

CABINET

10:00	Tuesday, 19 July 2016	Committee Room 1, County Hall, Chelmsford, Essex
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Quorum: 3

Membership

Councillor David Finch
Councillor Kevin Bentley

Councillor Rodney Bass
Councillor Anne Brown
Councillor Graham Butland
Councillor Ray Gooding
Councillor Eddie Johnson
Councillor Dick Madden
Councillor John Spence
Councillor Simon Walsh

Cabinet Member responsibility

Leader of the Council (Chairman)
Deputy Leader and Economic Growth and
Partnerships (Vice-Chairman)
Infrastructure
Corporate, Communities and Customers
Health
Education and Lifelong Learning
Highways and Transport
Adults and Children
Finance, Housing and Planning
Environment and Waste

**For information about the meeting please ask for:
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Essex County Council

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Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

		Pages
1	Apologies for Absence	
2	Minutes: 21 July 2016	5 - 18
3	Declarations of Interest To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
4	Questions from the Public A period of up to 15 minutes will be allowed for members of the public to ask questions or make representations on any item on the agenda for this meeting. On arrival, and before the start of the meeting, please register with the Committee Officer.	
5	Chief Executive's 100 Day Report The Equality Impact Assessment is available online	19 - 36
6	2016-17 Financial Review as at the First Quarter Stage	37 - 52
7	Procurement of an Independent Living Developer Provider Framework The Equality Impact Assessment is available online	53 - 60
8	Surplus Property Disposal - sale of the former Epping St John's Junior and Primary School The Equality Impact Assessment is available online	61 - 68
9	Report of Cabinet Member Decisions	69 - 70
10	Date of Next Meeting To note that the next meeting will be held on Tuesday 20 September 2016 at 10.00am in Committee Room 1.	

11 Urgent Business

To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

12 Minutes: 21 June 2016 (Confidential Appendix)

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;

13 Surplus Property Disposal - sale of the former Epping St John's Junior and Primary School (Confidential Appendix)

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

14 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

MINUTES OF THE MEETING OF THE CABINET HELD AT COUNTY HALL, CHELMSFORD, AT 10.00AM ON 21 JUNE 2016

Present:

Councillors	Cabinet Member responsibility
K Bentley	Deputy Leader and Economic Growth and Partnerships (in the Chair)
R Bass	Infrastructure
A Brown	Corporate, Communities and Customers
G Butland	Health
R Gooding	Education and Lifelong Learning
E Johnson	Highways and Transport
D Madden	Adults and Children
J Spence	Finance, Housing and Planning
S Walsh	Environment and Waste

Councillors J Abbott, J Aldridge, S Barker, K Bobbin, P Channer, M Danvers, R Gadsby, A Hedley, I Henderson, Mrs T Higgins, R Howard, M Maddocks, Lady P Newton, M Page, C Pond, S Robinson, J Whitehouse and J Young also attended.

Members of the public were also in attendance and, in order to accommodate the numbers present, with the agreement of the Chairman the meeting relocated from Committee Room 1 to the Council Chamber.

1. Silence in Memory of Jo Cox MP

At the invitation of the Chairman, the Cabinet and all present stood for a minute in silence in memory of Jo Cox MP, who had been murdered on 16 June 2016.

The Chairman of the County Council, Councillor John Aldridge, advised that a Book of Condolence was available for signature in the Atrium at County Hall.

2. Apologies for Absence

Apologies were received from Cllr David Finch (Leader of the Council).

3. Minutes

The minutes of the meeting held on 17 May 2016 were agreed as a correct record and signed by the Chairman.

4. Declarations of Interest

Members declared Code interests as follows – minutes 6, 7 and 9 below refer:

Item	Title	Nature of Interest
Councillor J Abbott		
5	Adoption of Cycling Strategy	Keen cyclist
Councillor G Butland		
6	Housing-Related Support: Post 16 Services	Member of Braintree District Council Braintree Foyer falls within his County Council electoral division
Councillor Mrs T Higgins		
5	Adoption of Cycling Strategy	Chairman of Planning Committee at Colchester Borough Council Former Mayor, Colchester Borough Council (2015/16), who cycled to events Past cycling champion
6	Housing-Related Support: Post 16 Services	Colchester YMCA was one of the Mayor's Charities in 2015/16 Daughter is a Trustee of Colchester YMCA
8	Procurement of a New Model to Deliver Integrated Pre-birth to 19 Health, Wellbeing and Family Support Services	Committee Member of Stepping Stones Play and Learn Nursery (also a Mayoral Charity in 2015/16) Member of Colchester Borough Council
Councillor R Howard		
8	Procurement of a New Model to Deliver Integrated Pre-birth to 19 Health, Wellbeing and Family Support Services	Board Member of Little Lions Children's Centre, Canvey island
Councillor Lady P Newton		
6	Housing-Related Support: Post 16 Services	Braintree District Council Cabinet Member with responsibility for planning
Councillor J Young		
8	Procurement of a New Model to Deliver Integrated Pre-birth to 19 Health, Wellbeing and Family Support Services	Trustee of Greensted Community Association, Colchester

5. Public Questions

The Chairman welcomed five members of the public who had registered to speak:

a) Reverend Martin Peirce, Pastor, Greenstead Evangelical Free Church and Trustee, Greenstead Community Association

Question

Agenda item 8, Procurement of a New Model to Deliver integrated Pre-birth to 19 Health, Wellbeing and Family Support Services (minute 9 below)

Rev Peirce asked whether there had been consultation with the Community Centre or any consideration given regarding the effect of the reduction in rent income arising from the proposed withdrawal of children's centre provision at the Centre. The loss of such a significant sum would be difficult for the Centre to withstand, and any resultant closure would cause significant damage to the community.

Response by the Cabinet Member for Adults and Children

Councillor Madden noted Rev Peirce's comments and advised that he was due to attend a meeting next week with Councillors Tim Young (Colchester Borough Council) and Julie Young (Essex County Council) at the Centre to discuss the issue with Centre users.

b) Councillor Tim Young, Deputy Leader of Colchester Borough Council, Ward Councillor for Greenstead

Question

Agenda item 8, Procurement of a New Model to Deliver integrated Pre-birth to 19 Health, Wellbeing and Family Support Services (minute 9 below)

Councillor Young echoed Rev Peirce's comments as set out in paragraph a) above and spoke of the risk to the Community Centre, and its importance as a community hub. The uncertainty was causing considerable distress within the community. He asked for Cabinet to consider deferring a decision on provision in the area pending Councillor Madden's meeting with him, Councillor Julie Young and Centre users at the Community Centre next week.

Response by the Cabinet Member for Adults and Children

Councillor Madden confirmed that, Councillor Madden acknowledged the strong feelings concerning the proposals for Greenstead and confirmed the plan for him to meet Councillors Julie Young and Tim Young at the Community Centre, where he would explain the proposals in more detail.

He highlighted that the intention was to reshape the service, with a move to provision 'without walls'. Services would continue to be delivered in the Greenstead area, albeit not necessarily in the same form as currently. This was in contrast to some comments made during the consultation which had reflected an assumption that services were to be withdrawn.

Finally, Councillor Madden emphasised that dialogue and engagement regarding the future shape of the service would continue after this meeting. No changes would be implemented before 1 April 2017.

c) Councillor Leon Girling, Epping Forest District Council**Question**

Agenda items 5, Adoption of Cycling Strategy (minute 6 below)

Councillor Girling asked whether the City of London Corporation, which manages Epping Forest, had been consulted on the strategy.

Response by the Cabinet Member for Highways and Transport

Councillor Johnson undertook to provide a written reply to Councillor Girling.

Question

Agenda item 8, Procurement of a New Model to Deliver integrated Pre-birth to 19 Health, Wellbeing and Family Support Services (minute 9 below)

Councillor Girling advised that Epping Forest District Council had received no reply from the County Council to its formal submission in response to the consultation.

He expressed concern at the proposal to site a Family Hub in Epping, commenting that a location in Loughton would be more sensible due to improved accessibility by public transport. He also expressed reservations about the suitability of coffee shops as locations for future provision. He asked for consideration to be given to retaining The Brambles in Epping as a Children's Centre, and locating the Family Hub for the area at the current Sunrise Children's Centre in Loughton.

Response by the Cabinet Member for Adults and Children

Councillor Madden undertook to investigate why Epping Forest District Council appeared to have received no response to their consultation submission and to remedy this if necessary. He emphasised that engagement regarding the future shape of the service would continue after this meeting, and he gave an undertaking that Councillor Girling's proposal would be considered.

d) Mark Watson, Foyer Manager, Braintree Foyer**Question**

Agenda item 6, Housing Related Support: Post 16 Services (minute 7 below)

Mr Watson asked for an explanation as to how the proposals would achieve a financial saving. He commented that the report contained misleading information and a large number of inaccuracies, and he highlighted one in particular, which related to the Foyer and other provision in Braintree.

With the consent of the Chairman, Mr Watson presented a petition of 6000 signatures (and 1400 positive comments) expressing support for the current service.

Response by the Cabinet Member for Adults and Children

Councillor Madden undertook to raise the issue of inaccuracy with officers following the meeting. He commented that the critical aim of the proposals was to target and support the most vulnerable young people, and the thinking behind this would be made clearer when he presented the report later in the meeting. Discussions on the detail of the financial saving would continue following the meeting and Councillor Madden agreed to respond further in due course.

e) Tanya Weston, former resident of Braintree Foyer**Question**

Agenda item 6, Housing Related Support: Post 16 Services (minute 7 below)

Referring to the statement in the third bullet point at paragraph 8 of the report, MS Weston asked how it was possible to determine that some vulnerable young people do not get placed as they are seen as too complex.

Response by the Cabinet Member for Adults and Children

Councillor Madden stated that he was unable to comment on the issue in detail at present, but would discuss Ms Weston's question with officers. He confirmed his intention to visit the Foyer, and apologised that his previously scheduled meeting there had had to be cancelled due to family circumstances.

f) Tony Everard, Braintree resident and former district councillor

(Mr Everard's arrival at the meeting was delayed and he asked his question during consideration of the agenda item concerned. It is recorded here for ease of reference.)

Question

Agenda item 8: Procurement of a New Model to Deliver integrated Pre-birth to 19 Health, Wellbeing and Family Support Services (minute 9 below)

Mr Everard stated that the sites for the existing children's centres had been selected on the basis of need in the areas concerned. He spoke of the difficulties that many families would experience in accessing provision in the proposed locations, due both to the physical distances involved and to the nature of the premises (such as libraries) which would deter some families.

Response by the Cabinet Member for Adults and Children

Councillor Madden agreed that the issue of accessibility was crucial. He referred to research undertaken during the last review of provision some two years ago which found that services delivered on an outreach basis, rather than from fixed locations, were preferred by priority groups. At the last review, a reduction in the number of fixed locations in favour of an expansion in outreach sites resulted in a 22% increase in the numbers of families contacted (and a 50% increase in contact with the most vulnerable). The aim of the proposals currently before the Cabinet was to progress to the next stage of a service without walls, which would see some physical locations replaced by suitable alternatives.

6. Adoption of Cycling Strategy

Councillors J Abbott and Mrs T Higgins declared a Code interest in this item – minute 4 above refers.

The Cabinet considered report FP/439/03/16 by the Cabinet Member for Highways and Transport which sought agreement to adopt the Essex Cycling Strategy, attached as an appendix. Members noted that the draft Strategy had been the subject of consultation.

The following information was provided in response to comments and questions by Councillors Higgins, Abbott, Henderson, Danvers and Robinson:

- Work was ongoing to improve existing cycle tracks and create new ones.
- Funding was in place to implement the Strategy, and to move towards the Government requirement of £10/head (from the current £3/head) by 2025. Bids would be submitted for government funding as soon as funding streams became available. Responsibility for allocating ECC funding on cycling indicatives had been devolved to Local Highways Panels.
- Work was ongoing with schools to ensure that cycling was promoted and encouraged, and this would continue as an integral part of the plan for delivery of the Strategy. The Cabinet Member thanked Members for drawing potential challenges to his attention.

Commenting on the report, the Cabinet Member for Education and Lifelong Learning, Councillor Ray Gooding, expressed his support for the Strategy and the benefits of a healthy lifestyle linked to participation in activities such as cycling. Referring to a comment by Councillor Higgins, he acknowledged the Strategy's links with Active Essex, which fell within his portfolio. Councillor Gooding commented that he would welcome experienced cyclists coming forward to deliver cycling training in schools. He also called on colleagues in district councils to work in partnership with the County Council to improve the maintenance of cycle paths and tracks.

Resolved:

That the Essex Cycling Strategy, attached as Appendix D to report FP/439/03/16, be adopted.

7. Housing Related Support: Post 16 Services

Councillors Butland, Mrs T Higgins and Lady P Newton declared a Code interest in this item – minute 4 above refers.

The Cabinet considered report FP/418/02/16 by the Cabinet Member for Adults and Children, which sought agreement to re-commission Housing-Related Support (HRS) services to meet the needs of priority cohorts of young people and to reduce the revenue spend by about £1 million per annum.

In presenting the report, the Cabinet Member stated that, whilst agreement of the recommendations at this meeting would initiate the procurement process, he would expect ongoing dialogue with the city, district and borough councils and other providers to continue, with a view to ensuring that the correct needs were being met and the planned outcomes achieved.

The Cabinet Member provided the following information in response to questions and comments by Councillors Mrs Higgins, Abbott, Young, Danvers and Lady Newton:

- Although the Council would be keen to engage and connect with providers, it was for them to make decisions about the future operation of their services and the Council was not responsible for actions relating, for example, to the discontinuation of provision in any given location.
- The continuation of provision to the most vulnerable young people under the proposals was assured, with the main being to ensure the targeting of support to the most vulnerable. Any changes in provision would be subject to a two-month transition period.
- The Cabinet Member undertook to meet with Councillor Danvers and young people regarding the situation affecting Occasio House in Harlow. He would also continue attempts to engage with Harlow Council on the issue.
- The Cabinet Member stated that he would welcome scrutiny input to consider the detail of the proposals, and had advised the Chairman of the relevant Scrutiny Committee accordingly.
- It was emphasised that, although a pause in implementation of the proposals would not be desirable for reasons of good governance, engagement with other councils and providers would continue following this meeting.

The Cabinet Member for Health, Councillor Butland, thanked Councillor Madden for discussing the issues in the report with him prior to the meeting and referred to the links between his portfolio and the issue under consideration. He advised that he had received joint correspondence from a number of service providers in Essex making powerful and pertinent points in support of the proposals and welcoming the opportunity to be part of the planning and design of the new model of provision. Councillor Butland agreed that it was essential to meet the needs of young people within the priority groups, while noting that this group constituted only 40% of the young people currently receiving services. Councillor Butland spoke of the need for all relevant public sector bodies and providers in Essex to work together to achieve a proper transition for the remaining 60%, with a view to reducing the risk of increased demands being made on a variety of other services in future. He welcomed Councillor Madden's commitment to continued dialogue.

Resolved:

1. That Housing-Related Support (HRS) services should support the following priority cohorts of young people at risk:
 - Vulnerable teenage parents (up to the age of 19 years with an additional need or where the baby/child is known to Family Operations);
 - Care leavers (18-21 years old, and up to 25 years old in special circumstances); and
 - 16-18 year olds at risk of homelessness (up to their 19th birthday if known to Essex County Council)
2. That a Single Point of Access model be established within Essex County Council as the gateway for any vulnerable young person to access HRS services, liaise with District/Borough Council housing and support partners and allocate appropriate support to eligible young people.
3. That the total budget for HRS services be approximately £2.7m per annum, with the exact expenditure dependent on successful provider bids.
4. That tenders be invited for Housing-Related Support: Post 16 Accommodation Support Services to focus on improving outcomes for priority groups of young people at risk across Essex, on a quadrant basis.
5. That contracts, awarded from the tender process, operate for three years commencing on 1 December 2016, with options to extend for up to two years at the sole discretion of the Authority.
6. That authority be delegated to the Director for Commissioning – Vulnerable Adults to determine the evaluation criteria in compliance with the principles set out in report FP/418/02/16.
7. That authority be delegated to the Executive Director for People Commissioning to approve the award for the contracts to the successful bidders.

8. 2015/16 Provisional Outturn Report

A revised version of paragraph 3.2 of the report (part of the Executive Summary relating to revenue) was circulated.

The Cabinet considered report FP/481/04/16 by the Cabinet Member for Finance, Housing and Planning which presented and provided commentary on the provisional outturn position for 2015/16 prior to formal closure of the accounts.

The report noted that Ernst and Young, Essex County Council's external auditor, would carry out their audit of the Council's 2015/16 Statement of Accounts during the summer, and it was possible that changes may be made to the Accounts during that period which may alter the position presented at this meeting. The results of the external audit would be reported to the Audit Committee on **19**

September 2016, at which stage that Committee was expected to approve the 2015/16 Statement of Accounts for publication. The Statement of Accounts would be published on the Council's website.

