

Bridgend County Borough Council

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

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SCHEMES OF DELEGATION OF FUNCTIONS RECORD OF DECISION

1. Scheme Information:	
a. Decision Reference Number:	WEL-19-ASC-060
b. Decision Type (Proposed or Actual):	Actual
c. Scheme under which decision is to be made	Scheme A
d. Paragraph Number:	1.1
e. Does this Decision contain Exempt Information? If so, provide details with reference to paragraph(s) 12 to 18, Part 4 and paragraphs 19 to 21, Part 5 Schedule 12A, Local Government Act 1972.	No
f. Does this Decision contain "Confidential information:	No
2. Details of Decision (including: Any public interest test undertaken in relation to Part 1(e) above; equalities implications and details of any assessment undertaken)	
<p>Request authorisation to enter into a Service Level Agreement with Linc Cymru Housing Association Ltd for a duration of (up to) 5 years, to occupy and manage Glyn Cynffig where BCBC will be acting as the care & support provider for domiciliary care services delivered at Glyn Cynffig, and Linc Cymru Housing Association Ltd will be acting as landlord.</p> <p>Alongside this Service Level Agreement, a separate Delegated Power (CMM-PS-19173) has been approved, for BCBC Corporate Landlord to enter into (up to) a 5 year Lease Agreement with Linc Cymru Housing Association Ltd.</p>	
3. Reason for Decision (including any reasons for urgency which led to the implementation of the decision before the preparation of this record or before the expiry of 3 working days after the publication of the decision to which call-in provisions apply):	
<p>Taking this decision will ensure BCBC's continued compliance with regulatory (Care Inspectorate Wales) requirements, as this will ensure that there is a sufficient</p>	

segregation of functions and responsibilities between the care & support and landlord functions for the services provided at Glyn Cynffig.

This will ensure that BCBC's continues to be compliant with the Regulation and Inspection of Social Care (Wales) Act 2016.

There will be no impact to the service being provided within Glyn Cynffig, as the fundamental difference will be in respect of the landlord functions – which is the reason that BCBC as the care & support provider will need to enter into a Service Level Agreement with the new landlord, and the new arrangement with Linc Cymru Housing Association Ltd will replace the agreement currently in place with BCBC corporate landlord.

For individuals in receipt of services within Glyn Cynffig, new Licence Agreements will be entered into – which are arrangements in place between each individual in the scheme, and Linc Cymru Housing Association Ltd as landlord of the scheme. BCBC have ensured that new Licence Agreements mirror the existing ones in place, ensuring there will be no detrimental impact for service users. A joint engagement session has been arranged – involving BCBC Care & Support and Linc – where the new Licence Agreements will be introduced. This follows regular communications and updates that have been given to service users throughout the process.

From a financial perspective, there will be no detrimental impact nor financial gain for either party, as the service-related costs (linked to the landlord and premises elements of the service – such as maintenance and utilities costs) will transfer from BCBC corporate landlord to Linc Cymru Housing Association Ltd – and the rental component(s) linked to the Lease Agreement, will have a zero balance. All other property-related costs historically paid for by individuals, will continue to be paid to Linc Cymru Housing Association Ltd as landlord, which will be assisted by the service provider, as is the current practice.

Safeguarding the service and individual tenants in moving forward, there is a requirement for the landlord (Linc Cymru Housing Association Ltd) to keep the property open and up to current standards for as long as the service is being delivered during the term of the agreement(s). If there are any issues in relation to the property component that may impact on the Service Level Agreement, the agreements are co-terminus, and termination clauses may be enacted, as required.

There is a time urgency linked to this decision following feedback received from CIW. In order to keep in line with regulatory requirements, BCBC will need to enter into the new arrangements from 1st November 2019, and the Lease Agreement, Service Level Agreement and Licence Agreements have been drafted to commence from this date. Due to the CIW-imposed deadline of 1st November 2019, this means that this decision cannot be taken to Cabinet, as it falls outside of Cabinet dates.

The Chairpersons of the Overview and Scrutiny Committees have agreed that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and not subject to call-in.

4. Details of Consultation undertaken prior to the decision or, if none reasons why none undertaken:

Consultation has been undertaken with:

- Head of Service and pertinent Group Manager and Team Manager within Adult Social Care
- Corporate Landlord colleagues
- Legal Services
- Finance Officers

In accordance with Part 4 Rules of Procedure of the Constitution, consultation has been sought of all three chair persons to agree the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and not subject to Scrutiny call-in. There was no response from Cllr John Spanswick as he is currently on leave but both Cllr Cheryl Green and Cllr Tom Giffard confirmed their agreement.

5. Details of any interest declared in relation to the decision:

a. by any Cabinet Member consulted in relation to the Decision:

None

b. by any Cabinet Member who would have been the Decision maker except for the declaration of such an interest:

None

c. details of any dispensation granted by the Standards Committee in respect of interest declared:

None

6. Contact Details:

Case Officer

Decision-Maker

a. Name:	<input type="text" value="Pete Tyson"/>	<input type="text" value="Councillor Philip White"/>
b. Job Title/Role:	<input type="text" value="Group Manger
Commissioning"/>	<input type="text" value="Cabinet Member – Social
Services & Early Help"/>
c. Telephone Number:	<input type="text" value="(01656) 642667"/>	<input type="text" value="(01656) 643685"/>
d. E-mail Address:	<input type="text" value="Peter.Tyson@bridgend.gov.uk"/>	<input type="text" value="cllr.phil.white@bridgend.gov.uk"/>
e. Date Decision made:		<input type="text" value="30/10/19"/>
f. Signature:		<input type="text" value="Councillor Philip White"/>

Notes:

1. Electronic copies of this form must be sent to Democratic Services - Committees (cabinet_committee)

7. Decision Administration Information (Cabinet & Committee Services use only)

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|---|---------------------------------------|
| a. Date received | <input type="text" value="30/10/19"/> |
| b. Confirmation of Urgency | <input type="text" value="-"/> |
| c. Date published | <input type="text" value="04/11/19"/> |
| d. End of Call - In period (Scheme A & B1 only) | <input type="text" value="-"/> |
| e. Decision Called in. | <input type="text" value="-"/> |
| f. Effective date of Decision. | <input type="text" value="30/10/19"/> |