

## **MINUTES OF THE MEETING OF THE CABINET HELD AT COUNTY HALL, CHELMSFORD, AT 10.00AM ON 26 JANUARY 2016**

Present:

<b>Councillors</b>	<b>Cabinet Member responsibility</b>
D M Finch	Leader of the Council (Chairman)
K Bentley	Deputy Leader and Economic Growth, Waste and Recycling
R Bass	Infrastructure
A Brown	Communities and Healthy Living
R Gooding	Education and Lifelong Learning
R Hirst	Transport, Planning and Environment
E Johnson	Highways Delivery
D Madden	Adults and Children
J Spence	Finance

Councillors J Young, M Mackrory, S Walsh, M Buckley, N LeGresley, C Pond, M Page, K Twitchen, J Knapman, R Howard, I Henderson, K Bobbin, N Hume, G Butland, M Maddocks and P Channer also attended.

### **1. Apologies for Absence**

Apologies were received from Cllr Eddie Johnson. Members were informed that Cllr Bentley would leave the meeting at 10.30am.

The Chairman welcomed Gavin Jones, Chief Executive, to his first meeting of Cabinet.

### **2. Minutes**

The minutes of the meeting held on 15 December 2015 were agreed as a correct record and signed by the Chairman.

### **3. Declarations of Interest**

Cllrs Madden and Spence declared an interest if item 7, Chelmsford Park and Ride – approval to tender and award the operational contracts for Chelmsford Park and Ride.

### **4. Public Questions**

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. 2015/16 Financial Overview as at the Third Quarter Stage

The Cabinet received report FP/998/02/15 by the Cabinet Member for Finance which set out the forecast financial position of Essex County Council's (ECC) revenue and capital budgets as at the third quarter of the 2015/16 financial year.

The following information was provided in response to questions raised from Councillors Young and Mackrory.

- On the revenue budget a net saving of £5m against budget is forecast at this stage
- There is provision for winter pressure should it be needed
- There are pressures on the capital budget that are outside the control of the council
- A review has been undertaken resulting in the identification of reserves no longer required
- The Adult Social Care budget will continue to face pressures but remains within 1% of the overall adult budget.
- Plans are in place to reduce the current Adult Social Care overspend with the aim of a balanced budget by financial year end.

### Resolved:

To draw down funds from reserves as follows:

1. **£35,000** from the Transformation Reserve to Education and Lifelong Learning portfolio for redundancy costs related to the Education Redesign.
2. **£62,000** from the Transformation Reserve to Education and Lifelong Learning portfolio for redundancy costs incurred through the Adult Community Learning restructure.
3. **£644,000** from the Transformation Reserve to Corporate Services portfolio to fund the In Person project to be drawn down on a phased basis.
4. **£57,000** from the Transformation Reserve to Corporate Services Recharged Support Services for Adult Mental Health and Waste Portfolio projects supported by the Transformation Support Unit.
5. **£167,000** from the Community Initiative Reserve to Transport, Planning and the Environment portfolio to support the Community Initiative capital scheme.
6. **£750,000** from the Reserve for Future Capital Funding Reserve to Finance Recharged Support Services for Transforming Corporate Systems.

To appropriate funds to reserves as follows:

1. **£127,000** to the Transformation Reserve from Adult Social Care portfolio as a result of the deferral of Phase 2 of the Care Act.
2. **£446,000** to the Transformation Reserve from Corporate Services Recharged Support Services portfolio relating to the Digital Channels project.
3. **£100,000** to the Transformation Reserve from Corporate Services Recharged Support Services in relation to the People and Change project, which will be requested in 2016/17.
4. **£124,000** to the Transformation Reserve from Corporate Service Recharged Support Services, which was for capacity to develop service propositions for 2016/17, and is no longer required.
5. **£2.7m** pay award contingency budget to the General Balance from the Finance portfolio.
6. **£980,000** to the General Balance from Finance Recharged Support Services in relation to the Insurance Cost Recovery Account under spend on provision.

To approve the following adjustments:

1. At the half year stage, Cabinet approved the inclusion of Schools Human Resources and Jobscene within EES Traded (formerly Essex Education Services). On the basis of these activities being subsumed into the EES trading account, approval is now sought to:
  - a. Increase the budgeted surplus of the trading activity by **£745,000**; and
  - b. Appropriate this additional surplus to the General Balance to offset the budget shortfall within the Education and Lifelong Learning portfolio (**£280,000**) and Corporate Services Recharged Support Services (**£465,000**) created as a consequence of the transfer of these activities into EES trading service.
2. To reduce the financial target for the Schools Staff Insurance Scheme by **£312,000**.
3. To amend the capital budget as shown in Appendices C and C(ii) which allows for capital slippage of **£14.1m**, capital budget additions of **£6.0m**, capital budget reductions of **£12.6m** and advanced works of **£1.9m**.
4. To transfer **£458,000** from Leader portfolio to the Finance Recharge Support Services to transfer Policy and Management under spend.