The following information was provided in response to Members' comments and questions on the report:

- The Cabinet Member for Finance, Housing and Planning advised that the backlog in dealing with Member enquiries had now been addressed, and service improvement work was underway.
- Commenting on the technical nature of the underspend within the Highways budget, the Cabinet Member for Infrastructure stated that, although Section 4.8 of the report referred to a revenue underspend within Roads and Footways, Section 6.7 noted that roads maintenance capital schemes had been accelerated, funded partly by underspends against other parts of the programme.
- The Cabinet Member for Highways and Infrastructure advised that efforts were being made to improve the gulley maintenance service and to rectify the problems which existed. It had come to light that there was twice the number of gulleys than originally identified, which posed significant budgetary challenges. Priority would always be given to gulleys in areas at risk of flooding.
- The Cabinet Member for Adults and Children reassured Members that funding was not being diverted from Adult Social Care to other service areas. With regard to the underspend on hostels, the Cabinet Member advised that this was related to a running down of the current provision, with a view to replacing it with a service to promote increased independence. He undertook to provide further information to Councillor Henderson outside the meeting.
- Commenting on the overspend on Home to School and College Transport, the Cabinet Member for Education and Lifelong Learning referred to the unpredictability of spend in that area. He referred to the significant capital investment to increase the number of special school places in the County, which would allow children with challenging special educational needs to attend school locally.

Resolved:

That:

- (i) The provisional outturn positions on the Revenue budget and Capital Programme be noted as follows:

1. **Revenue Budget:** A gross under spend of £23.044m (including the variance on the Dedicated Schools budget) is shown. However, after adjusting this position for proposals to carry under spends forward for use in 2016/17 and other reserve movements, the contribution to the General Balance is £4.705m less than budgeted; and

2. Capital Programme: Payments are £4.079m higher than the final approved capital payments budget for the year due to the early delivery of capital projects.

Also, that the explanatory comments that are provided in the Executive Summary (**section 3**) and the subsequent sections and appendices of the report be noted.

- (ii) The allocation of under spends between portfolios be approved (*as set out within the 'Transfers of under / over spends between Portfolios' column of Appendix B to report FP/481/16*).
- (iii) **£9.057m** be appropriated to the Carry Forwards earmarked revenue reserve in respect of requests to utilise 2015/16 under spends in 2016/17 (*as set out in the 'under spends to be carried forward into 2016/17' column of Appendix B to report FP/481/16*).
- (iv) £9.057m be released from the Carry Forwards Reserve in 2016/17 for the purposes detailed in Appendix C to report FP/481/16 (*utilisation of these amounts will be subject to rigorous challenge throughout 2016/17, with any under spends being either returned to the General Balance, or re-directed for another purpose*).
- (v) The following amounts be appropriated to / from restricted and other revenue reserves:

	Appropriations to reserves £000	Appropriations from reserves £000
Restricted Funds		
PFI - Building Schools for the Future	-	(60)
PFI- Clacton Secondary Schools	-	(512)
PFI- Debden School	43	-
Waste Reserve	12,449	-
Partnerships	209	-
Schools	-	(1,884)
Trading Activities	1,290	(600)
Sub total - Restricted Funds	13,991	(3,056)
Future Capital Funding		(22)
Other revenue reserves		
Carbon Reduction Reserve	-	(432)
Health and Safety	29	
Transformation	8,182	
Sub total - Other revenue reserves	8,211	(432)
Net Total	22,202	(3,510)

Note: Appendix H to report FP/481/16 sets out the position on the restricted and other revenue reserves as at 31st March 2016 after incorporating the above proposals.

- (vi) Capital payment budgets, and associated capital financing, of £8.311m be re-profiled into subsequent financial years, in respect of slippage in

schemes (*as shown in the 'Slippage' column of Appendix F to report FP/481/16*).

- (vii) Capital payment budgets, and associated capital financing, of £11.557m be brought forward from 2016/17 in respect of schemes that have progressed ahead of schedule (*as shown in the 'Advanced works' column of Appendix F to report FP/481/16*).
- (viii) Portfolios' 2015/16 capital payments budgets be reduced by £29.263m (*as shown in the 'Reductions' column of Appendix F to report FP/481/16*), with increases of £30.096m to other schemes (*as shown in the 'Additions' column of Appendix F to report FP/481/16*), to reflect achieved activity in 2015/16.
- (ix) The financing of capital payments in 2015/16 be approved on the basis set out within Appendix E to report FP/481/04/16.

9. Procurement of a New Model to Deliver Integrated Pre-birth to 19 Health, Wellbeing and Family Support Services

Councillors Mrs T Higgins, R Howard and J Young declared a Code interest in this item – minute 4 above refers.

The Cabinet considered report FP/467/04/16 by the Cabinet Member for Adults and Children which sought approval to launch a procurement for an Integrated Pre-birth to 19 Health, Wellbeing and Family support model which incorporated the following services:

- 0-5 Healthy Child Programme
- 5-19 Healthy Child Programme
- Healthy Schools
- Family Nurse Partnership; and
- Sure Start Children's Centres

The Cabinet was also asked to agree that, in the west quadrant of Essex, the above service would be commissioned jointly with West Essex Clinical Commissioning Group (West Essex CCG) along with the following NHS community services:

- Therapies;
- Paediatrics; and
- Children's nursing and community continence outreach services.

The Cabinet Member for Adults and Children provided the following information in response to Members' detailed comments and questions:

- Comments made during the consultation had been taken into account, and associated changes made to the proposals. Members thanked the Cabinet Member for amending the planned changes to provision in Witham and Canvey Island.

- Concerns about the proposals in certain areas were noted, and the Cabinet Member stated that he was due to meet Councillor Julie Young and other local representatives in Greenstead to hear and discuss concerns about the plans for that locality. He also undertook to meet Councillor Pond in Loughton to learn more about the situation there.
- Although expected efficiency savings of around 10% would arise as part of the process of joining up provision, the motivation for the changes was to deliver the best possible service in an effective and efficient way. The emphasis would be on delivery of a service without walls.
- The Cabinet Member undertook to respond direct to Councillor Higgins regarding the likely impact of the proposals in terms of accessibility on children with disabilities and their parents. He also agreed to liaise with officers regarding a number of factual inaccuracies highlighted by Members.
- The Cabinet Member welcomed the suggestion that successful contractors could be given flexibility to tailor their delivery model to local circumstances.
- It would not be possible to include an in-house tender as part of the procurement.
- The proposals had been welcomed by staff, who were keen for the opportunity to meet people away from Children's Centres.
- The proposals had taken account of proposed housing growth in the County.
- The Cabinet Member was confident that libraries were suitable locations for service delivery, and positive feedback had been received where they were already being used for the purpose.

The Chairman thanked Councillor Madden for his detailed response to the points raised and encouraged Members to engage with him outside the meeting if they had further questions or comments.

The Cabinet Member for Education and Lifelong Learning stated that, although he understood people's concerns about changes to provision in their local area, the most important aspect was the move from the original emphasis on children from 0-5 to an extended service from pre-birth to 19. He commended the proposals for bringing together these services, thereby enabling the needs of an entire family to be addressed.

Resolved

1. That the Council commission Integrated Pre-Birth to 19 (PB19) Health, Wellbeing and Family Support services on a quadrant basis to commence on 1 April 2017.

2. That the Children's Centres should be part of the integrated services, and a delivery model be adopted as set out in Appendix 1 to report FP/467/04/16, with the locations as set out in Appendix 2 which, in summary, means
 - A reduction from 37 Children's Centres to 12 Family Hubs;
 - A reduction from 38 Children's Centre Delivery Sites to 25 Family Hub Delivery Sites;
 - A range of Family Hub Outreach Sites which will be determined on a local basis by families through further consultation to be carried out by the selected provider; and
 - Secured outreach space in four buildings that will no longer be used for Children's Centre delivery to provide an option for community use as appropriate.
3. That an agreement be entered into with West Essex CCG under Section 75 of the National Health Service Act 2006 under which the proposed services will be jointly commissioned with therapies, paediatrics, children's nursing, continence outreach service, continence products, specialist school nursing in selected schools and paediatric liaison services.
4. That contracts be procured using a streamlined competitive dialogue process as outlined in section 3 of report FP/467/04/16.
5. That authority be delegated to the Cabinet Member for Adults and Children to authorise the award of the contracts following completion of the procurement process.

10. Cabinet Decisions Report

The Cabinet received report FP/502/05/16 by the Secretary to the Cabinet setting out the decisions taken by or in consultation with Cabinet Members since the last meeting.

The report was **noted**.

11. Date of Next Meeting

Members noted that the next meeting of the Cabinet would take place on Tuesday 19 July 2016 at 10.00am.

12. Exclusion of the Press and Public

That, having reached the view that 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 item of business on the grounds that it involved the likely disclosure of exempt information as specified in paragraphs 3 and 5 of part 1 of Schedule 12A of the Local Government Act 1972.

13. Adjournment of Meeting

The Chairman adjourned the meeting at 12 midday to allow members of the public and press to leave. The meeting reconvened at 12.05pm in Committee Room 1.

14. Waste Disposal – Contract Issues

(Public and press excluded - a more detailed account of the consideration given to this issue, and the decision taken, can be seen in the confidential appendix to these minutes.)

The Cabinet considered report FP/515/05/16 by the Cabinet Member for Waste and Environment which set out emerging contractual issues relating to waste disposal.

Responses were provided to Members' comments and questions.

Resolved:

1. That authority be delegated as appropriate to the Cabinet Member for Waste and Environment, the Cabinet Member for Finance, Housing and Planning, the Executive Director for Place Commissioning, the Executive Director for Corporate and Customer Services and the Monitoring Officer to take any necessary action with regard to contractual issues in relation to waste disposal.
2. That any necessary funding be met by way of withdrawal from the Waste Reserve, subject to the approval of the Cabinet Member for Finance, Housing and Planning and the Executive Director for Corporate and Customer Services.

The meeting closed at 12.15pm.

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Chairman
19 July 2016

Report title: Chief Executive's 100 Day Report	
Report to: Cabinet	
Report author: Gavin Jones, Chief Executive	
Date: 19 July 2016	For: Decision
Enquiries to: Richard Puleston – Director Strategy and Communications – Richard.puleston@essex.gov.uk	
County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 The 100 Days Report is appended to this paper. It sets out my thoughts on the issues I have identified in my first 100 Days that the organisation needs to address. It is based on my observations of the strengths and weaknesses of the Council as I have experienced them and as they have been relayed to me by employees and partners; it explains the work I have set in motion to address these; and it describes in high level terms – based on five key principles – the future direction of travel for the organisation in order to enable it to realise its ambition for Essex and its people – recognising that the challenges we face today are unlike any we have faced in the past. Essex County Council has many strengths, great officers and ambitious Members; despite the challenging circumstances that all public services face, Essex is well positioned not only to weather them but to thrive.

2. Recommendations

- 2.1 It is recommended that Cabinet agree to publish the 100 Days Report appended to this paper and to its being shared with employees and partner organisations.

3. Summary of issue

- 3.1 The Key themes and issues emerging from the 100 Days Report are set out below.

Context

- 3.2 Essex is a strong Council. It has weathered the storms of the last few years effectively – it has made significant savings, kept satisfaction levels reasonably buoyant; and improved outcomes for residents in key services. But the way the Council has operated in the past is unlikely to serve the needs of the future. For example, its strengths – including a broad organisational focus and a generous service offer to residents - may have less relevance going forwards when there will be much greater urgency to intensify our focus; be more explicit about our offer; exploit the opportunities of digital technologies

more systematically; and work across our organisational boundaries more efficiently.

- 3.3 Our challenge is to break-down silos inside and outside the organisation to take a more joined-up approach to the way we work and in so doing to support ambitious social outcomes, sustainable economic growth, and strong and resilient communities.

- 3.4 The 100 Day Report focuses on five key areas to enable us to achieve that:

Prioritisation

- 3.5 The ability to prioritise is a strategic capability. No organisation can do everything well. We must be rigorous in identifying and sticking to a core set of priorities that truly represent the things that will enable us to achieve the best outcomes for Essex's people and places.

- 3.6 The 100 Days work in this area has:

- Developed a 'core purpose' statement
- Put in place a process for developing a new business plan and business planning approach to make clearer the golden thread from high level Vision to individual performance plans
- Audited our existing priorities with a view to simplifying and clarifying to provide more focus
- Initiated work on the development of an Organisation Strategy which will set out how we will work and what we will be seeking to achieve over the next four years
- Started thinking about a Vision for Essex as a place over the next 10-15 years
- Started to simplify the project support we provide to transformation activity
- Streamlined our investment decisions process

Structure

- 3.7 Structure follows on from being clear about why we exist, what we are trying to achieve and how we will go about doing that. The process of reviewing how we are organised to support our strategic ambitions has begun and we are keen to undertake the structural changes to the organisation as quickly as possible.

- 3.8 The 100 Days work in this area has:

- Undertaken a review of what commissioning means to ECC
- Developed five operational principles that will drive our direction of travel for the future
- Started to develop our long-term strategy to ensure the structure of the organisation aligns with our future direction of travel and what we are trying to achieve

- Agreed nine organisation design principles to inform the options for a new structure
- 3.9 It is anticipated that the plans for the restructure of the top two layers of the organisation will be published for internal consultation in the Summer.

Organisational Culture

- 3.10 Culture is our greatest asset and is expressed through our mind-set, our way of working and our commitment. 64% of our employees say they are proud to work for the County Council – that is pretty good - but it should be higher. There is a huge amount of change confronting the organisation and the management of that change is an opportunity both to demonstrate and to shape our culture for the future.
- 3.11 I have placed significant emphasis on the importance of our culture in my first 100 days and see this as an important area to address going forwards. So far, I have:
- Developed thinking to enable employees to volunteer to drive our change activity through a new change network
 - Started work on simplifying our values and competency framework
 - Initiated work on the development of a workforce strategy which will clearly define how we will build the capability, skills and culture we need for the future and will also demonstrate the progress we are making across these dimensions
 - Started to clarify the 'employee deal' – what we expect from our employees, and what they can expect from the organisation

Financial Sustainability

- 3.12 The underpinning financial model for the organisation is shifting significantly. In part the culture change that we are seeking reflects the need to respond to these radical changes. There are significant opportunities in this shift towards a more autonomous, self-determining future. But there are also demands – to think more commercially, to take more risk, to innovate more systematically and to operate in market spaces we haven't previously occupied with a more entrepreneurial mind-set.
- 3.13 The 100 Days work in this area has focused on:
- Working with districts to maximise the Council Tax income we are due
 - The development of a residents' deal to ensure we are making the best use of fees and charges in support of all residents
 - The use of our capital to drive down revenue costs
 - The exploitation of the revenue potential of our existing assets
 - The extension of our traded strategy
 - New funding mechanisms to support core service delivery

- 3.14 A lot of thought has already gone in to these issues and Essex's approach to date means that we have a relatively strong financial base from which to build; that in itself creates some opportunities for us that other authorities might not have.

Mind-set and Ambition

- 3.15 Finally, apart from anything else we do, we must be ambitious for our county and the people of Essex. We must recognise that 'good enough' is never good enough. Essex people pride themselves on a can-do, entrepreneurial mind-set, their County Council should embrace that spirit. We should be energetic, outward-looking, prepared to take risks, outcome not process focused, adaptive to change, innovative, and enterprising. And we should marry that to a strong sense of public service mission. We should build on the advances we have made in developing this mind-set in certain parts of our business over the last couple of years and think hard now about how we can expand that approach across the organisation.
- 3.16 With that in mind, during the first 100 Days, I have:
- Accelerated progress on the delivery of the first Local Authority Challenge Prize in the country
 - Developed the thinking on an innovative Leadership Collaborative – designed to school public service leaders across the county in systems leadership to solve real problems affecting our residents
 - Begun to explore more creative approaches to the use of our capital resources
 - Started exploratory work on what digital leadership might mean for Essex
 - Agreed an approach to sourcing and investing in ideas from across the organisation.

4. Options

- 4.1 This Report sets out high level observations; identifies areas of work that have been prioritised; and articulates the business principles that will underpin our future approach. The intention is to formally adopt this paper through Cabinet and to share it with employees and partners. There is work flowing from each of the areas identified in the Report that is subject to further exploration through the usual channels and this work will come back to Cabinet with options regarding specific policy choices as appropriate.

5. Issues for consideration

5.1 Financial implications

- 5.1.1 There are no specific financial decisions arising from the report. As a number of the principles are progressed to specific proposals, they will require decisions to be effected, which will have financial implications. However, the decision in this report does not require financial investment nor has direct implications for budgets.

5.2 Legal implications

- 5.2.1 There will no doubt be a number of significant legal implications which result from the principles set out in this report but the decision in this report does not in itself have legal implications.

6. Equality and Diversity implications

- 6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. The Report is high level. Elements of the activity it identifies will be subject to separate EqlAs.
- 6.4 The 100 Days Report is a high level summary document that combines an evaluation of the external environment in which the Council operates, with an assessment of its strategic capacity, and proposes a number of actions to guide the future direction of the authority. It signals a significant agenda that will be taken forward as part of our normal business processes setting out a clear pathway and a strong sense of purpose. Specific EqlAs will be undertaken as the activity in the report is developed and delivered.

