

Committee: Overview & Scrutiny	Date: 2nd September 2014	Classification: Unrestricted	Report No.
Report of: Service Head, Democratic Services Originating Officer(s): Angus Taylor, Principal Committee Officer, Democratic Services		Title: Cabinet Decision Called In: Drug and Alcohol Action Team (DAAT) Commissioning Intentions Wards: All	

1. SUMMARY

- 1.1 The attached report “Drug and Alcohol Action Team (DAAT) Commissioning Intentions” was considered by the Mayor in Cabinet on 23rd July 2014 and has been “Called In” by Councillors Rachael Saunders, Shiria Khatun, Danny Hassell, Sirajul Islam and Clare Harrisson. This is in accordance with the provisions of rule 16 of the Overview and Scrutiny Procedure Rules in Part 4 of the Council’s Constitution.

2. RECOMMENDATION

- 2.1 That the OSC consider the contents of the attached report, review the Mayor in Cabinet’s decision (provisional, subject to Call In) arising; and
- 2.2 Decide whether to accept the decision refer the matter back to the Cabinet with proposals, together with reasons.

3. BACKGROUND

- 3.1 The request (dated 31st July 2014) to “call-in” the Mayor in Cabinet’s decision published on 25th July 2014 was submitted under rule 16 of the Overview and Scrutiny (OSC) Procedure Rules. It was considered by the Interim Monitoring Officer who has delegated responsibility for calling in Cabinet and Mayoral decisions in accordance with agreed criteria.
- 3.2 The Call-In request fulfilled the required criteria and the decision is referred to OSC in order to consider whether or not to refer the matter back to the Cabinet for further consideration.
- 3.3 Implementation of the Cabinet decision is suspended whilst the “Call In” is considered.

4. THE MAYOR IN CABINET’S PROVISIONAL DECISION

- 4.1 The Mayor in Cabinet, after considering the report attached, at Appendix 1, provisionally decided:-

“DECISION

1. To agree to the re-procurement of drug / alcohol treatment services in Tower Hamlets
2. To agree Option 3 as the preferred option for re-procurement subject to the Cabinet Members for Resources and Community Safety being given a strategic and design oversight of the proposals.
3. To agree to a consortium approach to commissioning to ensure local third sector partners can be properly engaged.
4. To agree the timescales detailed in the report
5. To note the risks detailed in the report and the mitigating actions.”

4.2 Reasons for Decisions

- 4.2.1 The report stated that decision was based on the following reasons:-

The Treatment system must be re-procured for three reasons:

- Most services have not been subject to a competitive tender for a number of years.
- Current performance is declining across many providers
- There is a request to reduce the amount of Public Health Grant allocated to drug / alcohol services by £1.06m

4.3 Alternative Options Considered

4.3.1 The Cabinet report at Appendix 2 also sets out Alternative Options at paragraphs 3.12. These are

- Option **One**: Standstill (23 contracts) (leave the treatment system largely as it is) but with a single point of system entry, triage and comprehensive assessment with onward referral to provider services.
- Option **Two**: Main treatment provider for Tier 3 treatment (all drugs and alcohol) with separate recovery/support contracts (10-15 contracts). Therefore combine the main treatment provision for tier 3 treatment (opiate, non-opiate and alcohol) into one contract including treatment entry, assessment, pharmacological and psychosocial interventions. This would work with targeted access points into treatment and additional recovery providers offering the full menu of recovery support.
- Option **Three**: Two drug + alcohol treatment contracts; one for treatment and one for recovery (2 contracts). Single drug treatment provider for all Tiers 2-3 treatment, this option should coexist with a separate commissioned recovery agency, targeting their work solely on recovery activity.
- Option **Four**: Single integrated drugs and alcohol service contract. (1 contract).

5. REASONS AND ALTERNATIVE COURSE OF ACTION PROPOSED FOR THE 'CALL IN'

5.1 The Call-in requisition signed by the five Councillors listed gives the following reason for the Call-in:

5.1.1 From the outset we must make clear that we do not oppose DAAT re-commissioning, nor the principle of consortium commissioning with local providers. This call in is to seek further clarification from the Mayor and Cabinet Members for Resources and Community Safety as to their remit as agreed at Cabinet.

5.1.2 At Cabinet a proposal was agreed that gave Cllrs Choudhury and Ahmed responsibility for developing the commissioning's strategic direction and encouraging a consortium approach that involves local providers.

5.1.3 The Mayor has previously spoken of his desire to uphold the "*highest standards of probity and transparency*" in this regard we hope that this call in is welcomed as an opportunity to further clarify the details of this decision.

- 5.1.4 Whilst we support the principle of local providers being engaged and bought on-board it is unclear what remit is being given to Cllr Choudhury and Ahmed given that this approach, of multiple providers, is effectively the opposite of the officer recommendation that the service providers be reconciled from 23 currently to just two.
- 5.1.5 It is important to work closely with local voluntary sector groups, however it is equally important that the process of procurement, and the reasons behind that process, is clear to all potential providers.
- 5.1.6 We also have to be careful to avoid any perception of inappropriate interference in a commissioning process, especially in light of recent concerns. This call in will give the Mayor opportunity to fully explain his plan for the re-commissioning of DAAT services, and for members to further understand the basis of the Cabinet members' role.

5.2 Alternative action proposed:

- 5.2.1 That the Mayor fully explain his strategic vision for the re-commissioning of DAAT services and the basis on which he made his decision.
- 5.2.2 That the Mayor clearly sets out the role he has mandated the Cabinet Members for Resources and Community Safety to have in the re-commissioning of DAAT services.

6. CONSIDERATION OF THE "CALL IN"

- 6.1 Having met the "Call In" request criteria, the matter is referred to the OSC in order to determine the "Call In" and decide whether or not to refer the matter back to Cabinet for further consideration.
- 6.2 The following procedure is to be followed for consideration of the "Call In":
 - (a) Presentation of the "Call In" by one of the "Call In" Members followed by questions from members of OSC.
 - (b) Response from the Lead Member/officers followed by questions from members of OSC.
 - (c) General debate followed by OSC decision.

N.B. In accordance with the OSC Protocols and Guidance adopted by the Committee at its meeting on 4th June, 2013, any Member(s) who present(s) the "Call In" is(are) not eligible to participate in the general debate.

- 6.3 It is open to the OSC to either resolve to take no action (which would have the effect of endorsing the original Mayoral decision/s), or to refer the matter back to the Mayor for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

7.1 The comments of the Chief Financial Officer are incorporated in the attached report

8. LEGAL COMMENTS

8.1 The Mayor in Cabinet's decision has been called-in in accordance with the Overview and Scrutiny Procedure Rules set out in the Council's Constitution. The alternatives presented in paragraph 2.2 of the recommendations in this report are options available to the Committee under the Overview and Scrutiny Procedure Rules.

8.2 Legal comments relevant to the Mayor's decision and to the review by the Overview and Scrutiny Committee are set out in the report on which the decision was based.

9. APPENDICES

- Appendix 1 - "Call In" Requisition
- Appendix 2 – Cabinet Report DAAT Commissioning 23 July 2014

Local Government Act, 1972 Section 100D (As amended) List of "Background Papers" used in the preparation of this report

Brief description of "background papers"

Name and telephone number of holder and address where open to inspection.

none