5. To transfer the **£4.9m** Redundancy Reserve balance to the Transformation Reserve, and close the Redundancy Reserve
6. To transfer the **£5.7m** Consultation Reserve balance to the General Balance, and close the Consultation Reserve
7. To transfer the **£9.8m** Collection Fund Investment Risk Reserve balance to the General Balance, and close the Collection Fund Investment Risk Reserve
8. To transfer the **£1.1m** Energy Inflation Reserve balance to the General Balance, and close the Energy Inflation Reserve
9. To transfer the **£372,000** Essex Transport Reserve balance to the General Balance, and close the Essex Transport Reserve.

#### **6. Essex and Southend-on-Sea Waste Local Plan – Proposed Submission Publication**

The Cabinet received report FP/296/11/15 by the Cabinet Member for Transport, Planning and the Environment asked the Cabinet to consider the draft Waste Local Plan Proposed Submission Document and to formally make a recommendation to the Council that the document be published for pre-submission consultation and then be submitted to the Secretary of State.

The Chairman and Councillor Mackrory complimented officers on the production of the waste plan. Councillor Hirst also recorded his thanks to Members of the Reference Group.

The following information was provided in response to questions raised from Councillor Young.

- The plan is not an operating strategy but outlines the duty of a planning authority to ensure a plan is in place for the adequate provision of waste management across the county.
- The policy is to incentivise people to reduce, re-use and recycle
- The plan is based on well informed forecasts and estimates and is designed to ensure self-sufficiency at all levels.

#### **Resolved:**

1. Agree the proposed responses to the representations received at the Revised Preferred Approach and previous versions of the RWLP.
2. That Cabinet recommends to full Council:
  - a. that the Council agrees to the publication for pre-submission consultation of the RWLP under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in the form submitted to it (appendix 1); and.

- b. that the Council agrees that the RWLP be approved for submission to the Secretary of State for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004.
3. Agree that the Director of Operations: Environment and Economy is authorised to:
  - a. make minor amendments to the RWLP to correct drafting typographical or printing errors;
  - b. Update the sustainability appraisal at any time before the documents are approved by full council;
  - c. propose to the Secretary of State amendments to the RWLP which may result from (inter alia) analysis of the representations made following public consultation, recommendations of the Sustainability Appraisal and any additional evidence considered and consult on these changes if required before they are sent to the Secretary of State and;
  - d. determine a response to any amendments which may be proposed by the Inspector during the Examination in Public process (but not to agree proposed 'main modifications'); and
  - e. take all necessary steps to ensure compliance with the relevant statutory processes and procedures necessary for preparation and participation of the Council at the Examination in Public.
4. Note that the Cabinet Member for Transport, Planning and the Environment is authorised to approve further consultation on any recommendations that may be proposed by the Inspector during or following the Examination in Public (e.g., any main modifications proposed by the Inspector).
5. Agree to amend the Minerals and Waste Development Scheme with the revised timetable for the production of the Waste Local Plan

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Cllrs Bentley, Madden and Spence left the meeting

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#### **7. Chelmsford Park and Ride – Approval to tender and award the operational contracts for Chelmsford Park and Ride**

The Cabinet received report FP/312/11/15 by the Cabinet Member for Transport, Planning and the Environment asked Cabinet to agree the tender contracts for the operation of buses and site management at the Chelmsford Park and Ride sites and to note that the Cabinet member will make the decision on the award of these contracts.

The following information was provided in response to questions raised from Councillors Pond and Young.

- Park and Ride is designed to provide good transport links to the residents of Essex wishing to use the facilities of Chelmsford.
- The facility is very popular and well used and the benefits are transparent.
- On the issue of park and ride, Chelmsford City Council has taken part in useful discussions over the future of long stay parking facilities in the City.