7. List of appendices

Appendix 1 – 100 Days Report

Appendix 2 – Equality Impact Assessment

8. List of Background papers

None.

This information is issued by
Essex County Council

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 facebook.com/essexcountycouncil

The information contained in this document
can be translated, and/or made available in
alternative formats, on request.

Published July 2016

100 Day Report



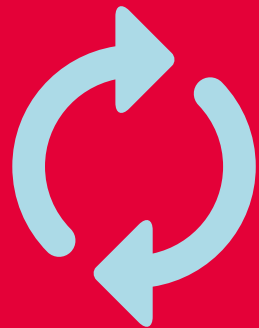
So this report is about:

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looking at things differently...

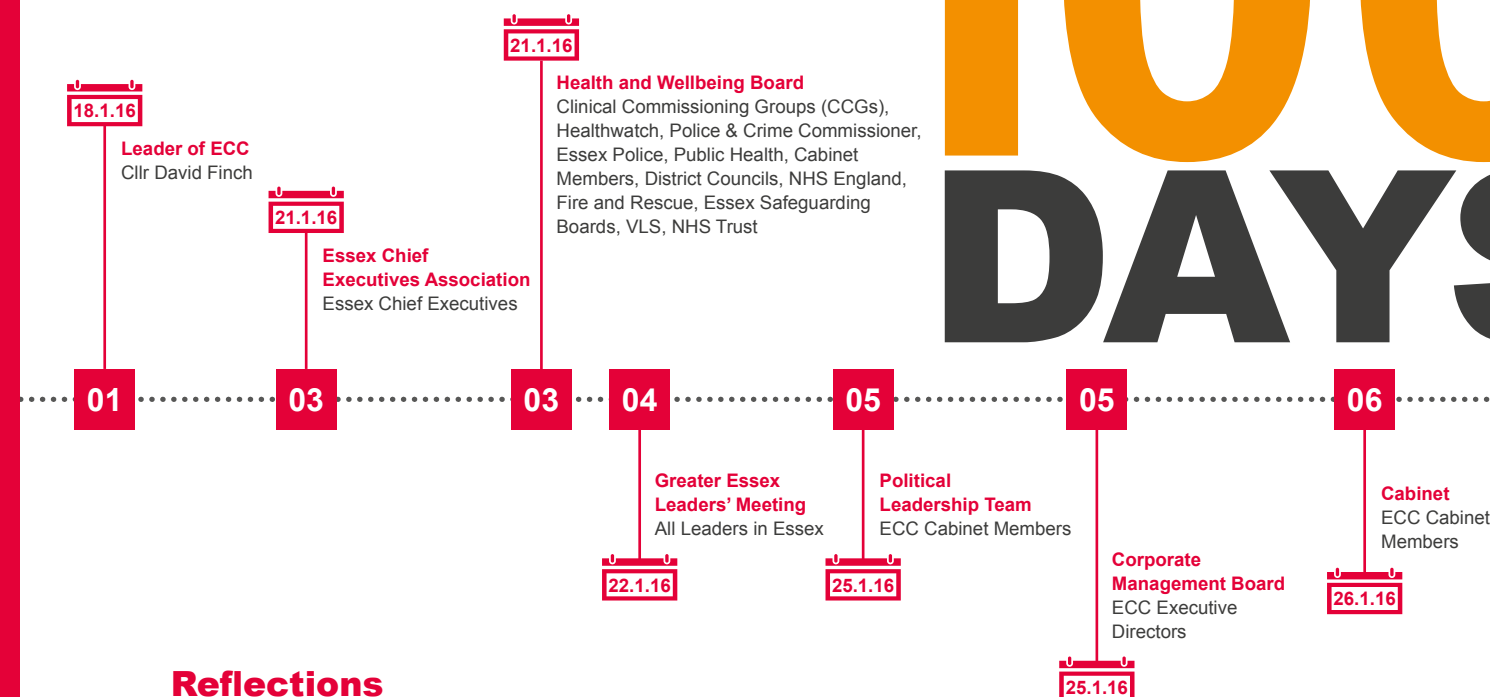


Essex is a great place... and Essex County Council is a great authority

It is because ECC is already performing so well that I believe we have the potential to be the best Council in the country. That is what the people of Essex deserve.



100 DAYS



Reflections

In my first 100 days I have been genuinely surprised and delighted by the welcome I have received from employees, partners and residents. People have been willing to share their thoughts very openly with me. I really appreciate that. It has helped me enormously to develop my views as to what this 100 Day Report should cover.

This report cannot possibly cover everything. It focuses on the issues that you told me were important. What employees said to me was you are proud of the great services we deliver for Essex, but:

- You find our organisational structures unnecessarily complex and unwieldy
- You think we are too bureaucratic and that sometimes process gets in the way of our ability to get things done
- You think we could take more risks and be more entrepreneurial
- You think we could celebrate some of the great work we do more openly and publicly
- You would welcome the opportunity to work more closely with Members
- You want to be treated with respect and for the organisation to be more transparent and open with you about the need to change
- You think we need to focus more and that our values, behaviours, operating styles and overall sense of purpose as an organisation is not as clear as it could be
- And you value and recognise the importance of working with partners and communities and think we should emphasise this more as part of how we work going forwards.

I hope that this resonates with you. And I hope this report represents the start of a response to those challenges. It is offered as a contribution to our ongoing dialogue on these matters, not as a final statement.

It sets out our collective ambition for a strong outward-focused leadership that builds bonds of trust across our county; a culture that puts doing the right thing ahead of all other considerations and that welcomes appropriate risk-taking, entrepreneurship, innovation and creative thinking; an organisation that is simple, streamlined and enables you to get on with serving our residents; a more commercial orientation that enables us to take advantage of our financial prudence; and finally a rigorous focus on the things that will really make a difference to Essex and its people.

If we get these things right, if we deliver what we set out to deliver, we will be a long way down the road to continuing to give our residents the Council they deserve.




Gavin Jones, Chief Executive
Essex County Council

Challenges and the need to change

ECC has responded brilliantly to the last six years of austerity and to the dramatic changes in the public policy landscape. In doing so, we have maintained constructive relationships with our residents, our public sector partners, the voluntary sector and the business community.

WE HAVE SAVED:

£520m
SINCE 2012

But this is the beginning, not the end, of a sustained period of public service reform. The pace of change over the next five years will quicken even further. The requirement on us will be to think radically and imaginatively about what we do, how we involve our residents and communities and how we make ourselves relevant for the future. Technology illustrates the pace of this change. The number of devices connected to the internet has doubled in the last five years and the global volume of data being created and collected is expected to grow sixtyfold between 2009-20. People's ability to connect with each other, to get information, and their expectations of what good looks like are growing exponentially.

The pace of change in society means that the council of 2021 will need to be very different to the council of 2016 if we are to keep pace and remain relevant.



EXPECTED:

60%
GROWTH IN
INTERNET
USE BY 2020

By 2020 local government will be completely self-financing. That means that all the money we have to spend will have been raised locally. There will be no top-ups or hand-outs from Westminster. While that may be quite scary, it is also empowering. It enables us to form a new relationship with businesses so they can see the taxes they pay are central to supporting the aspirations of the local community in which they operate. Financial autonomy will also mean we will be freer to determine how we choose to spend our resources.

Devolution also offers new opportunities for us to work collaboratively with our district, borough and city partners and with businesses on the issues that matter. Areas such as Manchester are taking on greater powers over health, transport, planning, skills, trade and investment and housing. In Essex, we need to be ambitious for the same.

These changes have taken place over a relatively short period of time. No doubt by the time we get to 2021 it will be a different place to the one we envisaged in 2016. However, the fundamental principles enshrined in this report will remain unchanged – most importantly of all, **the need to work more collaboratively with our residents, our partners, our communities and our businesses to shape the Essex we want to live in – an Essex where people can thrive and prosper without dependency on the Council and where the public sector is regarded as working seamlessly to enable people to get on with their lives.**

Our challenges are considerable. We know we need to find ways of saving money – over £300 million by 2020/21, on top of the £520 million we have already saved. We know we have an ageing and growing population that potentially creates unsustainable demand on our services. We know our key infrastructure routes – road and rail – are straining at capacity. And we know that not enough houses are being built to meet demand. We also know that our partners – especially Health – face financial and operational pressures of their own.

The scale of these challenges means we need to rethink our role from first principles. We are no longer a deliverer of standardised 'off-the-shelf' services. We are an enabler of people exercising their own choices. We need to be pro-active seeking out and welcoming innovation and interaction with our residents and communities, and not simply an organisation that reacts to requests and complaints. Doing this well, will mean making effective use of the most up-to-date technology. We need to help individuals, communities and businesses to be as successful and independent as they can be.

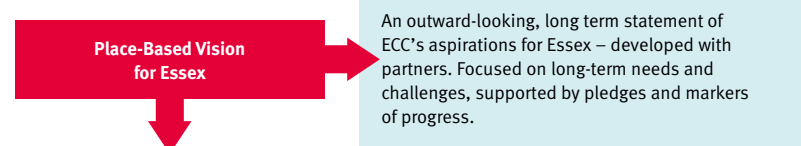
That is a challenge for each and every one of us. Our role will be more deeply collaborative than it has ever been before.

Why we're here

The most important thing I have done in my first 100 days is spend time with you. I have heard and witnessed for myself some of the great work we do every day to make people's lives better.

Strategic planning framework

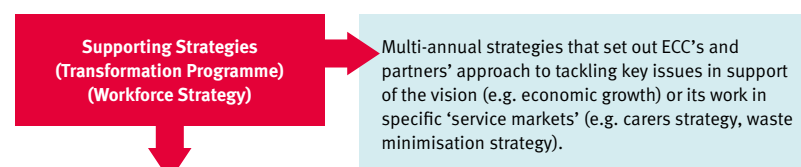
10-15 years



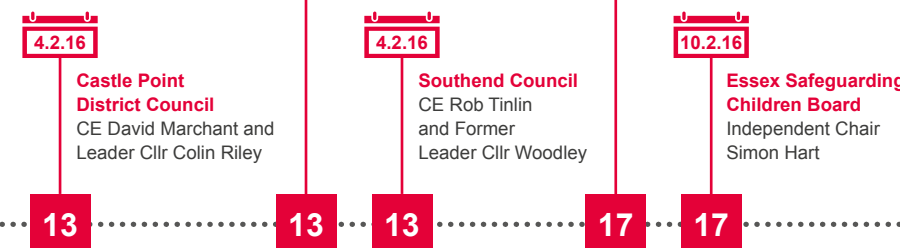
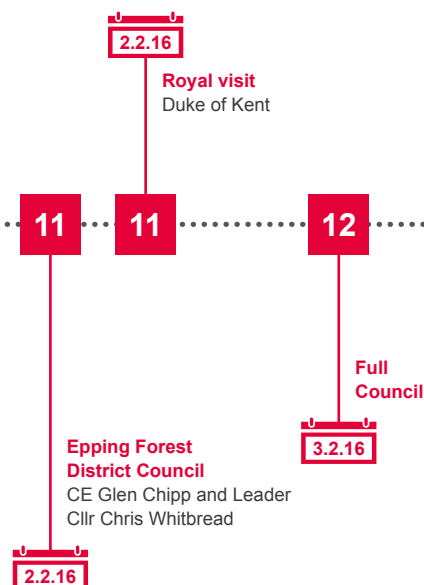
4 years



Multi-annual



Annual



But I have also heard you say that you find the organisation complex and you do not understand how everything fits together. I share those views. One of the things I have been most focused on is clarifying the strategic planning framework for the organisation. I think everyone, from those at the heart of our organisation delivering services in our communities down to the chief executive should understand how their role and what they do on a daily basis fits with ECC's objectives and improves the lives of Essex residents.

We will shortly be publishing the Corporate Plan for the organisation and by the end of the year we will have developed, together with you and our partners, our organisation strategy for the next four years. In doing this work we will slim down and simplify our articulation of values, behaviours and operating styles so that we are crystal clear about how we should work.

I have also started the work on thinking through what sort of place we and our residents want Essex to be in 10-15 years time and what we are going to do, with our partners, to ensure we bring that future Vision in to being. We will be seeking to publish that place-based Vision document later in the year.

I hope all of that will be helpful. But it's not enough. We do need to be clear about what we are doing and how we are doing it, but most important of all we need to be clear why we are doing it. I know from speaking to you that what motivates you is making a difference to people's lives, particularly our most vulnerable residents. Regardless of the financial pressure we are under, we must never lose sight of that over-riding sense of what we are about as an organisation and why we come to work in the mornings. Being well grounded in our core purpose will provide us with the strongest possible foundation on which to build for the future.

I would offer this simple formulation to express our core purpose:

To make a difference to the lives of all Essex residents, we seek commitment, creativity, innovation and collaboration, in order to maximise the value of every pound of public money invested in Essex.

I would be interested in your views on this and what you think is important in working for ECC. Improving the lives of our residents should be the most important work that any of us ever do. We should be incredibly proud of our jobs and we should be intolerant of anything that gets in the way of serving the people of Essex to the best of our ability.

We have the potential to be the best council in the country.
That is what our residents deserve.

Our Organisation Strategy:

5 Principles

We have already demonstrated our capacity to deliver significant savings while maintaining satisfaction levels and improving outcomes in key services for our residents. But the social and economic challenges we face now are unlike any we have encountered before. They demand a response not just from one part of our system but from all parts. In thinking about these challenges I have worked with colleagues to develop five key principles that will help us address these issues and that will underpin our development of the organisation strategy. These principles are designed not just to make Essex County Council the best it can be, but to make Essex the best it can be – the future prosperity and wellbeing of our communities depends on getting this right.

What the principles cover

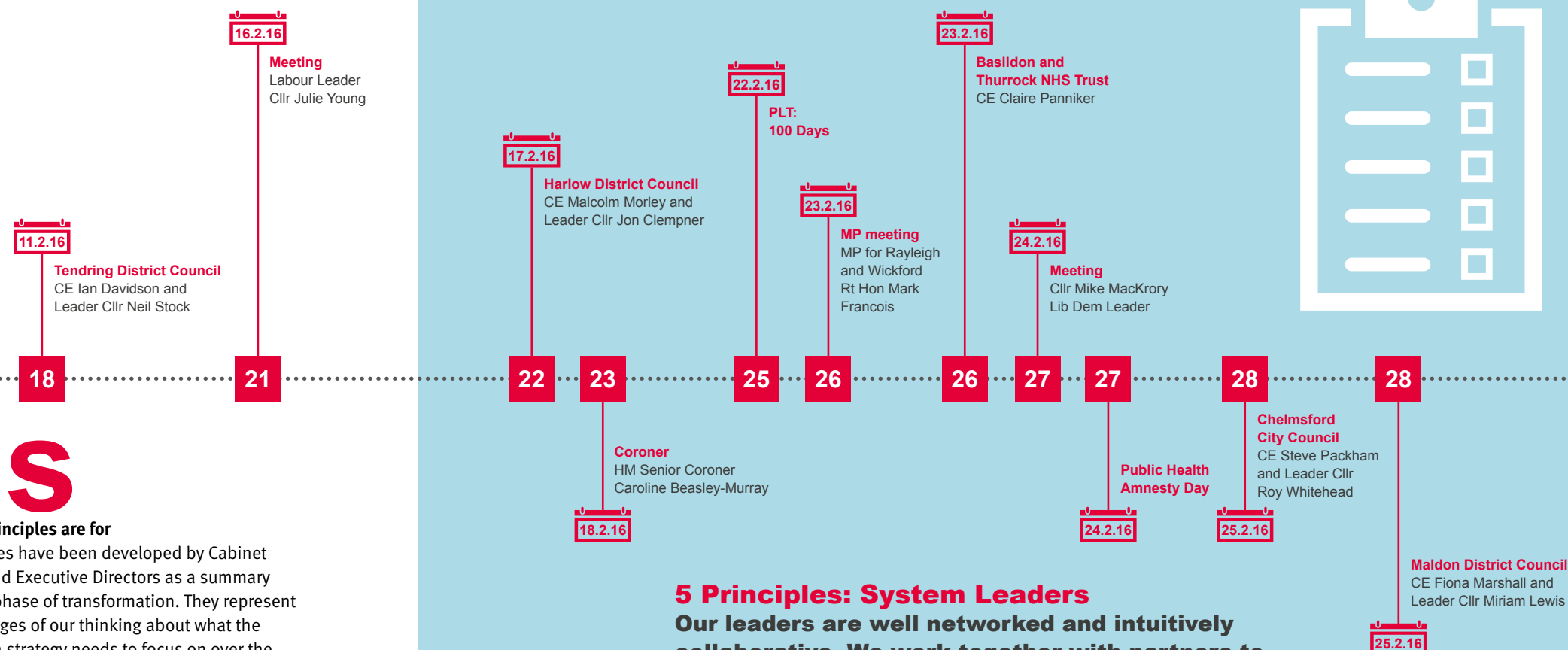
The principles address those issues that are most mission critical for Essex's wellbeing in the future. They demand new ways of thinking about our role, skills, culture and capability. The principles build on one another and are strongest taken together. They recognise that in the future we will be fully self-reliant as a Council, so we must think more imaginatively and innovatively about how we achieve outcomes. We cannot do that in isolation from our partners or the individuals and communities we serve – we must therefore focus on the whole system and our role in helping people help themselves. Technology will play an important part in enhancing our ability to do that and harnessing the long-term potential of digital technologies to transform lives is a key aspect of the principles.

