

**From:** Paul Turner, Director, Legal & Assurance  
**Sent:** 20 November 2018 09:20  
**To:** Cllr Mike Mackrory, Member CC

**Subject:** RE: Notice of an urgent key decision and request to exempt a decision from call-in

Dear Cllr Mackrory

Thanks very much for getting back to us so quickly.

Paul

Paul Turner  
Director, Legal and Assurance  
Monitoring Officer

Corporate and Customer Services  
Essex County Council

**From:** Cllr Mike Mackrory, Member CC  
**Sent:** 20 November 2018 09:10

**To:** Paul Turner, Director, Legal & Assurance

**Cc:** Gavin Jones, Chief Executive < Cllr John Spence, Member CC < Margaret Lee, Executive Director, Corporate & Customer Services Jennifer Mellani, Legal Services Manager >; Phillip Cruddace, Senior Strategy Adviser < >; Nick Presmeg, Director, Adult Social Care < Joanna Boaler, Head of Democracy & Transparency; Democratic Services

**Subject:** Re: Notice of an urgent key decision and request to exempt a decision from call-in

Dear Paul,  
Thank you for your email. The CE alerted me to this yesterday and explained the background. Given the circumstances and the urgency I am content to agree to both requests.  
Regards,  
Mike Mackrory

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**From:** Paul Turner, Director, Legal & Assurance

**Sent:** 20 November 2018 06:50:35

**To:** Cllr Mike Mackrory, Member CC

**Cc:** Gavin Jones, Chief Executive; Cllr John Spence, Member CC; Margaret Lee, Executive Director, Corporate & Customer Services; Jennifer Mellani, Legal Services Manager; Phillip Cruddace, Senior Strategy Adviser; Nick Presmeg, Director, Adult Social Care; Joanna Boaler, Head of Democracy & Transparency; Democratic Services

**Subject:** Notice of an urgent key decision and request to exempt a decision from call-in

Dear Cllr Mackrory

I am writing to you as the Chairman of the Corporate Policy Overview and Scrutiny Committee.

I am writing :

- (1) To give you five days' notice of a proposal to take an urgent key decision which isn't on the forward plan.
- (2) To ask you to agree that the same key decision should be exempted from call-in by reason of the urgency of the situation.

The key decision relates to the proposal to transfer contracts for domiciliary from Allied Healthcare Limited to Essex Cares Limited. In total, the contracts have a value of approximately £12m.

The reason for the proposed transfer is that, as you may know, Allied Healthcare Limited is in financial difficulties and we have been notified that it will cease operations entirely on 21 December 2018.

The contracts are for reablement services and domiciliary care services for vulnerable adults. I am informed that the total value of the contracts involved is £12m. It is proposed that Cllr David Finch, the Leader of the Council, will take the decision on or after Wednesday 28 November 2018 after considering a report which is being prepared by officers for him to consider.

The proposal is that the contracts or the work contained in them will be transferred to Essex Cares Limited at the same or lower overall cost as the current contracts.

Since Essex Cares Limited is owned by ECC we can enter into contracts with it directly without procurement law concerns. Essex Cares Limited has agreed to the transfer.

If we wait until the decision has been on the forward plan for 28 clear days there will be insufficient time to arrange an orderly transfer of the contracts and the transfer of the employees delivering the services - meaning that unless the decision is taken urgently there is a high risk of disruption of services to vulnerable adults. The decision is therefore needed urgently.

We also request that the decision be exempted from call in given the delay which a call in would cause and the fact that these contracts need to be transferred urgently. Exempting the decision from call-in does not of course mean that the decision cannot be scrutinised.

Nick Presmeg or I will be happy to brief you further on this matter.  
A copy of this notice will be placed on the Council's website.

I look forward to hearing from you about the proposed transfer. This notice replaces the email from Nick Presmeg sent last night.

Kind regards.

Paul Turner  
Director, Legal and Assurance  
Monitoring Officer

Corporate and Customer Services

Essex County Council