**Resolved:**

1. Approve the procurement of a new contract for the operation of a bus service to the Chelmsford Park and Ride sites from 25 September 2016 for a period of five years, extendable by the Council for a further two years, with the contract being awarded under the Council's public transport framework agreement.
2. Approve the procurement of a contract covering the management of Front of House services at the Park and Ride sites from 25 September 2016 for a period of five years, extendable by the Council for a further two years, with the contract being awarded using an open procurement process which complies with the Public Contracts Regulations 2015.
3. Approve the procurement of a contract covering the management of maintenance of the Park and Ride sites from 25<sup>th</sup> September 2016 for a period of five years, extendable by the Council for a further two years with the contract being awarded using an open procurement process which complies with the Public Contracts Regulations 2015.
4. Agree that the contracts may be awarded by the Cabinet Member for Transport, Planning and the Environment and that the contracts referred to in 2.2 and 2.3 may be awarded to MITIE under the terms of the current ECC Facilities Management framework if MITIE can demonstrate better value than any of the tenders received.

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Cllrs Madden and Spence returned to the meeting  
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## **8. Revenue and Capital Budgets 2016/17 and Medium Term Resource Strategy**

The Cabinet received report FP/333/12/15 by the Cabinet Member for Finance which presented information to enable the Cabinet to recommend the revenue budget for 2016/17 and the capital programme for 2016/17 to 2018/19 to Full Council in February. Please note that the capital programme for 2017/18 and 2018/19 is our current view.

Asks the Cabinet to note the funding sources for 2016/17; the revenue budget for each portfolio; the proposal in respect of the council tax rate for 2016/17 and the capital programme for 2016/17, and to approve the related recommendations set out below in section 2.

Asks the Cabinet to note the Medium Term Resourcing Strategy (MTRS) from 2017/18 to 2018/19, which is informed by the best information available regarding future funding and demand, whilst noting the risks and mitigations approach as outlined in the report.

Asks the Cabinet to note that whilst the Council is able to present a balanced budget for 2016/17, this does assume full delivery of savings and some utilisation of reserves and there is not yet a balanced position for 2017/18 and 2018/19.

The following information was provided in response to questions raised from Councillors Mackrory, Le Gresley and Henderson.

- It has been recognised the Council tax freeze would have to end at some point and it is with regret that Council tax will increase by 1.99% and the social precept by 2% be applied
- The draft financial settlement presents some difficult challenges.
- Work will be undertaken to seek to influence energy companies to reduce prices and with local communities to preserve services that are facing a challenge.
- Further savings of £76m, in addition to the £521m already achieved, will need to be identified.
- A final financial settlement is still awaited but the budget presented to Members is one which will enable local services to be preserved and the value of service to the people of Essex to be continued

**Resolved:**

1. The net revenue budget requirement to be set at **£861.0 million(m)** for 2016/17
2. The net cost of services to be set at **£927.5m** for 2016/17
3. The total council tax requirement be set at **£570.2m** for 2016/17
4. That council tax be increased by 1.99% and a 2% social care precept be levied, therefore the Essex County Council element of the council tax for charge for a Band D property in 2016/17 will be **£1,130.13**. A full list of bands is as follows:

<b>Council Tax Band</b>	<b>2015/16</b>	<b>2016/17</b>
	<b>£</b>	<b>£</b>
<b>Band A</b>	724.50	753.42
<b>Band B</b>	845.25	878.99
<b>Band C</b>	966.00	1,004.56
<b>Band D</b>	<b>1,086.75</b>	<b>1,130.13</b>
<b>Band E</b>	1,328.25	1,381.27
<b>Band F</b>	1,569.75	1,632.41
<b>Band G</b>	1,811.25	1,883.55
<b>Band H</b>	2,173.50	2,260.26

5. That a schedule be presented to Full Council setting out the council tax rate for each category of dwelling and the precepts on each of the council tax billing authorities for 2016/17, together with the final tax base.
6. Agree to the proposed total schools budget of **£539.2m** for 2016/17 which will be funded by the Dedicated Schools Grant.
7. That the underlying balance on the General Balance be set at **£60.4m** at as at 1 April 2016 after the proposed drawdown of **£19.4m**
8. That the capital payments guideline be set at **£250.5m** for 2016/17 and that the Executive Director for Corporate and Customer Services, in consultation with the Cabinet Member for Finance, be authorised to make adjustments to the phasing of payments between years (should that be necessary) as the capital programme is finalised, and to report any impact on the Prudential Indicators at the subsequent quarterly review to Cabinet in July 2016.
9. Agree that the Cabinet Member for Finance, in consultation with the Executive Director for Corporate and Customer Services, may make any necessary adjustments to the figures to be submitted to Full Council upon receipt of the final tax base and forecast business rates receipts for 2016/17 to be notified to the Council by the respective billing authorities (due by 31 January), the final capital grant in respect of education from the Department for Education (DfE) due in mid-January, and the final settlement from government due 3<sup>rd</sup> February 2016.
10. That the Executive Director for Corporate and Customer Services (section 151 officer) statement on the robustness of the estimates and reserves be noted
11. Approval of the 2016/17 - 2018/19 Prudential Indicators and limits, together with updated limits for 2016/17