What the principles are for

The principles have been developed by Cabinet Members and Executive Directors as a summary of our next phase of transformation. They represent the early stages of our thinking about what the organisation strategy needs to focus on over the next four years in order to achieve the best possible outcomes for Essex. The principles signal the need to shift our thinking and the direction of that shift. For example, moving from being a provider of services to an enabler of outcomes doesn't mean that we will cease to provide services in all parts of our business. It is possible that we will continue to always provide services to some parts of our community, particularly the most vulnerable, where that will achieve the best outcomes at the best value for money. It does mean, however, that we must do more, across all aspects of our work, to enable people to do more for themselves and our role increasingly will be to go out and collaborate with partners in the service of our communities.

How will we work with the principles

The principles represent our current state of thinking about the transformation Essex needs, in order to be successful in the future. For the principles to be really meaningful they need to make sense to you, in your part of the business, and they need to make sense to our partners in terms of their engagement with their communities. We will be sharing the principles more widely over the course of the next few months and will also start to use them to support our business planning processes, making sure they are embedded in our thinking about the future and drive, not just what we do, but how we do it. The principles are not set in stone and we will revisit them periodically. For now they are our promise to one another, to our partners and to our residents, about the approach we will take to ensure the future prosperity and wellbeing of this great county.



5 Principles: System Leaders

Our leaders are well networked and intuitively collaborative. We work together with partners to secure the “Essex we want to create” through public sector reform which results in the best outcomes for Essex and its residents.

5 Principles: Enabler

More often than not the Council is a facilitator. We add value by anticipating and, with partners, help shape the conditions for outcomes to be achieved. We empower people to support themselves and proactively influence and shape demand.

5 Principles: Digital Leader

We embrace digital first at every opportunity either via direct service delivery or through partners. All interactions are optimised for a fast, accessible, user-friendly, inclusive and reliable digital experience.

5 Principles: Collaborative

By default we collaborate with our partners, communities and residents, jointly designing the best solutions with them and being accountable to maximise the value for Essex people.

5 Principles: Self Sustaining

Having an innovative, commercial and entrepreneurial culture across the whole organisation, the Council is financially self-sustaining. We drive efficiency and create profitable income to enable investment in services for Essex residents.

What needs to change to make this happen

Throughout my 100 Days I have been focused on what we need to do to make a real difference to the lives of the people of Essex.



My job is to ensure that the organisation lines up behind you to make that as easy as possible. So this report is not about a set of public facing initiatives but it is about addressing those things that make your ability to serve our people as easy as possible.

Focus on what matters

The ability to focus on and prioritise the things that matter most to our residents and communities is a key strategic capability. Most organisations struggle to prioritise because prioritisation means making choices between competing goods. But without a clear set of priorities it is impossible for any of us to connect up what we are doing today with what we need to achieve tomorrow.

“Strategy is at least as much about what an organisation does not do as it is about what it does”

**Richard Rumelt,
Good Strategy/
Bad Strategy**



Organisations will tend to devote plenty of time to their near-term concerns and not enough time to their long-term challenges. We will not solve the housing and infrastructure needs of our communities or the challenges of an ageing population in the course of one electoral cycle. We will not be able to transform the life chances of disadvantaged young people during a single budgeting period. And we will not be able to reshape our investment profile to support early intervention and prevention in the course of a single corporate planning round. Long-term systemic challenges demand a consistent, sustained and relentless focus on the things that will really make a difference to the future of our communities. And our performance and planning frameworks need to help us join up our day to day activities to our political and financial planning cycles and to the enduring needs of our communities.

To support our ability to plan for the long-term, during this 100 days I have:

- Put in place a process for developing a new business plan and business planning approach to make clearer the golden thread that runs from our long-term Vision to the work that individual employees do on a daily basis
- Introduced a single template for all board meetings, decisions and briefings
- Audited our existing priorities with a view to simplifying and clarifying to provide more focus to our activity
- Initiated work on the development of an Organisation Strategy which will set out how we will work and what we will be seeking to achieve over the next four years
- Started thinking about a Vision for Essex as a place over the next 10-15 years and how we get there
- Started to simplify the project support we provide to transformation activity
- Streamlined our investment decision process so responsibility rests with a single Investment Board.

An agile structure fit for the future

Structure follows on from being clear about why we exist, what we are trying to achieve and how we will do that. I have started the process of reviewing how we are organised to support our strategic ambitions. I am keen to undertake the structural changes to the organisation as quickly as possible. I do think some change is necessary. You have told me that some of our structure doesn't support our ambition to be an agile and adaptive organisation – I will be seeking to address that and will be publishing proposals for how we change the top two layers of the organisation in the next month or so.

To support our ability to think carefully about what our future structure should look like, during this 100 days I have:

- Undertaken a review of what commissioning means to ECC
- Published as part of this report five operational principles that will drive our direction of travel for the future
- Started to develop our long-term strategy to ensure the structure of the organisation aligns with our future direction of travel and what we are trying to achieve.

Three builders are asked what they do...

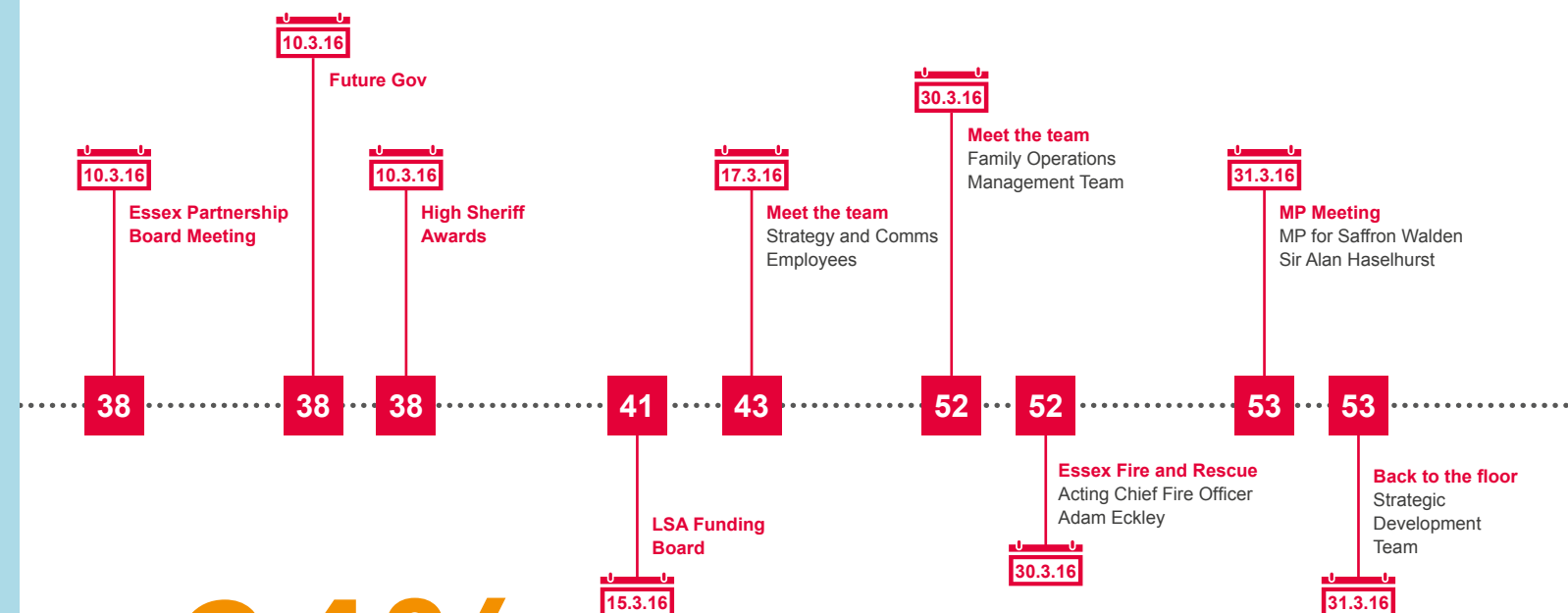
The first says, "I make bricks".

The second says, "I make walls".

The third says, "I make *cathedrals*".

"Culture precedes positive results. It doesn't get tacked on as an afterthought on your way to the Victory stand. Champions behave like champions before they're champions; they have a winning standard of performance before they're winners"

Bill Walsh,
American football coach of
the San Francisco 49ers



64% of us say we are proud to work for the County Council. **THAT IS PRETTY GOOD BUT WE ASPIRE TO BETTER.**

A dynamic organisational culture

Culture is our greatest asset. There are many different ways to describe it. At its simplest, culture is expressed through:

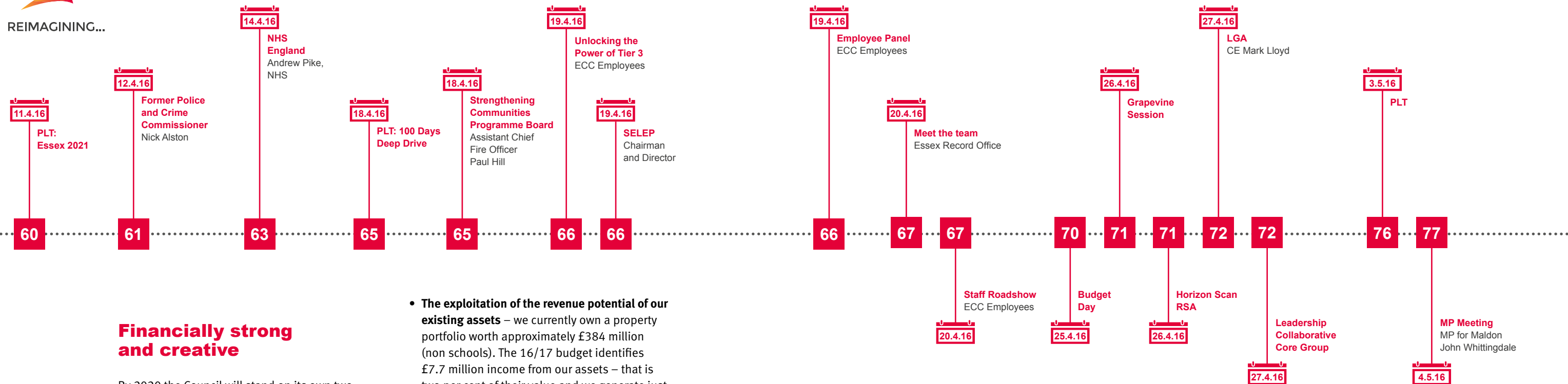
- Our mind-set – are we constantly and consistently pushing against the boundaries of what is possible?
- Our way of working – are we an organisation that values process or product?
- Our commitment – will ECC always do its best for our residents and communities however difficult that may be?

Sixty-four per cent of us say we are proud to work for the County Council. That is pretty good. It is an improvement on last year and it is close to the benchmark for local authorities. But I want all of us to be proud to work here. We have the opportunity and the responsibility to change people's lives – we should be incredibly proud of our work.

In thinking about culture I am very conscious of the huge amount of change that confronts our organisation. The management of change is an opportunity both to build and to demonstrate our culture. In my first 100 days I have heard many people from all parts of the organisation say that we don't manage change as well as we might, that we are not as open or transparent as we could be and that our change agenda is held tightly at the centre of the organisation. I want that to end.

As part of this 100 Day Plan I am inviting you to come forward and volunteer to drive our change activity. I am creating a new change network drawn from volunteers across the organisation who are passionate about being the change the County Council needs to make. No longer will it be possible to say that change is something that is done by one part of the organisation to others or by one layer of the organisation to others. Collectively we are the organisation and together we will shape its future.

I have also initiated work on the development of a workforce strategy. Our employees are our single most important asset in achieving outcomes. The workforce strategy will clearly define how we will build the capability, skills and culture we need for the future and will also demonstrate the progress we are making across these dimensions.



Financially strong and creative

By 2020 the Council will stand on its own two feet financially. We will no longer be supported by government and all of the revenue to pay for services will be derived from local sources. This is a significant change. I welcome the opportunity it creates for us to be masters of our own destiny but also recognise the challenges it poses.

Despite the significant reductions in funding of the last few years, we are in a relatively strong financial position. Our last two phases of transformation have saved over £500 million and we have much more capacity to borrow to invest for future savings than virtually any other County Council in the country.

But the pressures on finances will continue to grow. We cannot carry on down our current path. We need to think differently and more entrepreneurially about how we use our money to solve the problems of tomorrow. Now is absolutely the right time to do that.

That is why during my first 100 days, we have started to explore:

- **Work on a residents' deal** – to ensure we are making best use of fees and charges in support of all residents.
- **The use of our capital to drive down revenue costs** – there are opportunities to address the pressures on our revenue budgets by thinking more creatively about how we use capital investment, particularly for our most vulnerable residents, providing better outcomes at lower long-term cost.

- **The exploitation of the revenue potential of our existing assets** – we currently own a property portfolio worth approximately £384 million (non schools). The 16/17 budget identifies £7.7 million income from our assets – that is two per cent of their value and we generate just £250,000 income a year from our commercial property. To date our management of assets has been in the service of operational needs. We need to change our mindset to recognise the commercial potential of our assets.
- **The extension of our traded strategy** – the 16/17 budget sets a target of £7 million of trading profit which is a modest growth on previous years. Given the radical change propositions that we are pursuing in other parts of our business and the focus we are placing on more commercially-minded approaches to what we do, we need to extend the approach to traded services even further and extend to new areas as appropriate.
- **New funding mechanisms** – Essex was an early pioneer of alternative funding mechanisms to support core service delivery – we were the first local authority in the country to negotiate a social impact bond for children on the edge of care, for interventions funded by third party investors. I am keen that we build on this tradition of innovation and explore the opportunities that exist to bring in new sources of external funding to support the achievement of our key priorities.
- **Exploratory work to investigate the potential to establish a multi-million pound Property Investment Fund.** Such a fund would not only generate income to reinvest in frontline services but also enable ECC to invest in assets that would drive economic growth in the county and support the prosperity of the local economy, benefiting local communities and taxpayers.

Entrepreneurial mind-set

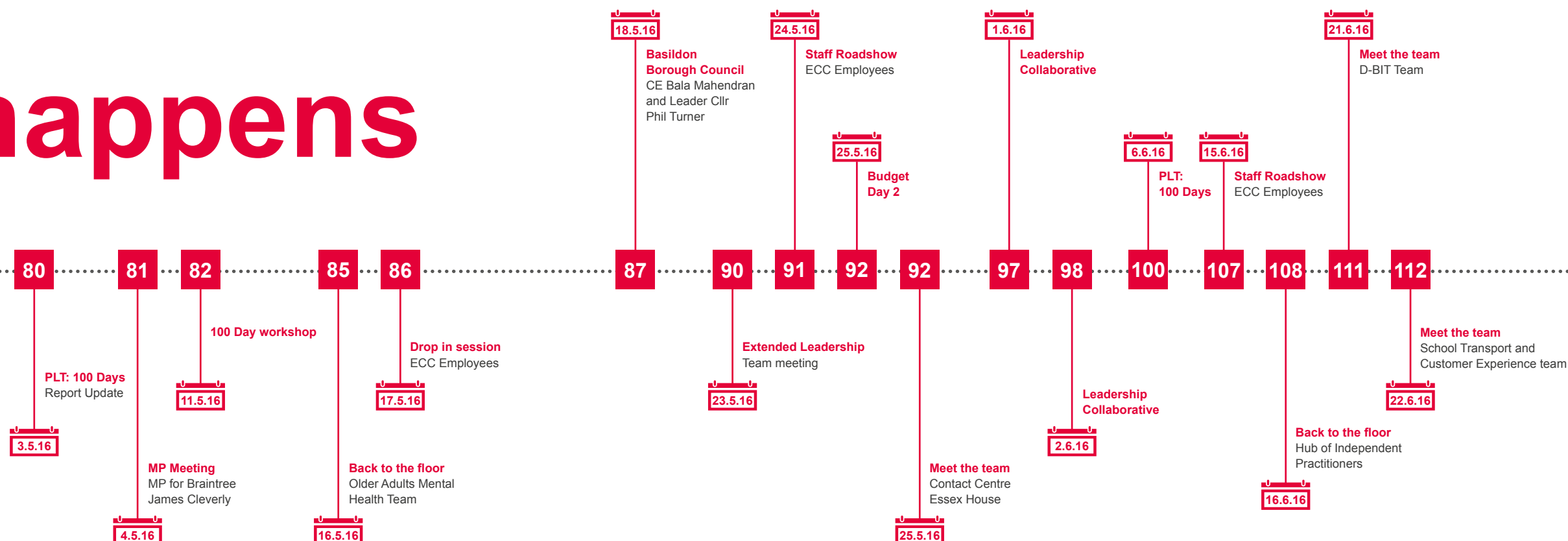
Essex people are proud of their entrepreneurial spirit. When the chips are down, they roll their sleeves up and make things happen. We must do the same. The old solutions won't address the new problems. We need to think differently about our role and what we are best placed to do to secure the outcomes our residents deserve. In doing that we need a mind-set that sees through problems to opportunities. We should also recognise that we don't have all the answers. And that that's fine. We don't care where the great ideas come from. They are as likely to come from our communities and from our partners as they are to come from us. Our job is to be bold in backing fresh thinking and innovative ideas that will improve the lives of our residents. If we do that, we can't always be sure we will get it right. But if we don't do that, we can be certain we will always get it wrong.

