Adult Services Select Committee were consulted prior to the Chief Executive agreeing the proposals on 15 February 2013.

Recommendation(s)

The Cabinet is asked to note the following action taken by the Chief Executive under the urgency procedures contained within paragraph 17 of Article 1, Part B of the Council's Constitution:

- (i) To agree the proposals set out in the report at Appendix 1 and delegate authority to the Corporate Director of Adult and Community Services, working with the Director of Public Health and the Head of Legal and Democratic Services, to conclude all necessary contract negotiations for novation, extension, amendment and, where necessary, recontracting of the services outlined and any others that relate to the need to maintain stable public health services and meet statutory duties through the transition of public health functions to local authority management; and
- (ii) To authorise the Head of Legal and Democratic Services or an authorised delegate on her behalf, to enter into and execute all contracts, agreements and legal documentation deemed necessary and appropriate to facilitate the necessary transfers.

Background Papers Used in the Preparation of the Report:

- Letter and enclosures from the Chief Executive of 15 February 2013 entitled "Urgent Action under Paragraph 17, Article 1, Part B of the Constitution – Public health Contracting Matters in Preparation for Transition of the Function to the Council on 1 April 2013".

List of appendices:

- **Appendix 1** - Report and appendices re "Transfer of Contracts for Public Health Services"