12. Approval of the Treasury Management Strategy for 2016/17
13. Approval of the policy for making a prudent level of revenue provision for the repayment of debt
14. Recommend to Full Council for approval the Pay policy statement for 2016/17
15. Note that the report outlines the medium term (2017/18 – 2018/19) revenue issues facing the Council highlighting the funding sources and implications for the medium term. The position is based on the best intelligence available today including future funding, price rises and demand; but there is inherent uncertainty given the changes in national and local circumstances.
16. Note that whilst there is a balanced budget for 2016/17, this is not yet the case for 2017/18 and 2018/19. Further savings will need to be secured in the medium term and a focus on outcomes based commissioning.
17. Note the draft equivalent Band D tax base for the purpose of determining the council tax charge is 504,545 properties.
18. Note the findings of the Equality Impact Assessment (EIA)
19. Note the Council's Financial Regulations set out the policies and the framework for managing the financial affairs. They seek to ensure that the Council conducts its affairs in a way that complies with specific statutory provision, generally accepted accounting principles and professional good practice. In addition, the Chief Finance Officer authorises officers to make day to day decisions in accordance with and up to the limits set out in a scheme of delegation for financial management which implements Financial Regulations.

#### **9. Live at Home Project: Contracts for Domiciliary Care – Current Contracts & Update on Future Procurement**

The Cabinet received report FP/100/04/15 by the Cabinet Member for Adults and Children which sought approval from Cabinet to extend and vary the current Best Value Ranked List ("BVRL") contracts for the provision of Live at Home Services for a period of 12 months whilst a procurement process is completed and set a minimum price for the provision of such care.

To inform the Cabinet that, at present, the preferred approach for the procurement of services to be delivered from February 2017 onwards is a form of Ranked List but that further market engagement and financial modelling is needed and that a further report will be brought to Cabinet in April 2016 to seek authority to launch the procurement.

To ask the Cabinet to agree a drawdown from the Transformation Reserve of £81,000 to fund the extension of the current BVRL contract and ensure continuity of service delivery whilst the procurement is underway.

**Resolved:**

1. Approve an extension to the current BVRL contracts for a maximum of 12 months expiring in February 2017.
2. Agree that a further report to Cabinet is brought back in April 2016 setting out how the Council will procure services in the longer term.
3. Agree that, as part of the extension, all providers will be asked to resubmit prices for each district based on a revised pricing matrix and that these along with the provider's score relating to quality will be used to produce a new ranked list which will be used for care placements awarded after 10 April 2016.
4. Agree that current packages of care (whether awarded via the BVRL or via spot purchase) will be paid at the current rates but that with effect from 10 April 2016 the Council will apply a minimum rate of:
  - (a) £11.32 per hour for night sleeping and 24 hour live in care; and
  - (b) £13.92 per hour for all other care covered by these contracts.
5. Authorise the Director for Integrated Commissioning and Vulnerable People to approve the revised ranked list for the BVRL extension following the submission of revised proposals from providers.
6. Agree to draw down £81,000 from the Transformation Reserve to manage the extension to the current BVRL contract.

**10. Cabinet Decisions Report**

The Cabinet received report FP/330/12/15 by the Secretary to the Cabinet setting out the decisions taken by or in consultation with Cabinet Members since the last meeting.

**11. Date of Next Meeting**

Members noted that the next meeting of the Cabinet would take place on Tuesday 16 February 2016 at 10.00am.

**12. Exclusion of the Press and Public**

**Resolved:**

That having reached the view that, in each case, the public interest in maintaining the exemption (and discussing the matter in private) outweighed the public interest in disclosing the information, the public (including the press)

be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as specified in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**13. Approval to tender and award the operational contracts for Chelmsford Park and Ride.**

(Exempt under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, information relating to the financial or business affairs of any particular person (including the authority holding that information))

The Cabinet noted the confidential appendix to report FP/312/11/15 which contained exempt information referred to in that report and decisions taken earlier in the meeting (minute 7 above refers).

**14. Live at Home Project: Contracts for Domiciliary Care – Current Contracts & Update on Future Procurement**

(Exempt under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, information relating to the financial or business affairs of any particular person (including the authority holding that information))

The Cabinet noted the confidential appendix to report FP/100/04/15 which contained exempt information referred to in that report and decisions taken earlier in the meeting (minute 9 above refers).

The meeting closed at 10.52am.