Finally, ambition

The greatest constraint we face is not one that comes from outside but one that comes from within; our own ambition for Essex and its people. I want us to know no limits to our thinking about what is possible for Essex and its communities. We should constantly be pushing at the boundaries of what is possible, it is only by doing that that we can change lives. No one in Essex will ever be criticised for showing too much ambition for its people and places.

“The tragedy of life is often not in our failure, but rather in our complacency; not in our doing too much, but rather in our doing too little; not in our living above our ability, but rather in our living below our capacities” Benjamin E. Mays

What happens next...



The 100 days are over. I have gained a fascinating insight into Essex, the County Council, our partners, residents and you. I have been impressed by the commitment I have seen, by the work you are doing with colleagues and by the can-do spirit of Essex which is prepared to roll up its sleeves and get on with the hard work of getting things done.

I have heard about many examples of excellent practice across all of the areas that I think are important to our future.

If I have asked about systems leadership you have told me about our community budget leadership, our Family Solutions work, the Gypsy and Traveller Unit (which we worked with many partners to deliver – saving money, improving outcomes for one of our most disadvantaged communities and improving the lives of Essex residents).

If I have asked about digital leadership you have told me about the risk stratification work you are doing on Public Service Reform, about the iMatter project, using technology to put new mums in touch with new mums – recognising that family, friends and peers, not public services, are the best support system – and about Total Transport, a digital platform to increase choice for residents in rural areas who might otherwise be isolated.

On collaboration you told me about the Leadership Collaborative we are putting in place across public services in Essex – an initiative that goes further than anywhere else in the country in actively building a culture of joined-up public service leadership – or you have pointed to the pre-birth to 19 integrated support activity – recognising that collaboration should be not just with other public service professionals but most importantly with the people we are here to serve. I could go on, there are many, many examples I have come across not just of good work, but work that is genuinely breaking new ground for public services nationally.

This report is a starting point not an end point. It signals a significant agenda that will be taken forward as part of our normal business processes. It is now time to move on and focus on the challenges that await us. We should do that with the confidence that comes from having a track record of delivery behind us, a clear pathway ahead of us and a strong sense of purpose.

The 100 days are over. But our journey continues. Together we will make Essex the best local authority in the country. A Council the people of Essex deserve.

Thank you

Ambassadors

I want to thank the many people who have given up their time to share with me their thoughts and experiences of working in Essex and for Essex County Council. Ninety per cent of the people who work for the County Council also live in Essex. We are Essex as much as the people we serve. I want all of us to feel proud about working for one of the best public service organisations in the country. And I want you to talk to your family, friends and neighbours about the great work that we do and bring the insights you get from those conversations back into your work.

I want us all to be ambassadors for Essex and the County Council.

I particularly want to thank those of you who took the trouble to write into my 100 Days mailbox or who posted a comment on Yammer and whose very thoughtful comments have informed my thinking. Thank you to...

Sharon Smith | Phil Martin | Liz Ridler | Paul Crick | Tom Heenan | Philipp Friemann | Le Ho-Everiste | Tina French | Susan Cooper | Karen Wilson | Debbie Knopp | Glenn Yates | Joshua Resoun | Jonathan Cuthbertson | Julie Hook | Louise Layton-Joyce | Mohit Farmah | Jane Barber | Danny Stanesby | Michael Gardiner | Peter Davies | Amy Hamilton | Liz Martlew | Katy Chambers | Melanie Evans | Kim Gisby | Peter Cook | Steve Lynch | Graham Thomas | Narrell Hales | Natalie Quickenden | David Claydon | Lucy Shepherd | Hayley Skargon | Amy Hamilton | Andrea Bonner | Andy Allsopp | Angela Martin | Annette Chan | Annie Davidsen | Annmarie Ives | Ash Moorcroft | Ben Orrin | Bridget Craigen | Carla Johnson | Carole Hudson | Cecilia Ockelford | Charlotte Britton | Cheryl Arthur | Chris Simmonds | Christopher White | Colin Slater | Dan Newton | Darren Connew | David Chilvers | Dominic Lund-Conlon | Emma Douglas | Emma Sayers | Emma Wakeling | George McDonald | Gerald Price | Gill Bright | Gillian Furlong | Gordon Kerr | Heather Ancient | Helen Gilbert | Helen Jones | Henrietta Barkham | Holly Baker | Hue Hewitt | Ian Phillipson | Jackie Roberts | Jacqui Carlton | Jane Berry | Jennet Watkin | Jeremy Phillips | Jo Jacobs | Jon Phillips | Julia Cook | Katherine Crowe | Katrina Davies | Kay Asuni | Keith Grinsted | Ken Donald | Leah Prevost | Leonard Matariro | Liz Fowler | Liz Higgins | Liz Martlew | Lloyd Hastings-Dasent | Lois Cousins | Lottie Moore | Louisa Fisk | Louise John | Lucy Rose Coleman | Marina Dimopoulou | Mark Whiting | Michael O'Brien | Michael Plant | Nalini Vaidya | Nicola Cooke | Nicola Perry | Oliver Newton | Olivia Shaw | Patrick Sturch | Paul Harris | Paul Probert | Rebecka Champion | Richard Coward | Rob Huffey | Robbie Watson-Levey | Robin Harbord | Rochelle Mathieson | Sabira Ladha | Sally Rogerson | Sandra Mann | Sarah Harris | Sarah Read | Sarah-Joy Maddeaux | Scott Wright | Sharon Asplin | Shauna Jordan | Sophia Looney | Steve Peacock | Sue Cook | Suraya Casey | Susan Cooper | Tanya Kempe-Tummon | Vicky Branchett | Vicky Leech | Wendy Grafton | Will Chaney |

A note on the brand

You may have noticed that the graphic elements of this report are different to what you are used to seeing. I thought it might be helpful to set out the rationale for the new approach.

‘Reimagining...’ is the branding we are using for our next round of transformation activity (Essex 2021). It is not a rebrand of ECC and will be developed further as we develop our thinking on the next phase of transformation.

The logo is based on the seax – an iconic symbol that represents the county of Essex and is a constituent part of the Essex County Council logo. While embracing the history, the county and the association with the seax, the brand aims to create something new that can be seen as a clear evolution of the original seax symbol. This is reflective of the evolution the County Council will see as a result of the activity signalled through this report. At the heart of our future is the collaborative effort of ECC and residents, public services, businesses and the voluntary organisations of Essex. Therefore at the heart of the logo is the figure of a person, reflecting the importance of each individual in Essex. The logo is multi-faceted, contemporary and dynamic. It is comprised of several elements that work together to make a whole, much like the many elements of Essex County Council and of Essex that will come together to transform lives.

The purpose of the brand is to signal activity relating to our transformation programme. Please continue to use ECC branding for everything else.



REIMAGINING...

Report title: 2016/17 Financial Overview as at the First Quarter stage	
Report to: Cabinet	
Report author: Margaret Lee – Executive Director for Corporate and Customer Services and Section 151 Officer	
Date: 19 July 2016	For: Decision
Enquiries to: Margaret Lee, Executive Director for Corporate and Customer Services	
County Divisions affected: All Essex	

1. Purpose of report

- 1.1 The purpose of this report is to set out the forecast financial position of Essex County Council's (ECC) revenue and capital budgets as at the first quarter of the 2016/17 financial year. This reports a full year forecast over spend on revenue of **£6.3m** and an over spend of **£1.1m** on capital after proposed adjustments. Plans to recover the revenue position are in development.

2. Recommendations

Approval is sought in relation to the following actions:

- 2.1 To draw down funds from reserves as follows:
- I. **£879,000** from the Capital Receipts Pump Priming reserve to the Leader Recharged Support Services Budget in respect of forecast revenue expenditure associated with the disposal of properties
 - II. **£717,000** from the Carbon Reduction reserve to Leader Recharged Support Services portfolio in relation to the annual Carbon reduction payment
 - III. **£240,000** from the Transformation reserve to Health portfolio in respect of the Mental Health Transformation project
 - IV. **£216,000** from the Transformation reserve to Corporate, Communities and Customers portfolio in respect of the Prototypes project within Customer Services
 - V. **£150,000** from the Health and Safety reserve to Finance, Housing and Planning Recharged Support Services portfolio relating to Schools Asbestos Surveys

- VI. **£25,000** from the Quadrennial Elections reserve to Leader portfolio in respect of in year by-election costs
- VII. **£1.2m** from the Schools PFI reserves to the Education and Lifelong Learning portfolio relating to Clacton PFI (**£883,000**), Building Schools for the Future (**£170,000**) and Debden PFI (**£120,000**) to meet the unitary charge costs not met by income from the schools and Schools Forum (see 5.1.7III)
- VIII. **£500,000** from the General Balance in order to re-allocate a savings target within the Traded Strategy, initially allocated to the Business Incubator, to Traded Services EES (see 2.2III)
- IX. **£700,000** from the General Balance to Infrastructure, Highways and Transport portfolio for road and footway maintenance to accommodate a request for a carry forward from the 2015/16 under spend.

2.2 To appropriate funds to reserves as follows:

- I. **£145,000** to the Transformation Reserve from Adult Social Care portfolio in relation to the Good Lives project
- II. **£144,000** to the Reserve for Future Capital Funding from Leader Recharged Support Services portfolio in respect of capitalisation of costs associated with the Asset Management Programme (see 5.1.14II)
- III. **£500,000** to the General Balance in order to re-allocate a savings target within Traded Strategy initially allocated to the Business Incubator, to Traded Services EES (see 2.1VIII)

2.3 To approve the following adjustments:

- I. To vire **£130,000** from Adult Social Care portfolio to Leader Recharged Support Services portfolio relating to the move of Information, Advice and Guidance posts
- II. To vire **£118,000** from Education and Lifelong Learning portfolio to Adult Social Care portfolio to realign the staffing budgets for the People Commissioning Management Team
- III. To vire **£85,000** from the Adult Social Care portfolio to the Health portfolio (**£47,000**) and Children and Families portfolio (**£38,000**) to realign Best Value Outcome Review savings to where they are being delivered
- IV. To vire **£156,000** from Finance, Housing and Planning Recharged Support Services portfolio to Leader Recharged Support Services

portfolio relating to Transforming Corporate Systems savings being moved from Commissioning Delivery to Corporate Operations

- V. To vire **£1.1m** from Corporate Communities and Customers Recharged Support Services portfolio and **£590,000** from Corporate Communities and Customers portfolio to Finance, Housing and Planning Recharged Support Services portfolio (**£1.3m**) and Leader Recharged Support Services portfolio (**£351,000**) as a result of a review of support services budgets.
- VI. To vire **£500,000** from Other Operating Costs portfolio to Leader portfolio for the Innovation fund. A new policy line in the Leader portfolio is also required for this purpose (see 5.1.9II).

Executive Summary

3. Revenue

- 3.1 Appendix A summarises the revenue budgets and forecast outturn for each portfolio. There is a full year forecast over spend of **£6.3m**, driven by **£7.6m** on net expenditure and offset by additional grant funding of **£1.3m**. This is **0.7%** against a total expenditure budget of **£936.5m**, which assumes full commitment of the remaining **£4.0m** in the emergency contingency, and incorporates **£9.1m** of carry forward requests, approved by Cabinet in June 2016 (ref FP/481/04/16). Plans to mitigate this overspend are now in development by the services.
- 3.2 There is an over spend of **£7.4m** on Adults Social Care, is primarily due to higher than predicted activity in Working Age Adults Care and Support (**£3.5m**) and the Transitions service (**£3.8m**). The services are exploring opportunities for mitigating these over spends. There is also an expected under achievement of income of **£1.1m** in Other Operating Costs. This is due to current expectations that we will not receive a dividend this year as a result of ECL (a subsidiary company of ECC) being unlikely to generate sufficient net profit to enable a **£1.0m** dividend this year for ECC. These over spends are partly offset by higher than budgeted funding of **£1.3m**, most of which is due to the Business Rates Relief Compensation Grant.
- 3.3 There are a number of risks not included within the current forecast. Actions to mitigate these risks and the pressures within the forecast position will continue to be closely monitored.

4. Capital

- 4.1 The original capital programme for 2016/17 as set by Full Council in February 2016 was **£251.9m**. This has decreased by a net **£1.8m** as a result

of advancing works to 2015/16. In year approved changes of a net **£257,000** addition has resulted in a latest budget for the year at Period 2 of **£250.4m**. The forecast outturn is **£229m**. Before adjustments proposed within this report this represents an under spend of **£21.4m**, but assuming that budget change requests are approved there will be a residual over spend of **£1.1m**.

- 4.2** Appendix C (i) summarises current year forecasts along with changes in the Capital Programme for 2016/17 since approval of the original programme in the Budget Report to Council in February 2016. Appendix C (ii) contains the detail of the budget adjustments seeking approval.
- 4.3** Spend on capital works in the first two months of the year is **£24.2m**, this represents 11% of the programme's forecast spend for the year and is **£5.4m** under budget (**£29.6m**), which is slightly behind last year's actual to date after 2 months which was 16% of final outturn.
- 4.4** Whilst the forecast of **£229m** continues to be a challenging programme of capital works (almost twice the size of the 2013/14 final delivered programme of **£116m**), teams across ECC continue to focus on successful delivery.

2016/17 Revenue Position

5.1 Comments are included below on the most significant of the variances against budget:

5.1.1 Adult Social Care - £7.4m over spend

- I. The forecast outturn for the Adult Social Care portfolio is a **£7.4m** over spend (1.9% of net budget). In addition, there are net risks of **£18.4m** that could impact by year end.
- II. Care and Support pressures totalling **£6.8m** which relate to:
 - A net over spend of **£3.5m** on Working Age Adults due to domiciliary care (**£8.4m**), where the number of hours of care provided per week has increased 2.8% above budgeted levels and on day care where demand is higher than estimated (**£2.0m**). The pressures are partly offset by residential and nursing care (**£6.7m**) where the number of placements are currently 4.2% lower than budgeted. The Good Lives project is focussed on mitigating the residual demand pressures being experienced
 - Transitions Service (which supports young people with additional needs planning their journey from childhood to adulthood) **£3.8m** over spend due to growth in placements and market price

increases. The service has targeted full year savings of **£3.0m** which are not yet on track to be achieved. The service is focussing on reducing market price along with a number of volume related initiatives to mitigate this pressure

- Internal Residential provision is forecasting a **£420,000** under spend due to bed usage being below capacity.

- III. Housing Related Support (HRS) is forecasting to over spend by **£456,000** as a consequence of a delay in delivering planned savings projects due to the new HRS contract not being let until December 2016. This pressure is mitigated by the under spend within the Education and Lifelong Learning portfolio (see para 5.1.7).
- IV. There are net risks of **£18.4m**, predominantly relating to savings delivery (**£11.0m**), market price pressures (**£2.1m**) and potential increased transitions demand (**£2.1m**).

5.1.2 Children and Families - £72,000 over spend

- I. The over spend in 2016/17 is mostly attributable to an **£83,000** over spend in respect of domestic abuse contracts that are exceeding budget.

5.1.3 Health - online

5.1.4 Corporate, Communities and Customer Services - £146,000 under spend

- I. The under spend primarily relates to Coroners (**£224,000**) due to a reduced number of independent post mortems.
- II. Budgets across support services have been reassessed on a needs basis resulting in a number of changes across the portfolio. This has addressed pressures within services and reduced budgets that have frequently under spent in the past. Altogether a net **£1.6m** of budget has been released and will be transferred temporarily to the Finance portfolio. Once all opportunities and pressures have been identified across services the total net under spend will be returned to the General Balance, anticipated as a request in the Half Year report.

5.1.5 Economic Growth and Partnerships – £26,000 under spend

- I. There are no material variances to budget.

5.1.6 Education and Lifelong Learning Dedicated Schools Grant (DSG) - £3.6m over spend

- I. The Dedicated Schools Grant is ring fenced for use by Schools, therefore any variance arising will not be taken in account within

Essex County Council's forecast. Any variance in DSG is retained to be managed in future years.

- II. There is an over spend of **£2.6m** due to higher demand for Free Early Education Entitlement for 3 and 4 year olds. There is a further **£1.4m** over spend arising from assumed growth on Statutory Assessments of statemented and Education, Health and Care Plan pupils. Mitigation options in respect of revising hourly rates for Early Years was discussed at Schools Forum and work is underway for discussion at July's Schools Forum, to determine how they can mitigate.

