

Minutes of the meeting of the Cabinet, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Tuesday, 21 March 2017

Present:

Councillor David Finch	Leader of the Council (Chairman)
Councillor Kevin Bentley	Deputy Leader & Economic Growth, Infrastructure & Partnerships (Vice-Chairman)
Councillor Ray Gooding	Education and Lifelong Learning
Councillor Dick Madden	Adults and Children
Councillor John Spence	Finance, Housing and Planning
Councillor Simon Walsh	Environment and Waste

Councillors J Aldridge (Chairman of Essex County Council), M Buckley, M Danvers, R Howard, M Mackrory, C Pond and K Twitchen also attended.

1 Apologies for Absence

Apologies for absence were received from Councillors Anne Brown (Cabinet Member for Corporate and Communities), Graham Butland (Cabinet Member for Health), Stephen Canning (Cabinet Member for Digital Innovation, IT and Customer Services) and Eddie Johnson (Cabinet Member for Highways and Transport).

2 Minutes

The minutes of the meeting held on 21 February 2017 were agreed as a correct record and signed by the Chairman.

3 Declarations of Interest

The Chairman reminded Members to declare any interests now or at the point during the meeting at which they arose.

4 Questions from the Public

No members of the public had registered an interest in asking a question or making a statement on any of the items to be considered at the meeting.

5 Expansion of Roding Valley High School, Loughton

Information contained within a confidential appendix was taken into account in reaching a decision on this issue (minute 12 below refers).

The Cabinet considered report FP/658/11/16 by the Director for Commissioning: Education and Lifelong Learning (presented by the Cabinet Member for Education and Lifelong Learning) which reported on the growing demand for additional secondary school places in the Loughton/Chigwell area. Approval was sought to expand Roding Valley High School (RVHS) by 1 form of entry (150

pupils) from an 8 form entry school (1,200 pupils) to 9 forms of entry (1,350 pupils), including establishing new Post-16 provision with a further 150 pupil places (75 per year group) for September 2018.

In presenting the report, the Cabinet Member for Education and Lifelong Learning stated that the County Division affected by the proposals was Loughton Central, rather than as stated on the front page of the report.

Acknowledging the pressure on secondary school places in the Loughton area, the Cabinet Member undertook to reply to Councillor Pond outside the meeting regarding the point at which the establishment of an additional secondary school may be required in preference to the continued expansion of existing provision.

Resolved:

1. That Roding Valley High School should expand to serve the demand for higher secondary school places in the Loughton area from September 2018.
2. That authority be delegated to the Head of Infrastructure Delivery to enter into a Funding Agreement to enable Roding Valley High School to undertake and self-manage the procurement of a construction partner to enlarge the school's premises on terms which allow the release of funding only once he is satisfied that:
 - a. the total project costs are within budget;
 - b. Roding Valley High School have demonstrated their capability to deliver the scheme to ECC/EFA standards;
 - c. the construction costs proposed by the school's contractor are in overall compliance with ECC benchmarking rates and within the approved budget; and
 - d. the construction costs are within the agreed budget and represent value for money.
3. That the capital budget for construction and associated project fees, as per the profile set out in the confidential appendix to report FP/658/11/16 (minute 12 below refers), be approved.

6 Procurement of Medium-Term Residual Waste Disposal Services

The Cabinet considered report FP/756/02/17 by the Executive Director for Corporate and Customer Services, presented by the Cabinet Member for Environment and Waste, which sought agreement to proceed with procurement of contingency waste disposal services for residual waste.

The Cabinet Member provided the following information in response to comments and questions by Councillors Mackrory and Pond:

- The option of sending residual waste to landfill would be invoked as a last resort only.
- Everything possible was being done to ensure the success of operations

at the Tovi waste treatment facility.

Resolved:

1. That the Council procure contingency residual waste disposal services pursuant to a Framework Agreement using the Open Procedure. It is proposed that the framework last for four years.
2. That the Executive Director for Corporate and Customer Services, in consultation with the Cabinet Member for Environment and Waste, be authorised to:
 - a. decide the lots to be used in the Framework Agreement and the procurement award criteria;
 - b. appoint suppliers to the Framework Agreement;
 - c. undertake mini-competitions in accordance with the Framework Agreement as required; and
 - d. award Service Orders in accordance with the Framework Agreement.

7 Direct Award of a new Short-Term Support in the Community Service

The Cabinet considered report FP/699/12/16 by the Director for Adults Social Care, presented by the Cabinet Member for Adults and Children, which sought approval for the procurement of a new Short-Term Support in the Community Service from 1 July 2017 for a maximum contract length of 46 months.

Responding to a question by Councillor Mackrory, the Cabinet Member stated that as the proposed approach represented a new model of service provision, ECL Ltd had been the only available provider. The Council was satisfied that the contract offered value for money.

In response to a question by Councillor Danvers, the Cabinet Member for Finance, Housing and Planning stated that he welcomed the promise of additional funding from the government, which would help the Council address the challenges arising from unprecedented demand for adult social care. He commented that the proposals detailed in the report were consistent with the Council's strategy of achieving effective results for Essex residents at the best price.

