

Minutes of a meeting of the Cabinet that took place in the Council Chamber at County Hall on Tuesday 19 April 2022

Present:

| Councillor | Cabinet Member Responsibility |
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| Councillor K Bentley | Leader of the Council (Chairman) |
| Councillor T Ball | Education Excellence, Life-Long Learning and Employability |
| Councillor M Buckley | Waste Reduction and Recycling |
| Councillor G Butland | Devolution, the Arts, Heritage and Culture |
| Councillor B Egan | Children's Services and Early Years |
| Councillor L McKinlay | Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance |
| Councillor J Spence | Adult Social Care and Health |
| Councillor L Wagland | Economic Renewal, Infrastructure and Planning |
| Councillor C Whitbread | Finance, Resources and Corporate Affairs |
| Councillor L Scott | Highways Maintenance and Sustainable Transport |

Councillors M Mackrory, I Henderson, T Cunningham, B Massey, M Durham, P Schwier, M Hardware and A Goggin and M Platt were also present. Councillor D King attended remotely, via Zoom.

1. Membership, Apologies, Substitutions and Declarations of Interest.

The report of Membership, Apologies and Declarations was received and the following were noted:

1. There had been no changes of membership since the last report.
2. There were apologies for absence from Councillor Pond, Leader of the non-aligned group.
3. There were no declarations of interest.

2. Minutes of Previous Meeting

The Minutes of the meeting held on 15 March 2022 were approved as a true record and were signed by the Chairman.

3. Questions from the public

There were no questions from members of the public.

4. Chelmsford North East Bypass (FP/977/02/21)

The Cabinet received a report containing matters related to the Chelmsford North East Bypass for their consideration and approval.

The Cabinet Member for Economic Renewal, Infrastructure and Planning responded to questions from Councillor Mackrory in connection with the configuration of the conveyor bridge, receipt of the Secretary of State's confirmation of the related planning application, and the risks associated with the removal of flood compensation areas.

Resolved:

1. Agreed that the Council procures works to provide the conveyor bridge using the Eastern Highways Alliance Framework to facilitate construction of the main bypass works.
2. Agreed that Director for Highways and Transportation may enter into a Compensation Agreement with Hanson Quarry Products Europe Ltd (HQPE) to allow them to carry out advanced works to facilitate construction of the main bypass works subject to him being satisfied that the agreement represents value for money.
3. Authorised the Director for Highways and Transformation to award a contract for the conveyor bridge enabling works project to a principal contractor and agree compensation for silt lagoon works to HQPE (subject to finalising a compensation agreement), after consulting the Leader of the Council.
4. Agreed that land negotiations continue for the land required for the Chelmsford North East Bypass (CNEB) alongside preparations for Compulsory Purchase Order, if required.
5. Agreed that if the Director for Highways and Transportation is unable to acquire the land shown in Appendix 2.1 by agreement on reasonable terms he may, after consulting the Leader of the Council and the Director, Legal and Assurance, authorise:
 - a) the making of one or more compulsory purchase orders to acquire land necessary for the construction of the Chelmsford North East Bypass
 - b) the undertaking of additional processes (Side Roads Orders and/or traffic regulation and speed limit orders) required for the changes to the existing road network as a result of the project, and
 - c) to pursue the Orders to confirmation.
6. Agreed the Council launches a competitive procurement for the Chelmsford North East Bypass main works contract Phase 1 via the Crown Commercial Services Framework.
7. Agreed that tender evaluation criteria to be used for the North East Bypass Phase 1 are 50/50 Price/Quality split with 15% of Quality represented by Social Value criteria to the extent that they are consistent with the most economically advantageous tender.

8. Noted that a further report will be brought back to the Cabinet on the award of the main bypass contract Phase 1. This will confirm funding sources to inform the Cabinet's decision on awarding the contract.

5. Adoption of the new plan for libraries: 'Everyone's Library Service 2022 – 2026' (FP/284/01/22)

The Cabinet received a report containing matters related to the adoption of the new plan for libraries: 'Everyone's Library Service 2022 – 2026' for their consideration and approval.

The Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance responded to questions from Councillors Henderson, Mackrory and King in connection with;

- The priority given to traditional library services within libraries rather than other external services;
- Assurances around consultation should location changes be suggested in the future;
- The need to look carefully at any charges made for external services;
- Assurances around the level and maintenance of book stocks;
- The levels of qualified staff, including librarians, rather than volunteers and future intentions with regard to partnership working;
- Assurances around the retention of opening hours;
- The views of library staff and their levels of engagement with the plan.