5.1.7 Education and Lifelong Learning Non DSG - £332,000 under spend

- I. The under spend primarily relates to Premature Retirement costs (**£446,000**) due to a forecast decrease in the number of schools applying for funding to cover redundancy costs.
- II. The School Organisation team are forecasting a **£115,000** over spend due to additional resources required to implement the 10 year plan for meeting the demand for school places in Essex. Mitigation actions are being developed.
- III. The recommendations include a request to transfer funds from the PFI reserves to meet the gap where expenditure exceeds the contributions from relevant schools delegated budgets for ongoing costs, and contributions from the DSG. The balance is met from PFI credits which are held in the reserves, until the funding is required to ensure PFI contracts remain cost neutral each year.

5.1.8 Infrastructure, Highways and Transport - £669,000 under spend

- I. The under spend is as a result of the negotiated Concessionary Fares contract.

5.1.9 Leader – £147,000 under spend

- I. This under spend is in part due to Olympic Sports and Development where there is a lower than expected Levy payment to Lee Valley Park (**£79,000**). There are various other under spends in the portfolio.
- II. A new Innovation Fund is to be set up to invest in specific small scale and value investment proposals, for the purpose of either generating income or driving efficiencies from the organisation. This will be accountable to the Chief Executive and will be open to all employees.

5.1.10 Finance, Housing and Planning - £367,000 over spend

- I. The Council Tax Sharing scheme reports an additional **£202,000** to be paid back to District Councils. Whilst this is a cost on this portfolio, this is due to projected increase in Council Tax to be collected during 2016/17 providing extra income to ECC of **£1.1m** (the income will be recognised in the collection fund in 2017/18).

5.1.11 Environment and Waste - £25,000 under spend

- I. There are no material variances to budget.

5.1.12 Other Operating Costs - £1.1m over spend

- I. ECC do not expect to receive the budgeted **£1m** dividend from Essex Cares Ltd this year (a subsidiary company of ECC). There is also additional capital financing costs from taking advantage of lower rates in the run up to the EU Referendum (**£394,000**) and a **£500,000** contribution to the Innovation Budget to support new initiatives. Pressures are partially offset by increased income due to expected higher yield from long term investments (**£780,000**).

5.1.13 Finance, Housing and Planning Recharged Support Services - £214,000 under spend

- I. The under spend of **£214,000** is due to the review of support services budgets. (see 5.1.4II)

5.1.14 Leader Recharged Support Services - £234,000 over spend

- I. This over spend is in Information Services, due to currently unachieved savings of **£115,000** on Performance Management and **£178,000** as a result of the delay in Transforming Corporate Systems (TCS). The service continue to review options to mitigate these but current resource demand pressures on IS are making it difficult to reduce the estimated over spend.
- II. The recommendations include a transfer of **£144,000** to the Reserve for Future Capital Funding as a result of a review of appropriate capitalisation of costs associated with the Mitie contract.

5.1.15 Corporate, Communities and Customers Recharged Support Services - £31,000 under spend

- I. There are no material variances to budget.

6. Trading Activities

- 6.1 Trading Activities are forecasting an online position. Appendix B shows the position by each Trading Activity. Risks across all trading activities are being actively managed and marketing strategies will ensure budgeted levels of income are achieved.
- 6.2 Library Services Slough Limited is closing on 30th June 2016. The trading account will remain open until all outstanding cessation tasks and liabilities have been settled.

7. Capital

- 7.1 The latest forecast is an under spend of **£21.4m** against the latest approved capital budget of **£250.4m**. Assuming that budget change requests are approved there will be a residual under spend of **£1.1m**.
- 7.2 Approval is sought for:
 - I. Slippage of **£26.9m**
 - II. Budget additions of **£27.0m**
 - III. Budget reductions of **£26.4m**
 - IV. Advanced works of **£3.9m**
- 7.3 The key points to note are listed below, and the detailed requests are shown at Appendix C (ii).

7.4 Adult Social Care - £1.1m over spend

- I. The over spend is due to the Winterbourne scheme where renovation costs of **£1.5m** are expected this year, which is subject to the financial viability of the scheme being confirmed. If the scheme is deemed financially viable, approval will be sought to advance works from 2017/18 in the Half Year Cabinet Report.

7.5 Children and Families – online

7.6 Deputy Leader, Economic Growth and Partnerships - £303,000 under spend

- I. This under spend is predominantly due to the Economic Growth Fund which supports bids received from Third Parties for projects that encourage and enable economic growth within the County. An under spend of **£353,000** is forecast against the 2016/17 allocation of **£1.7m** as no further projects are ready for delivery in 2016/17. Other projects are currently being considered for future development.

7.7 Education and Lifelong Learning - £9.8m under spend

- I. **Early Years** – A review of the process for awarding grants to the providers of pre-school is due to start in June to ensure the use of S106 monies in a targeted approach, to ensure sufficient places in those areas of Essex in greatest need. This review is estimated to take 16 weeks and has resulted in the level of spend envisaged for 2016/17 reducing to **£1.2m** from the previous **£2.4m**, an under spend of **£1.2m**.
- II. **Basic Need Programme** – Following the production of the Education 10 year plan a scheme delivery review was carried out in May. This identified that there are a number of schemes where the assumptions for delivery date have changed and the scheme is now required later than previously anticipated. In addition there are some schemes where procurement was delayed as a result of the re-procurement of the ELEP contract to the ECF (Essex Construction Framework). This has led to re-profiling in the short term but will realise contractual savings over the longer term. Therefore **£7.1m** is required to be re-profiled in to 2017/18 however it is currently anticipated that all new school places will still be available when they are required.
- III. **Special School Schemes** – Following the cost escalation of the Schools Forum funded SEND, a review of what is feasible to be delivered and the timescales is underway. As a result it has also been identified that the budget for the Pupil Referral Unit project is unlikely to be spent this year. Therefore **£2.4m** is required to be re-profiled into 2017/18.
- IV. **Glenwood Special School** – Delays to the final contract signature with Morgan Sindall have put back the construction start date resulting in **£1.2m** needing to be re-profiled into 2017/18.

7.8 Environment and Waste - £464,000 under spend

- I. There is an under spend predominantly due to a hold being in place on the Shrub End Infrastructure procurement until ECC are satisfied this site provides the best solution, this has resulted in slippage of **£650,000** into 2018/19. The hold will be in place for a period of up to 6 months at which point a decision will be taken as to whether to proceed.

7.9 Finance, Housing and Planning - £123,000 over spend

- I. There is an over spend due to the required investment in the old Adult Community Learning accommodation in Rochford to enable the development of 60 Independent Living units. This is being addressed by a Cabinet Member Action.

7.10 Infrastructure and Highways Delivery - £12.9m under spend

- I. **Infrastructure Connectivity** – An under spend of **£13.2m** relates to the 2016/17 Local Growth Fund (LGF) transport projects. Of

this **£9.2m** relates to the Harlow Enterprise Zone and A414 Pinch Point Packages where the 2016/17 budget profile is incorrect and needs to be re-profiled to reflect the correct delivery profile. The remaining projects have been thoroughly reviewed as more detailed delivery plans were produced following detailed design work and responses to tenders being received towards the end of 2015/16 which has led to **£4m** re-profiling into future years. However, it is still anticipated that the schemes will complete within the required timeframe.

- II. **Local Highways Panels** – A supplementary allocation of **£1.5m** is requested comprising an addition of **£1.2m** in relation to prior years' commissioned schemes that need to be delivered in 2016/17. A further addition of **£168,000** is required to reflect contributions received from Uttlesford and Epping Forest District Councils and a corresponding ECC match funding transfer of **£168,000** from the Roads Maintenance budget.

7.11 Leader - £1.1m over spend

- I. **Capitalised building maintenance** – planned works up to the value of **£2.2m** have been accelerated including an urgent asbestos remedial programme, requiring **£2.2m** to be advanced from 2017/18 into 2016/17.
- II. **ECL Investments (IS and Property)** – ECL requirement for investment has not been as expected therefore budget of **£1.3m** can be removed from the capital programme.

7.12 Corporate, Communities and Customers - online

7.13 Controlled Elsewhere - £311,000 under spend

- I. Approval is sought to slip **£232,000** into 2017/18 in relation to the Schools Devolved Formula Capital grant.

8. Policy context and Outcomes Framework

- 8.1 This report is an assessment of the financial position of the County Council, which itself is a representation of the corporate plan. The budget and corporate plan were approved in parallel in February 2016.

9. Financial Implications

Finance and Resources Implications (Section 151 Officer)

- 9.1 The report is authored by the S151 Officer and all actions proposed within this report are within the available funding and are considered appropriate actions to deal with variances arising and to support the 2016/17 budget.

- 9.2 Given the current economic climate, as a result of the referendum decision to leave the EU, and the continuing need to reduce public spending to contribute to the resolution of the structural deficit, it is important that continued scrutiny is applied at all expenditure levels to ensure overall spending stays within budget.

10. Legal Implications

- 10.1 The Council is responsible for setting the budget each year. Once agreed the executive then have to implement the policy framework and keep within the budget, subject to the limits set by Financial Regulations.

11. Staffing and other resource implications

- 11.1 There are no staffing or other resource implications associated with this report.

12. Equality and Diversity implications

- 12.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when ECC makes decisions it must have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 12.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.
- 12.3 The equality implications are assessed as part of budget setting process and as part of individual schemes.
- 12.4 There are no equality and diversity or other resource implications associated with this report.

13. List of Appendices

Appendix A	Revenue Forecast Outturn
Appendix B	Trading Activities
Appendix C (i)	Capital Forecast Outturn
Appendix C (ii)	Capital Variance Plan

(Available at www.essex.gov.uk if not circulated with this report)

REVENUE											
2016/17											
	Year to Date			Budget Movement		Forecast Outturn					
	Latest	Actual	Variance	Original	Movement	Latest	Forecast	Forecast	Variance	Residual	RAG
	Budget			Budget		Budget	Outturn	Variance	Plan	Variance	Status
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	
Adult Social Care	69,836	70,102	266	392,404	3,361	395,765	406,099	10,334	2,914	7,420	❖
Children and Families	20,164	19,433	(731)	115,723	947	116,670	116,780	110	38	72	❖
Health	3,708	2,811	(897)	23,549	39	23,588	23,875	287	287	-	❖
Corporate, Communities and Customers	4,773	6,779	2,006	15,906	3,630	19,536	19,077	(459)	(313)	(146)	❖
Economic Growth and Partnerships	311	767	456	5,479	1,186	6,665	6,639	(26)	-	(26)	■
Education and Lifelong Learning											
Education and Lifelong Learning DSG	(168,960)	81,882	250,842	(3,063)	1,390	(1,673)	1,909	3,582	-	3,582	◆
Education and Lifelong Learning NON DSG	6,613	9,841	3,228	48,410	392	48,802	49,525	723	1,055	(332)	■
Fire Reinstatement Works	-	(43)	(43)	-	-	-	-	-	-	-	❖
Infrastructure, Highways and Transport	8,564	15,264	6,700	76,633	932	77,565	77,596	31	700	(669)	❖
Leader	2,560	2,440	(120)	6,825	693	7,518	10,030	2,512	2,659	(147)	■
Finance, Housing and Planning	4,237	3,355	(882)	24,992	1,072	26,064	27,103	1,039	672	367	❖
Environment and Waste	10,489	12,666	2,177	78,838	335	79,173	79,148	(25)	-	(25)	■
Other Operating Costs	15,176	1,596	(13,580)	63,642	(12,298)	51,344	51,979	635	(500)	1,135	❖
Recharged Support Services											
Finance, Housing and Planning RSSS	4,034	4,268	234	17,232	1,676	18,908	20,009	1,101	1,315	(214)	■
Leader RSSS	2,019	3,794	1,775	46,911	(3,283)	43,628	48,595	4,967	4,733	234	❖
Corporate, Communities and Customers RSSS	3,393	3,351	(42)	21,345	(72)	21,273	20,160	(1,113)	(1,082)	(31)	■
Net	(13,083)	238,306	251,389	934,826	-	934,826	958,524	23,698	12,478	11,220	❖
DSG offset	168,960	(81,882)	(250,842)	3,063	(1,390)	1,673	(1,909)	(3,582)	-	(3,582)	
ECC	155,877	156,424	547	937,889	(1,390)	936,499	956,615	20,116	12,478	7,638	❖
Financed by											
COL FUND (SURPLUS)/DEFICIT				(11,340)	-	(11,340)	(11,340)	-	-	-	
COUNCIL TAX PRECEPT				(570,202)	-	(570,202)	(570,201)	1	-	1	
GENERAL BALANCE - CONTRIBUTION/(WITHDRAWAL)				(19,359)	-	(19,359)	(19,359)	-	-	-	
GENERAL GOVERNMENT GRANTS				(54,050)	-	(54,050)	(55,342)	(1,292)	-	(1,292)	
NDR PRECEPT				(44,458)	-	(44,458)	(44,458)	-	-	-	
NDR SAFETY NET PAY(Benefit of NDR pooling)				(1,319)	-	(1,319)	(1,319)	-	-	-	
NDR SURPLUS/DEFICIT				2,444	-	2,444	2,444	-	1	(1)	
NDR TOP UP/TARIFF				(118,604)	-	(118,604)	(118,604)	-	-	-	
REVENUE SUPPORT GRANT				(117,938)	-	(117,938)	(117,938)	-	-	-	
Total Financing				(570,202)	-	(570,202)	-	(1,291)	1	(1,292)	

Appendix B

	Revenue reserve 1 April 2016	Income	Budget Expenditure	(Surplus)/ Deficit	Income	Forecast Expenditure	Forecast (Surplus) / deficit	Appropriations To County Revenue Account	To Trading Activity reserve	Variance Plan Proposals to/(from) reserves	Revenue reserve 31 March 2017
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Education & Lifelong Learning											
EES Traded	(1,920)	(14,617)	11,151	(3,466)	(14,494)	11,028	(0)	(3,266)	(200)	500	(1,620)
Music Services Traded	(133)	(4,569)	4,456	(113)	(4,569)	4,456	0	(113)	-		(133)
Schools Staff Insurance Scheme	(973)	(4,825)	4,825	-	(4,725)	4,725	-	-	-		(973)
Libraries Communities and Planning											
Library Services	(484)	(1,527)	1,454	(73)	(74)	1	(0)	-	(73)		(557)
Transformation and Support Services Trading											
Information Services infrastructure	(400)	(6,643)	6,643	0	(6,643)	6,643	-	-	-		(400)
Legal Services	(61)	(11,161)	9,776	(1,385)	(10,282)	8,897	0	(1,385)	-		(61)
Place Services	(336)	(1,963)	1,880	(83)	(1,963)	1,880	0	(83)	-		(336)
Smarte East	(257)	(64)	61	(3)	(45)	42	(0)	-	(3)		(260)
Total	(4,564)	(45,368)	40,245	(5,123)	(42,795)	37,672	0	(4,847)	(276)	500	(4,340)

Appendix C (i)