The Leader of the Council commented that the Government's decision to release additional funding demonstrated the effectiveness of lobbying by county councils. He was hopeful that the Government would continue to listen to the views of county councils.

Prior to inviting the Cabinet to accept the report's recommendations, the Cabinet Member for Adults and Children advised that the word 'with' in the third line of the first recommendation was superfluous and should be disregarded.

Resolved:

1. That the direct award of the Short Term Support in the Community Service contract to Essex Cares Ltd (ECL) be agreed on the basis of a

block contract of up to £21.6m. The contract will be for a period of 46 months from 1 July 2017, with a break clause exercisable on 1 May 2019 and 1 May 2020.

2. That the drawdown of £1.2m from the transformation reserve be agreed, for a one-off new revenue investment in 2017/18 with a payback in 2018/19, as set out in paragraph 5.1.5 of report FP/699/12/16.

8 Procurement of Vehicles for the Car Provision Scheme

The Cabinet considered report FP/755/02/17 by the Director for Corporate Operations, presented by the Leader of the Council on behalf of the Cabinet Member for Corporate and Communities, which sought approval for the procurement of vehicles for the Essex County Council (ECC) Car Provision Scheme via the Hertfordshire County Council and The Procurement Partnership Limited Vehicle Contract Hire Framework HCC 1608933, (the HCC Framework).

The Leader of the Council provided the following information in response to questions by Councillors Pond and Mackrory:

- Future consideration would be given to whether diesel-fuelled cars should continue to be provided under the County Council's scheme, and to the possibility of reporting to the Council further on this issue. However, the measures under consideration at this meeting, if approved, would include diesel cars.
- The collaborative nature of the proposed arrangements would permit the acquisition of vehicles at a favourable rate. Under the scheme, there was no obligation for the Council to acquire a set number of vehicles.
- The majority of vehicles provided under the ECC car provision scheme were allocated to staff who needed them to perform their roles effectively, such as social workers. A very limited number were made available to senior members of Council staff.

Resolved:

That use of the Hertfordshire County Council Framework be approved for the procurement of vehicles for ECC employees in accordance with the ECC Car Provision Scheme.

9 To agree the indicative expenditure plan for NHS commissioned services within the Essex Better Care Fund Plan for 2017/18

The Cabinet considered report FP/727/01/17 by the Interim Director, Commissioning Integration, presented by the Cabinet Member for Adults and Children, which, in accordance with NHS England's requirements for a Better Care Fund Plan (BCF) for 2017/18 and 2018/19, set out the expected financial content of the 2017/18 and 2018/19 BCF and outlined the NHS England requirements regarding the content of the BCF Plan.

Approval was sought to the indicative expenditure within the BCF financial plan to allow purchase orders to be raised by Essex County Council (ECC) as the

Pooled Fund holder for the 2017/18 provision of NHS Clinical Commissioning Group commissioned services, together with authorisation for the Executive Director for People Commissioning to agree the final BCF Plan.

In presenting the report, the Cabinet for Adults and Children advised that the letters confirming that the CCGs would make the necessary payments had now been received.

Resolved:

1. That the indicative expenditure plan regarding NHS Commissioned services as set out in Table 1 (paragraph 3.10) of report FP/727/01/17 be approved, and purchase orders be raised in the sum of £52.973m for the 2017/18 provision of NHS Clinical Commissioning Group commissioned BCF services, each order being conditional upon:
 - a. funding being received from the CCGs; and
 - b. receipt of letters of confirmation that the CCGs will make the necessary payments to ECC.
2. That the Executive Director for People Commissioning, in consultation with the Cabinet Member for Adults and Children, be authorised to
 - a. approve the final submission of the Essex BCF, as amended to reflect any alterations which he considers to be appropriate as a result of the NHS England assurance process; and
 - b. to make any consequential changes necessary to the section 75 agreements necessary to implement the Better Care Fund.

10 Cabinet Decisions Report

The Cabinet received report FP/747/02/17 by the Secretary to the Cabinet setting out the decisions taken by or in consultation with Cabinet Members since the last meeting.

The Cabinet Member for Finance, Housing and Planning undertook to respond in writing to Councillor Danvers providing more detail with regard to decision reference FP/766/03/16 (Drawdown from Transformation Reserve: Organisation Design Programme Phase 2).

11 Exclusion of the Press and Public

Resolved:

That the press and public be excluded from the meeting during consideration of the remaining item of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 3 of part 1 of Schedule 12A of the Local Government Act 1972.

12 Expansion of Roding Valley High School - Confidential Appendix
(Press and public excluded)

The Cabinet noted the confidential appendix to report FP/658/11/16, which

contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 5 above refers).

The Cabinet Member for Education and Lifelong Learning undertook to provide a written response to Councillor Pond regarding the provision of sports facilities in the school's local area.

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Chairman
23 May 2017