Resolved:

1. Agreed to adopt the plan for Everyone's Library Service 2022- 2026 as at Appendix 1 subject to two changes at pages 8 and 13 of the plan replacing references to 'dyslexia' to 'reading difficulties' and 'literacy difficulties' respectively.
2. Agreed that the plan supersedes Essex Future Library Services Strategy 2019 – 2024, and the remaining Transformation Reserve funds set aside for that previous strategy (£2.4m) should be directed towards Everyone's Library Service.
3. Approved the drawdown of £800,000 from the Transformation Reserve to support delivery of the elements of Everyone's Library Service set out in paragraph 6.1.2. The profile of spend for financial years 2022/23 and 2023/24 is set out in paragraph 6.1.3. Further formal requests will be made against the remaining £1.6m allocation as the detailed business cases are prepared.

6. Essex Renewal Fund (FP/245/12/21)

The Cabinet received a report containing matters related to the Essex Renewal Fund for their consideration and approval.

The Cabinet Member for Finance, Resources and Corporate Affairs responded to questions from Councillor King in relation to the provision of advice on early projects given the breadth of the Fund, and whether return on investment or wider benefits were the key drivers.

Resolved:

1. Agreed to the establishment of an Essex Renewal Fund on the basis contained in this report, to deliver a balanced portfolio of land and property projects focussed on economic renewal and growth.
 2. Agreed in principle that the Council will make capital investment in the Essex Renewal Fund. Specific allocations for the capital programme will be set out in the individual decisions that will support each investment.
 3. Agreed to draw down £590,000 for 2022/23 from the Commercial Investment in Essex Places reserve to the Economic Renewal, Infrastructure and Planning portfolio (£350,000) and Finance, Resources and Corporate Affairs portfolio (£240,000), for the internal and external resource costs for the first year of operation. Any unspent funding will be returned to the reserve at the end of the financial year. The future years' budget requirement will be incorporated into the Council's Medium Term Resource Strategy (MTRS) from 2023/24 onwards (see paragraph 6 below).
 4. Agreed that investments will only be made in line with the specific investment criteria set out in paragraphs 3.27 to 3.30, subject to variation as appropriate from time to time, and always following the Council's Constitution and Financial Regulations.
 5. Agreed to run a competitive procurement to provide independent and specialist investment and real estate expertise that will be required for the successful delivery of the Fund and to delegate the decision to award the contract to the Cabinet Member for Economic Renewal, Infrastructure and Planning, in consultation with the Cabinet Member for Finance, Resources and Corporate Affairs. This will include the management of the existing commercial property portfolio. The external support required for individual projects within the Fund will be requested in separate decisions.
- 7. Procurement of contract(s) for bio-waste treatment, transfer and transport services (FP/230/11/21)**

Cabinet received a report containing matters related to the procurement of contract(s) for bio-waste treatment, transfer and transport services for their consideration and approval.

The Cabinet Member for Waste Reduction and Recycling responded to a question from Councillor Mackrory in connection with initiatives taken by the Council to reduce food waste.

Resolved:

1. Agreed to launch a competitive procurement using the open procedure to procure contractors to provide treatment, transfer and transport of separately collected food and green waste at an estimated value of £6m per annum.
2. Agreed to the contract length of 5 years with options to extend in any number of periods not exceeding an extension period of five years in total.
3. Agreed that the following award criteria is applied in the procurement: 70% price: 30% quality (of which 5% of the quality score will be allocated to social value).
4. Agreed that the Director, Environment and Climate Action is authorised to agree the division of lots for the procurement and the detailed evaluation criteria.
5. Agreed that the Cabinet Member for Waste Reduction and Recycling, in consultation with the Cabinet Member for Finance, Resources and Corporate Affairs, is authorised to award contract(s) to the successful bidders following completion of the procurement process, subject to the outcome being within budget.
6. Agreed to run a mini-competition, using the procedure set out in ECC's Biowaste Framework Agreement, for a two year service order for the treatment, transfer and transport of mixed food and green waste at an estimated value of £1.1m per annum.
7. Agreed that the Cabinet Member for Waste Reduction and Recycling is authorised to award a service order to the successful bidder following completion of the mini-competition process, subject to the outcome being within budget.

8. Short Breaks Community Clubs and Activities Contracts 2023- 2028 (FP/339/03/22)

Cabinet received a report containing matters related to short breaks community clubs and activities contracts 2023- 2028 for their consideration and approval.

The Cabinet Member for Children's Services and Early Years responded to a question from Councillor Mackrory regarding how eligible families accessed the services.