CAPITAL 2016/17											
	Year to date			Budget Movement		Forecast outturn (Full Year)			RAG status		
	Budget YTD	Actual to Date	Variance YTD	Original Budget	In year approved changes	Revised Budget	Forecast Outturn	Variance			
	£000	£000	£'000	£000	£000	£000	£000	£000			
Adult Social Care	196	7	(189)	3,778	428	4,206	5,308	1,102	♦		
Children and Families	74	(16)	(90)	365	(24)	341	341	-	■		
Deputy Leader, Economic Growth and Partnerships	547	377	(170)	14,339	(70)	14,269	13,966	(303)	■		
Education and Lifelong Learning	5,834	3,451	(2,383)	61,336	(2,480)	58,856	49,092	(9,764)	●		
Environment and Waste	388	819	431	5,303	680	5,983	5,519	(464)	●		
Finance, Housing & Planning	734	120	(614)	1,768	1,368	3,136	3,259	123	✱		
Infrastructure and Highways & Transport Delivery	20,196	19,256	(940)	149,466	(2,093)	147,373	134,510	(12,863)	●		
Leader	312	(82)	(394)	8,738	155	8,893	9,977	1,084	♦		
Corporate, Communities & Customers	806	(196)	(1,002)	4,314	140	4,454	4,454	-	■		
Archived Codes	-	(61)	(61)	-	-	-	-	-	■		
ECC Capital Programme	29,087	23,675	(5,412)	249,407	(1,896)	247,511	226,426	(21,085)	●		
Schools Cash Balance	57	341	284	-	339	339	341	2	✱		
Devolved Formula Capital	472	210	(262)	2,500	57	2,557	2,244	(313)	●		
Total School Balances	529	551	22	2,500	396	2,896	2,585	(311)	●		
Total Capital Programme	29,616	24,226	(5,390)	251,907	(1,500)	250,407	229,011	(21,396)	●		
Financed By ECC Capital Programme											
Grants				101,125	12	101,137	93,415	(7,722)			
Reserves				11,989	(12)	11,977	11,730	(247)			
Developer contributions				7,295	25	7,320	6,008	(1,312)			
Capital receipts				15,000	-	15,000	15,000	-			
Unsupported borrowing				113,997	(1,920)	112,077	100,273	(11,804)			
sub-total ECC Capital Programme				249,406	(1,895)	247,511	226,426	(21,085)			
School Ba Grants				2,500	-	2,500	2,101	(399)			
Unsupported borrowing				-	396	396	484	88			
sub-total School Balances				2,500	396	2,896	2,586	(310)			
Total ECC & Schools Capital Funding				251,906	(1,499)	250,407	229,011	(21,396)			
Variance plan											
Portfolio	Approved changes					Variance Plan					
	Slippage	Additions	Reductions	Advanced Works	2016/17 Approved changes	Slippage	Additions	Reductions	Advanced Works	Residual	Total Variance
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Adult Social Care	502	-	-	(74)	428	-	607	(635)	28	1,102	1,102
Children and Families	-	-	-	(24)	(24)	-	-	(0)	(0)	0	-
Deputy Leader, Economic Growth and Partnerships	3	-	-	(73)	(70)	0	-	(353)	50	(1)	(303)
Education and Lifelong Learning	694	18,836	(18,836)	(3,173)	(2,479)	(11,870)	5,089	(4,819)	1,500	336	(9,764)
Environment and Waste	698	-	-	(18)	680	(650)	409	-	-	(223)	(464)
Finance, Housing & Planning	63	-	-	-	63	-	93	(93)	93	30	123
Infrastructure and Highways & Transport Delivery	4,286	257	-	(6,636)	(2,093)	(14,128)	20,128	(18,741)	-	(122)	(12,863)
Leader	169	-	-	(14)	155	-	544	(1,602)	2,200	(58)	1,084
Corporate, Communities & Customers	1,500	-	-	(55)	1,445	-	-	-	-	-	-
Total ECC Capital Programme	7,915	19,093	(18,836)	(10,067)	(1,896)	(26,647)	26,870	(26,242)	3,871	1,065	(21,085)
Schools Cash Balance	339	-	-	-	339	-	-	-	-	2	2
Devolved Formula Capital	57	-	-	-	57	(232)	109	(190)	-	0	(313)
Total Controlled Elsewhere	396	-	-	-	396	(232)	109	(190)	-	1	(311)
Total Capital Programme	8,311	19,093	(18,836)	(10,067)	(1,500)	(26,879)	26,979	(26,432)	3,871	1,066	(21,396)

Appendix C(ii)

Portfolio & Scheme	Slippage £000	Additions £000	Reductions £000	Advanced Works £000	2016/17 Changes Requested
Adult Social Care					
Accommodation for Vulnerable People	-	607	(607)	-	-
Extra Care Planning	-	-	(28)	28	-
	-	607	(635)	28	(0)
Infrastructure and Highways & Transport Delivery					
Colchester ITP (Borough wide)	(1,050)	2,400	-	-	1,350
Local Highways Panels	-	1,536	-	-	1,536
Advanced Scheme Design	-	1,990	(4,290)	-	(2,300)
Economic Growth Transport	-	-	(5,400)	-	(5,400)
HEZ & A414 Pinch Point Delivery Package one	(2,808)	733	(7,841)	-	(9,916)
HEZ & A414 Pinch Point Delivery Package two	(6,430)	7,841	-	-	1,411
South Essex LSTF	-	500	-	-	500
Chelmsford North Eastern Bypass	(562)	-	-	-	(562)
Chelmsford Station (Station Square/Mill Yard)	(1,025)	2,500	-	-	1,475
Basildon Integrated Transport Package	(905)	-	-	-	(905)
Chelmsford Growth Area	(500)	-	-	-	(500)
M11 Junction 7a	-	2,300	-	-	2,300
Jaywick Road Investment	-	-	(754)	-	(754)
Other Schemes	(847)	328	(456)	-	(974)
	(14,128)	20,128	(18,741)	-	(12,740)
Deputy Leader, Economic Growth and Partnerships					
Economic Growth Fund	-	-	(353)	-	(353)
Skills Economic Growth	-	-	-	50	50
Other	-	-	-	-	-
	-	-	(353)	50	(303)
Education and Lifelong Learning					
Basildon Primary Basic Need	(1,732)	2,213	(2,041)	-	(1,560)
Braintree Primary Basic Need	(65)	559	-	-	493
Brentwood Primary Basic Need	(664)	-	(95)	-	(759)
Chelmsford Primary Basic Need	(749)	39	-	-	(710)
Chelmsford Secondary Basic Need	(85)	-	(830)	-	(914)
Glenwood Special School	(1,199)	66	(66)	-	(1,199)
Harlow Secondary Basic Need	(1,248)	-	-	-	(1,248)
Early Years	(1,163)	-	-	-	(1,163)
Other School Schemes (People Comms)	-	-	(716)	-	(716)
Other School Schemes	(835)	35	(322)	-	(1,123)
Special Schools	(2,445)	572	(620)	-	(2,493)
Colchester Secondary Basic Need	(558)	11	-	-	(546)
Capitalised Maintenance 16/17	-	270	-	1,500	1,770
Other	(1,126)	1,324	(129)	-	70
	(11,870)	5,090	(4,820)	1,500	(10,100)
Environment and Waste					
Community Initiatives	-	409	-	-	409
Shrub End Redevelopment	(650)	-	-	-	(650)
	(650)	409	-	-	(241)
Finance, Housing & Planning					
Norton Road	-	93	-	-	93
Essex Housing Programme	-	-	(93)	93	-
	-	93	(93)	93	93
Leader					
Capitalised Building Maintenance	-	144	-	2,200	2,344
County Hall Transformation II	-	-	(100)	-	(100)
Property Transformation III	-	-	(300)	-	(300)
Chelmsford Families	-	400	-	-	400
Essex Cares Ltd - IS	-	-	(1,042)	-	(1,042)
Essex Cares Ltd - IS - LAGAN	-	-	(160)	-	(160)
	-	544	(1,602)	2,200	1,142
ECC Capital Programme	(26,647)	26,871	(26,243)	3,871	(22,149)
Schools Balances & DFC	(232)	109	(190)	-	(313)
	(232)	109	(190)	-	(313)
Total School Balances	(232)	109	(190)	-	(313)
Total Capital Programme	(26,879)	26,980	(26,434)	3,871	(22,461)

Agenda Item 7**Forward Plan reference number: FP/445//03/16**

Report title: Procurement of an Independent Living Developer Provider Framework	
Report to: Cabinet	
Report author: Report by Dave Hill – Executive Director for People Commissioning	
Date: 19 July 2016	For: Decision
Enquiries to: Gary Heathcote – Head of Commissioning gary.heathcote@essex.gov.uk	
County Divisions affected: All Essex	

1. Purpose of report

- 1.1 To seek Cabinet approval to establish a multi-provider framework to enable delivery of new independent living schemes.

2. Recommendations

- 2.1. To agree to procure a 7-year Council-led Framework Agreement for the provision of developer provider services for new Independent Living Schemes being delivered on land owned by and/or made available to a public sector organisation.
- 2.2. To note that Essex County Council is not obliged to procure schemes through the framework, and that the Council has the right to terminate any contract with a provider should delivery not be met.
- 2.3. To agree to procure the Framework Agreement using the restricted procedure.
- 2.4. To agree that the high level evaluation criteria are to be:
(a) 50:50 ratio for price and quality for the appointment to the framework; and
(b) 70:30 (price/quality) on the call off of individual schemes.
- 2.4 To delegate authority to the Executive Director of People Commissioning to finalise the detailed evaluation criteria.
- 2.5 To agree that the Executive Director of People Commissioning may award the framework to the successful bidders.

3. Background and proposal

- 3.1. Independent living schemes enable people to live more independently and they also allow the Council provide care at a lower cost. This is because residents either pay their own rent or can claim their rent as local housing allowance.
- 3.2. Independent living schemes are constructed to be suitable for people with social care needs; residents receive homecare services. Care services may be arranged:
 - By a care provider arranged by the landlord;
 - By residents making their own arrangements (using a personal budget or direct payment if they are eligible); or
 - By the Council commissioning care itself.
- 3.3. However, currently there is a gap in provision of Independent Living across Essex. There are not sufficient numbers of Independent Living units to take pressure from residential care placements.
- 3.4. There are currently around 5,000 individuals aged 55+ on the social care register who have a care need between 4–16 hours per week (which is often used as a qualifying criterion for existing extra care accommodation). Around 40% of these individuals have been assessed to be inappropriately placed into residential care due to a shortage of extra care accommodation across the county.
- 3.5. Therefore it is proposed that the Council should develop 2,500 Independent Living units that are available as either social/affordable rented units or ownership units. This target will need to be refined as the programme progresses, but is expected to be delivered over the next 5-7 years.
- 3.6. Around 700 units are already in operation or already in development through the existing ECC grant support scheme, meaning that the Council now needs to facilitate the provision of a further 1800 units.
- 3.7. Given that without incentives, housing developers have not developed independent living accommodation, the Council needs to invest in the development of such schemes.

Proposal

- 3.8. Delivery of independent living schemes requires the provision of an initial subsidy. The Council has a number of options for the delivery of independent living schemes:
 - ECC can build schemes itself and either sell the development to a provider or retain ownership of development.
 - Joint venture partnerships with providers.
 - Holding an open competitive procurement of a provider on a scheme by scheme basis

- Have a framework agreement with one or more providers so that the council can commission a provider to build a number of units of independent living accommodation in a particular locality.
 - Disposal of land on terms which require the construction of an independent living scheme
 - Creation of a charity or social trust to deliver accommodation.
- 3.9. The preferred option is to set up a multi-provider framework because:
- ECC does not have a large number of suitable sites to use for Independent Living or any directly employed care workers and an asset backed vehicles or other joint venture model was not appropriate.
 - That approximately 900 units, 15 schemes of 60 units, needed to be delivered over five years therefore it was not appropriate to conduct individual tender exercises for each scheme.
 - ECC does not have experience in managing dwellings and the operational / maintenance elements of completed schemes is best left to others.
 - Requirements of the Care Act 2014 meant that ECC needs to facilitate increased use of direct payments and ECC needs to move away from awarding bulk care contracts.
 - A framework will significantly reduce the cost of procurement.
 - Multi-supplier frameworks maintain competitive tension.
 - Developer provider frameworks are being managed by other Councils to successfully deliver independent living and the proposed framework draws upon the experience of these councils to create an attractive and effective framework.
- 3.10. Whilst there is no guaranteed volume of work to be let to contractors under a Framework Contract, current expectations are that the Council will be likely to award approximately 2 contracts per year for the 7 year duration of the Framework Agreement.
- 3.11. Established benchmarks of programme delivery, cost of care and customer satisfaction will be used as a basis for ongoing performance targets included in the contract.
- 3.12. The Council's high level evaluation ratio for mini-tender when the framework is in operation is 70:30 price to quality.
- 3.13. In some cases public sector land will be brought forward for independent living schemes. The purpose of the developer provider framework is to allow the speedy procurement of a developer who can build independent living schemes on public land. They would take ownership of the land and enter into a nomination agreement with the Council having nomination rights for 70 years.
- 3.14. The provider will be required to provide care to residents, although residents would usually be eligible to receive direct payments which they would be entitled to spend on care from any provider.

- 3.15. In practice residents would be likely to purchase care from the on-site provider if that care is provided to a good standard, with the Council ensuring that rents and care costs were affordable. The framework will prescribe the terms of any funding, fixed charges, indexed increases.
- 3.16. It is understood that the definition of “Affordable Rent” will change over the 70-year period. The Nominations Agreement will therefore contain a “Boiler Plate” clause triggering a discussion in the event there is a proposed change in law or policy which may affect a resident’s ability to pay the rent and service charges.
- 3.17. Independent Living rented units are only viable if the full rent is recoverable from housing benefit and the costs charged are reasonable. The Council has worked with Districts to agree a consistent approach to evaluating the costs for independent living schemes.

Timescale

- 3.18. The procurement timetable would see the framework awarded in late 2016 or early 2017.

4. Policy context and Outcomes Framework

- 4.1. A Vision for Essex 2013-2017 sets out the Cabinet’s vision and priorities for the next four years and this will inform the development of a revised corporate strategy designed to:
- increase educational achievement and enhance skills
 - develop and maintain the infrastructure that enables our residents to travel and our businesses to grow
 - support employment and entrepreneurship across our economy
 - improve public health and wellbeing across Essex
 - safeguard vulnerable people of all ages
 - keep our communities safe and build community resilience and
 - respect Essex’s environment.
- 4.2 The vision for Essex is based on the following principles
- We will spend taxpayers’ money wisely
 - Our focus will be on what works best, not who does it
 - We will put residents at the heart of the decisions we make
 - We will empower communities to help themselves
 - We will reduce dependency
 - We will work in partnership and
 - We will continue to be open and transparent.
- 4.3 The Council’s Outcomes Framework was adopted in February 2014 - a statement of seven outcomes that set out its ambition based on its Vision for Essex 2013-17 (outlined above). The Commissioning Strategies provide a focus for the Council and partners in targeting resources and shaping service delivery.

- 4.4 The Independent Living Programme supports meeting the following objectives identified in Whole Essex outcome 'People in Essex live independently and exercise control over their own lives:'
- Decrease use of residential care (numbers and spend).
 - Decrease the number of people who move directly into residential care following a hospital admission.
 - Increase the proportion of people living in their home.
 - Increase the number of people who are appropriately supported to regain their independence following a hospital admission.
 - Manage demand for social care better, diverting where possible away from formal care to other community-based resources.
 - More older people are able to continue to access informal care and support within their local communities.
 - Increase in the number of people who die in their usual place of residence.
 - Increase in the number of people who feel involved in planning end of life care.
 - Decrease in the number of people who have end of life care in hospital.

5. Financial Implications

- 5.1. Financial analysis has confirmed that Independent Living is significantly less expensive in terms of social care provision than residential care, as well as offering clients a range of quality of life benefits. When complete, the programme will deliver an on-going annual net revenue saving of £4.0m. The net revenue savings figure is derived by factoring in the annual staff cost and cost of borrowing.
- 5.2. The ability to ensure ongoing value for money for the Council will be enabled through the due diligence during the evaluation of bids from interested suppliers.
- 5.3. The capacity and capability on the client-side to procure, mobilise and manage the contract is already in place.
- 5.4. There is a cost associated with establishing the Framework. Staffing and consultancy resource costs of £50,000 will be incurred. These are already budgeted for in the 2016/17 financial year.
- 5.5. Ongoing costs during the lifetime of the Framework are limited to Framework contract management which will be undertaken by the Independent Living programme team

6. Legal Implications

- 6.1. It is proposed that the Council procure and let a 7 year Framework Contract. Regulation 33(3) of the Public Contracts Regulations 2015 states that framework agreements may last no more than 4 years 'save in exceptional cases duly justified'. A 7 year framework is therefore only lawful if it is exceptional and duly justified. In this case this is a framework for the development and provision of buildings. Each scheme will take several years to plan and develop, thus undermining the benefit of the framework.
- 6.2. The number of call-offs from the framework is likely to be relatively low given that each call off will be for a significant construction contract. There is no case law on what constitutes 'exceptional' but this is certainly an unusual framework and it is certainly very arguable that these are exceptional circumstances. After four years the Council will need to review to see whether the framework can still be considered exceptional and whether it remains safe to use it beyond 4 years.
- 6.3. Due to the size of the potential market, it is considered that the restricted procedure is the most suitable procurement route to take for the procurement of a Framework Agreement and the high level evaluation criteria are set out in paragraph 2 of this report.
- 6.4. There will be "Long Stop Date" clauses within the contractual documentation to ensure that applications for planning permission and building on site commence in accordance with an agreed timetable and the implementation of financial penalty clauses if the timescales are not adhered to.
- 6.5. Each call-off contract will be on the basis of a standard contract and nominations agreement to be created by ELS and issued with the invitation to tender. The terms will require:
 - ECC to have nomination rights for 70 years
 - The accommodation is to be available for 70 years
 - The rents for units receiving a capital subsidy from ECC are to be initially agreed and then indexed.
 - The provider to ensure that there is a care provider available whom residents may use but are not required to use.
 - There will be "claw back" provisions in the Agreement setting out how grant monies will be repaid in the event of a breach
 - The agreement will include a mechanism setting out how the "Nominations and Allocations Panel" will allocate accommodation to potential residents and whether their care need will be high medium or low
 - A mechanism within the Agreement which allows ECC to regulate care charges to ensure that care remains affordable for people whose care is funded by ECC.
- 6.6. The key risks around delivery of accommodation in this way are:
 - The risk of housing benefit changes making the scheme financially unviable. Unfortunately there is no way of mitigating this risk. It may

be thought that the government would not risk making such important accommodation unviable but there are no guarantees.