Resolved:

1. Agreed the procurement of twelve contracts for the provision of short breaks, community clubs and activities, through a single stage,

procurement for an initial contract term of three years from April 2023 to March 2026 with an option to extend for up to two years to March 2028.

2. Agreed that the procurement will be based on county wide needs-based lots across the south, west, northeast and mid-Essex quadrants (making twelve lots in total). The three needs-based lots are:
 - Children with a learning disability and/or autism (under 8 years and 8-15 years)
 - Children with a physical or sensory impairment (under 8 years and 8-15 years)
 - Older adolescents (aged 15-19 years)
3. Agreed that the evaluation model for the procurement will be based on 30% price and 70% quality, of which 10% of the quality criteria will assess social value.
4. Agreed that the Cabinet Member, Children's Services and Early Years is authorised to agree the terms of and award the SBCCA contracts to the successful bidders within the budget envelope of £1.32m per year.
5. Agreed to set up an annual innovation and inclusion grant fund of £150,000 per year for three years to 2026, at which time it is to be reviewed in line with the SBCCA core offer. The arrangements for the innovation and inclusion grant will be made under separate governance and funded within existing resources.
6. Agreed £20,000 per year to be allocated from the SBCCA budget to enable the development and sourcing of a virtual offer to run concurrently delivery of SBCCA to 2026 at which time it will be reviewed in line with the SBCCA core offer. The arrangements for the virtual offer will be made under separate governance and funded within existing resources.

9. Procurement of Additional Reablement and Bridging Services Capacity (FP/327/03/22)

Cabinet received a report containing matters related to the procurement of additional reablement and bridging services capacity for their consideration and approval.

The Cabinet Member for Adult Social Care and Health responded to a question from Councillor Henderson regarding the links between the current proposal and the Connect programme.

Resolved:

1. Agreed to undertake an open procurement process to appoint providers to deliver additional reablement and bridging services across seven lots as set out in paragraph 4.1 of the report commencing in September 2022 for

a period of 2 years, with the option to extend for a further 12-month period at a maximum two-year cost of £16.5m.

2. Agreed that the high-level evaluation criteria for the procurement will be 35% price and 65% quality, and that the Executive Director, Adult Social Care, is authorised to agree the detailed evaluation criteria for the procurement.
3. Agreed that the Cabinet Member for Health and Adult Social Care is authorised to award the contracts to the successful bidders following completion of the procurement process.
4. Agreed to extend the six current contracts for in-lieu-of-reablement services and two contracts for bridging services in North-East Essex and West Essex for a period of three months at a cost of up to £1.6m to ensure continuity of service during the mobilisation and commencement of the new services.
5. Agreed that ECC will establish local arrangements with NHS partners to ensure delivery to the specification as part of ECC's continued ambition for health and care integration.
6. Agreed to vary the S75 agreement that is in place between ECC and Basildon and Brentwood Clinical Commissioning Group to reflect the terms of an extension to a contract entered into between Basildon and Brentwood CCG and Mid and South Essex Foundation Trust, for the provision of bridging services. This is a service that is commissioned by Basildon and Brentwood CCG on behalf of ECC at a cost of £5.4m until September 2024.

10. Colchester Rapid Transit System, 'Section A' – Decision to Publish Tender for Main Works Contract (FP/280/01/22)

Cabinet received a report containing matters related to the Colchester Rapid Transit System, 'Section A' – decision to publish tender for main works contract for their consideration and approval.

The Cabinet Member for Economic Renewal, Infrastructure and Planning responded to questions from Councillors King and Henderson about the standards to which the project would be delivered, the need to effectively communicate to local Members about upcoming disruption so that they could support residents and the funding arrangements for the works.

Resolved:

1. To launch a competitive procurement for the Section A of the RTS (A134 Northern Approach Road) Works contract via the Eastern Highways Alliance Framework.

2. Agreed that tender evaluation criteria to be used are 50/50 Price/Quality split with 15% of Quality represented by Social Value criteria to the extent that they are consistent with the most economically advantageous tender.
3. Agreed that the Cabinet Member for Economic Renewal, Infrastructure and Planning may award the contract if the successful tender is within the budget then available.

11. Decisions taken by or in consultation with Cabinet Members (FP336/03/22)

The report was noted.

12. Date of the next meeting

The next meeting of the Cabinet would take place on Tuesday 24 May 2022, at County Hall, Chelmsford, CM1 1QH.

13. Urgent Business

There was no urgent business.

14. Urgent exempt business

There was no urgent exempt business.

There being no further business, the meeting closed at 11.45am.