- The risk of the scheme being treated as a care home. The Care Standards Act 2000 defines a care home a place where accommodation is provided together with care. If accommodation is a care home then it is required to meet the Care Quality Commission standards and no housing benefit can be paid. This type of accommodation is provided around the UK and the CQC show no inclination to register it as a care home. This risk is currently assessed as low.
- The risk of provider failure - the council is making a contribution to the cost of accommodation in which it retains no interest. If the provider fails then its investment would be lost. It is important to have grant contractual conditions which seek to ensure a repayment of the grant if the accommodation is not available for the long term. However, grant conditions will only be enforceable if the recipient has the resources to repay.

- 6.7. If the Council or partner local authorities are donating land to the project consideration will need to be given as to whether is done through the grant of a long lease i.e. between 70 to 125 years or through disposal of the freehold title. If the latter then it is suggested that the interest is protected by way of a Legal Charge on the land repayable if it ceases to be used for Independent Living Schemes together with overage clauses allowing the Council and partner local authorities to benefit from any increase in land value in the event that it is sold on. As an extra measure a restrictive covenant will be placed on the land stipulating that it will only be used for the provision of Independent Living Schemes.

7. Staffing and other resource implications

- 7.1. New costs are detailed in section 5 of this report.

8. Equality and Diversity implications

- 8.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 8.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

9. List of Appendices

- 9.1. Equality Impact Assessment

10. List of Background Papers

None

Agenda Item 8**Forward Plan reference number:** FP/951/01/15

Report title: Surplus Property Disposal – the sale of the former Epping St John's Junior & Primary School, St Johns Road, Epping , CM16 5DN to Epping Forest District Council	
Report to: Cabinet	
Report author: Report by Mark Hobson – Director for Corporate Operations	
Date: 19 July 2016	For: Decision
Enquiries to: Simon Hughes – EPF, Corporate Services- 07809 314951 Email - simon.hughes@essex.gov.uk	
County Divisions affected: Epping and Theydon Bois	

NOT FOR PUBLICATION

This report contains a confidential appendix listed in Part II of the agenda which is exempt from publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Purpose of report

- 1.1. The purpose of the report is to declare the following property surplus to requirements and provide authority for the disposal: The former Epping St John's Junior & Primary School, St Johns Road, Epping, CM16 5DN ('the Property').
- 1.2. The report summarises the legal, financial and any other key implications.

2. Recommendations

- 2.1. Agree to authorise the Director of Corporate Operations to dispose of the freehold of the Property to Epping Forest District Council at a figure not less than the price shown in the attached confidential appendix, on terms and conditions to be agreed by the Director of Corporate Operations subject to the Secretary of State confirming consent for the disposal at an undervalue.

3. Summary of issue

- 3.1. The former Epping Junior School and adjacent Adult Education and Youth Centre, known locally as Centre Point, in St. John's Road Epping are owned by the Council and vacant and boarded. The site was vacated in April 2010 when the new Epping Primary School was completed. The site has been declared surplus to service requirements and the necessary approvals have been obtained from the DfE for a disposal to take place.
- 3.2. The site is close to Epping Town Centre and offers a significant regeneration opportunity, particularly as it adjoins a depot owned by Epping Forest District Council (EFDC) and Epping town hall, owned by Epping Town Council (ETC).

- 3.3. ECC committed to work collaboratively with EFDC as Local Planning Authority toward the approval of a Development Brief for the St. John's Road Area. This has been a lengthy process but the Development Brief was finally approved by EFDC at their Cabinet on 10 September 2012 and was referred to their Full Council on 27 September 2012 for adoption as non-statutory planning guidance. The Development Brief has the status of a material planning consideration in the assessment of any future planning applications for the sites.
- 3.4. The ECC disposal strategy has been for the site to be taken to the market on the basis of the Development Brief as a first phase of the regeneration of the area. ECC has committed to a joint marketing of the site.
- 3.5. The premises are deteriorating, with on-going problems of lead theft, other vandalism and flooding of the boiler room. Holding costs continue in the order of £100k p.a.

Development Brief

- 3.6. The Development Brief promotes the ECC site and adjacent property for redevelopment for mixed use development including residential, retail and leisure as uses in isolation or on a mixed use basis. In planning and economic terms the local planning authority's preference is for a mixed use scheme that – amongst other things - provides for a variety of commercial and residential uses as a stimulus for an improved town centre offering. Whilst other uses in isolation, i.e. residential or the part development of sites, may be appropriate in local and national planning policy terms, they are not the EFDC preferred approach.
- 3.7. The disposal and redevelopment of the whole, combined site would necessitate the relocation of ETC from the existing town hall into alternative accommodation. The current town hall premises are understood to be an expensive overhead that the ETC would wish to reduce. The EFDC depot facility which has potential to allow access to the High Street would also be vacated.
- 3.8. The combined site comprises approximately 3.72 acres in total (2.59 acres of which comprises the ECC land) and has been jointly marketed.

Joint Marketing of the site

- 3.9. Joint marketing commenced in June 2013 with a deadline for expressions of interest set for 30 Aug 2013 with a view to establishing the level of interest, potential uses and indicative values. The site was offered as a whole or a combination of plots.
- 3.10. In general terms all but one of the offers were submitted on a fully conditional basis subject to contract, planning and due diligence on the property. The notable proposals were;
- 3 offers received on the basis of mixed use retail, leisure and residential use;

- 11 offers received on the whole for residential use. The higher offers anticipated a high density residential scheme which may not be practically deliverable;
- 7 offers received, for residential or similar uses;
- Notably ECC also received offers on part of the ECC holding (two plots of 2.05 and 0.54 acres respectively);
- Various other offers were also received on alternative plot configurations but these are not likely to achieve better value for ECC's assets.

Epping Forest District Council

- 3.11. The preferred offer from the perspective of EFDC was for a proposal from Frontier Developments, as it met:
- their regeneration aims
 - the findings of the public consultation about the site.
- 3.12. The general proposal from Frontier Developments is anchored by a Waitrose food store of 20,000 sq ft gross, a cinema of 10,000 sq ft, restaurants of 15,000 sq ft, hotel 20,000 sq ft, 35 residential units, together with 200 car parking spaces, all constructed on a multi storey format with main access off the High Street and service access off St Johns Road.
- 3.13. The indicative programme is 12 months for acquisition and planning application, 12 months planning approval and 18-24 months on site construction. Overall this is a 4 year programme. Potential sale receipts would be expected in 24 months.
- 3.14. Our agents, Lambert Smith Hampton (LSH), have raised queries on the appraisal provided by Frontier around:
- Income and sales assumptions,
 - Cost assumptions,
 - Planning proposal,
 - Highways proposals.
- 3.15. EFDC have sought further information from Frontier and are content that these issues can all be addressed through the normal planning / design processes.

Epping Town Council

- 3.16. At the time of marketing the Town Council were not committed to a disposal of their site as part of a whole site redevelopment proposal. However, the inclusion of the ETC site is key to the viability of a mixed use proposal.

- 3.17. ETC has subsequently engaged consultants to give them valuation and development advice. ETC decided at a meeting on 14th January 2014 they wish to proceed with a bid from Frontier.
- 3.18. The Frontier proposal provides ETC with the opportunity to discharge a current mortgage liability together with securing replacement office space to their specification and at no cost.

Essex County Council

- 3.19. Section 123 of the Local Government Act 1972 requires ECC to secure 'the best consideration that can reasonably be obtained' or seek consent for the disposal. The commercial value of the disposal is a central consideration in deciding what 'best consideration' is, taking into account relevant policies in place and any professional advice given. However, general consents issued by the Secretary of State for Communities and Local Government permit many disposals at undervalue in the interests of the economic, social or environmental wellbeing of the residents of Essex.
- 3.20. Essex County Council has received unconditional offers for the Property which substantially exceed the value that would be payable to ECC under the Frontier proposal.
- 3.21. The higher offer was for a residential unit for older people. EFDC raised some potential planning concerns however these would have been addressed by the developer as part of the normal planning / development process.
- 3.22. Whilst ECC is supportive of the regenerative benefits of the Frontier Scheme, ECC felt that it would be inappropriate to take an under-value of this level and we would have required Secretary of State consent to do so.
- 3.23. ECC undertook a dialogue with EFDC, who were interested in acquiring the ECC land interests. The agreed approach was for EFDC to make a cash payment on exchange of contracts.

Best Consideration

- 3.24. A 'Red Book Valuation' of the Property undertaken in line with the definitions and standards in 'Valuation-professional standards January 2014', published by the Royal Institute of Chartered Surveyors was commissioned by ECC. The report, prepared by LSH in June 2015 advised that:
- In the event ECC were to remarket their land a conditional offer for the use of the site could be achieved
 - As a result LSH advised that the proposed terms of the disposal to EFDC were not at the best price reasonably obtainable. Their valuation is set out in the confidential Appendix.
- 3.25. ECC is only allowed to sell land at less than the market value with the consent of the Secretary of State.

Secretary of State Consent:

- 3.26. Secretary of State Consent was sought to dispose of the site, under Section 123 of the Local Government Act 1972.
- 3.27. Consent was received from the Secretary of State on 3 November 2015 to the proposal set out in the application.
- 3.28. In January 2016, as final negotiations were underway between ECC, EFDC and Frontier we received a further, higher, offer from a bidder who wished to develop a residential unit for older people. This is a conditional offer. This offer is well in excess of previous offers and has been made by a credible bidder.
- 3.29. A further higher acquisition price on an unconditional basis, has been agreed between EFDC and ECC in June 2016. However there remains an undervalue compared to the alternative offer.
- 3.30. Accordingly it has been decided to submit a further application to the Secretary of State for further consent in the light of the new offer. If the Secretary of State considers consent to be necessary and decides to refuse consent to dispose, ECC will not proceed with the sale and a further decision of the authority will be required in relation to the disposal of the site.

4. Options

Considerations:

- 4.1. ECC must weigh up the financial benefits of a larger capital receipt the wider community regeneration benefits and the opportunity to improve, against our wider obligations as a place shaper – particularly in respects of economic regeneration. However the key economic considerations are:
- 4.2. This site is effectively the last substantial development site within Epping town centre.
- 4.3. Whilst housing development is of course important, so are job numbers and ECC is looking to build and secure economic prosperity within the County.
- 4.4. The use of the site to bring in a new retail anchor is an important consideration. Epping town centre has fallen down the national list of successful town centres and for their Local Development Framework Epping Forest DC have identified the need for a major leisure anchor and a new retail anchor.
- 4.5. A new leisure and retail anchor would help to attract more shoppers to the town and will help to stimulate new business growth within the area, particularly for smaller retailers in the area.
- 4.6. Whilst there are some vacant units within Epping High Street, these units are not suitable to develop a supermarket or cinema/leisure complex.

- 4.7. Although Epping is a prosperous town, it is as important to secure our high performing areas, as much as regenerating the less well performing towns.
- 4.8. The proposal from Frontier also provides a number of wider community benefits:
- The Frontier scheme re-provides new and cheaper accommodation for the Town Council - consistent with the ECC policy objective of strengthening our communities. Town and Parish Councils play a key role in the community life of Essex residents
 - The scheme provides community facilities and open space - consistent with the ECC policy objective of strengthening our communities.
 - Essex County Council in working closely with Epping Forest District Council and Epping Town Council is showing how Local Government can work effectively in partnership. ECC was one of the Government's pathfinder authorities 'One Public Estate' programme. This is a good example of how Local Authorities can work together in partnership in asset management.
 - Public consultation has been undertaken on the use of this site by EFDC. The proposed scheme meets the aspirations of Epping residents.
- 4.9. Disposal to EFDC does not guarantee the delivery of the scheme but if the scheme is developed for a higher value scheme then ECC will be entitled to overage payments.
- 4.10. In summary, in progressing the transaction with EFDC ECC is delivering several wider economic and community benefits. The Cabinet will have to decide whether these outweigh the reduction in capital receipt. Although a larger capital receipt could be invested to deliver some of these benefits, it could not deliver a large retail /leisure scheme in Epping.

5. Issues for consideration

Financial implications:

- 5.1. In selling the land to EFDC, Essex County Council has secured a consideration which is less than the *potential* consideration from an alternative use outside of this wider scheme. However, it assists Essex County Council's wider obligations as a place shaper; particularly in respects of economic regeneration as detailed in Section 3 and 4 and removes the ongoing substantial maintenance costs of the existing building.
- 5.2. The proposed consideration is higher than the book value of the asset. The disposal is below market value which is explained and covered elsewhere in the report.
- 5.3. The estimated Capital Receipt is documented within the attached Confidential Appendix. ECC will be selling the Property for a particular purpose (a mixed

use commercial led scheme) with covenants in place to secure ECC's financial position if a different purpose was subsequently implemented.

- 5.4. The capital receipt will contribute to the Property Transformation target for 2016/17.
- 5.5. The costs of disposals will be met from existing specific budgeted resources earmarked for Capital disposal activity.

Legal implications:

- 5.6. As stated above, the Council is obliged to obtain the best consideration reasonably obtainable on the disposal of its own property unless the Secretary of State consents to the disposal or the disposal falls within the terms of the disposal consents issued under the Local Government Act 1972. As outlined in this report there is an undervalue and the Secretary of State's consent is being sought.
- 5.7. Covenants and clawback provisions will be imposed on the Epping St John's site that restrict the quantum and type of development, as well as provide an opportunity for ECC to recover additional Capital receipts in the event of further development.
- 5.8. As ECC will be selling the Property for a particular purpose (a mixed use commercial led scheme) covenants will be put in place to secure ECC's financial position if EFDC (or any future owner) was to seek planning permission for a different purpose for a use of higher value.
- 5.9. There are no state aid issues for ECC since the site will be transferred to another local authority.

Policy context and Outcomes Framework:

- 5.10. The proposals in this report align with the following aims and principles in A Vision for Essex 2013 -17
- 5.11. The Capital Receipt will reduce the Council's borrowing, and support the Capital Programme to achieve the County's commitments above; specifically spending taxpayers' money wisely.
- 5.12. It will also help to deliver 'Support employment and entrepreneurship across our economy' by helping to secure the position of a key town centre.
- 5.13. It will also help to deliver 'Improve public health and well-being across Essex' by providing high quality supported housing.
- 5.14. It will also help to deliver 'Keep our communities safe and build community resilience' through the provision of community facilities.
- 5.15. The Transformation Property Strategy has aims that are consistent with the Essex Vision: "we want to build a new partnership with public bodies, Essex citizens, private businesses, civil society and local communities: a partnership

based on Essex's long-term interests and on our shared responsibility for improving local quality of life".

6. Equality and Diversity implications

- 6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful.
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
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- 6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

7. List of appendices:

- 7.1. A confidential appendix setting out the detail of the transaction is attached.
- 7.2 Equality Impact Assessment

8. List of Background papers

None

Agenda Item 9**Forward Plan reference number:** FP/545/06/16

Report title: Decisions taken by or in consultation with Cabinet Members	
Report to: Cabinet	
Report author: Secretary to the Cabinet	
Date: 19 July 2016	For: Information
Enquiries to: Judith Dignum, Committee Services Manager – 033301 34579/ Judith.dignum@essex.gov.uk	
County Divisions affected: All Essex	

The following decisions have been taken by or in consultation with Cabinet Members since the last meeting of the Cabinet:

Leader of the Council

FP/537/06/16 Approval by Shareholder of the appointment of Joseph Terence Coogan as Director of Operations of Essex Cares Limited and the creation of the Audit Committee

FP/389/01/16* Purchase of 57 Provision of Accommodation for Vulnerable People in Maldon Rd, Tiptree

Deputy Leader & Cabinet Member for Economic Growth and Partnerships**Cabinet Member for Adults and Children****Cabinet Member for Corporate, Communities and Customers****Cabinet Member for Education and Lifelong Learning**

FP/541/06/16 Appointment of School Governors by Essex LA Schedule 409

FP/387/01/16* Decision whether to fund expansion of Northwick Park Primary School, Canvey island by one form of entry from September 2017

FP/546/07/16 Appointment of School Governors by Essex LA Schedule 410

FP/547/07/16 Re-Appointment of School Governors to Represent the LA Schedule 276

Cabinet Member for Environment and Waste

Cabinet Member for Finance, Housing and Planning

FP/538/06/17	Norton Road, Brentwood – Proposed Housing Development
FP/470/04/16*	Memorandum of Co-operation: Collaboration on Strategic Properties in North and Central Essex
FP/511/05/16	ECC response to the Castle Point Borough Council New Local Plan (Pre-Submission consultation, May 2016)

Cabinet Member for Health

Cabinet Member for Highways and Transport

FP/536/06/16	Proposed No Waiting at Any Time on B173 Manor Road, Chigwell
FP/542/06/16	Local Highway Panel Scheme Approval – Epping Forest
FP/543/07/16	Local Highway Panel Scheme Approval – Harlow
FP/544/07/16	Local Highway Panel Scheme Approval – Uttlesford
FP/545/07/16	Local Highway Panel Scheme Approval – Maldon
FP/295/11/15*	Rights of Way Charges for Services in relation to Highways Act 1980 and Commons Act 2006

Cabinet Member for Infrastructure

Cabinet Member for Transport, Planning and the Environment

Cabinet Member for Corporate Services

*** Key Decisions**