

MINUTES OF A MEETING OF THE CABINET HELD AT COUNTY HALL, CHELMSFORD, AT 10.00AM ON 19 JULY 2016

Present:

Councillors	Cabinet Member responsibility
K Bentley	Deputy Leader and Economic Growth and Partnerships (in the Chair)
R Bass	Infrastructure
G Butland	Health
R Gooding	Education and Lifelong Learning
D Madden	Adults and Children
S Walsh	Environment and Waste

Councillors F Ferguson, A Hedley, I Henderson, Mrs T Higgins, R Howard, M Mackrory, M Maddocks and J Whitehouse also attended.

1. Apologies for Absence

Apologies were received from Councillors David Finch (Leader of the Council), Anne Brown (Cabinet Member for Corporate, Communities and Customers), Eddie Johnson (Cabinet Member for Highways and Transport) and John Spence (Cabinet Member for Finance, Housing and Planning).

In response to a question by Councillor Henderson, the Chairman undertook to verify the position with regard to deputies to Cabinet Members attending meetings when a Cabinet Member was unavailable. He advised that the usual practice at present was for the Chairman (usually the Leader of the Council or himself) to lead on any reports in the name of the Cabinet Member concerned.

2. Minutes

The minutes of the meeting held on 21 June 2016 were agreed as a correct record and signed by the Chairman.

3. Declarations of Interest

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

Councillor J Whitehouse declared interests as set out below in agenda item 8 (Surplus Property Disposal – sale of the former Epping St John's Junior and Primary School), minute 8 below refers.

Type of Interest

Pecuniary, for which he has been granted a dispensation

Nature of Interest

County Councillor representing Epping and Theydon Bois electoral division, in which the site is situated.

Pecuniary, for which he has been granted a dispensation	Elected Member of Epping Forest District Council, which is the local planning authority
Code	Elected Member of Epping Town Council
Code	Resident of St John's Road, Epping, in which the site is situated

4. Public Questions

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

5. Chief Executive's 100 Day Report

The Cabinet considered report FP/545/06/16 by the Chief Executive which set out his thoughts on the issues he had identified in his first 100 Days that the organisation needed to address. The 100 Days report was attached as an appendix. The report was based on the Chief Executive's observations of the strengths and weaknesses of the Council as he had experienced them and as they had been relayed to him by employees and partners; it explained the work he had set in motion to address these; and it described 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 being faced are unlike any that had been faced in the past. In the light of its many strengths, great officers and ambitious Members; despite the challenging circumstances faced by all public services, the Chief Executive was confident that Essex was well-positioned not only to weather them but to thrive.

At the invitation of the Chairman, the Chief Executive presented the report, highlighting the key areas.

The following points arose from Members' consideration of the report:

- Members welcomed the report, commenting on the value of a fresh view of the Council's activities and ways of working.
- It was agreed that the recommendation should be amended to make it clear that the 100 Days Report would be shared with all Members of the Council. The Chairman confirmed that, implicit in any decision by the Cabinet to approve the recommendation would be an endorsement of the report as a whole.
- The Chief Executive confirmed that there were no plans to reconsider the seaxes as part of the Council's branding.
- There was already evidence of successful partnership working with the District, City and Borough Councils and the NHS, and relationships had become closer and more effective in recent times. The Chief Executive would continue to encourage and promote increased collaborative

working. Councillor Henderson expressed his support for the reference within the report that collaboration should also include service users.

- The Chief Executive stated that he was keen for scrutiny to be systematic and as effective as it could be, and he had met with the Scrutiny Committee Chairmen to consider how this could be achieved.
- In the light of the decision by certain secondary schools to opt out of purchasing the Council's payroll service, Councillor Mackrory commented on the importance of maintaining existing income streams as well as developing new ones. The Chief Executive undertook to reply to Councillor Mackrory outside of the meeting providing further information on the situation and the likely impact of the decision on the service concerned. He also emphasised that, by continuing to deliver effective services which add value, the Council's aim should be to become the 'partner of choice'.
- The Chairman expressed the view that the percentage of staff indicating that they are proud to work for the Council (64%) may have been adversely affected by the recent substantial amount of organisational change.
- Referring to the issue of financial sustainability, the Cabinet Member for Infrastructure emphasised the importance of having in place effective systems which could provide up-to-date information on the Council's gross expenditure and income.

Resolved:

That the 100 Days Report attached as an appendix to report EFA/545/06/16 be published and shared with all Members of the Council, employees and partner organisations.

6. 2016/17 Financial Overview as at the First Quarter Stage

The Cabinet considered report FP/420/02/16 by the Executive Director for Corporate and Customer Services and S151 Officer which set out the forecast position of the Council's revenue and capital budgets as at the first quarter of the 2016/17 financial year. A full-year forecast overspend on revenue of £6.3m and an overspend of £1.1m on capital, was reported, after proposed adjustments, and it was noted that plans to recover the revenue position were in development.

In introducing the report, the Chairman stated that the current position was very similar to that at the same stage in 2015/16 and there was no cause for concern. Adjustments and mitigations would be made throughout the year to ensure that expenditure remained within budget. This statement was endorsed by the Cabinet Member for Adults and Children, with particular reference to the overspend within Adult Social Care.

Cabinet Members provided the following information in response to Members' comments and questions:

- The Cabinet Member for Education and Lifelong Learning advised that the Early Years service described in paragraph 7.7 (I) of the report was entirely separate from that delivered via Children's Centres. The review of the process for awarding grants to pre-school providers had become necessary due to a number of pressures, including a lack of sufficient places to meet demand created by the extension of the entitlement to free childcare.
- The Cabinet Member for Adults and Children undertook to provide to Councillor Henderson, and also to publish, further information on the following issues:
 - The role of the Good Lives project (the broad aim of which was to promote and support independent living);
 - Actions planned to address the overspend on the Transitions Service (which concerned the transition of young people with additional needs from children's to adult services). The Cabinet Member was confident that a move to block contracting (as denoted by the phrase which appeared in paragraph 5.1.1 (II): 'reducing market price along with a number of volume related initiatives') would allow a break even position to be achieved by year end.
- The Cabinet Member for Adults and Children expressed confidence that ECL would be in a position to pay a dividend to ECC in the next financial year. He would welcome scrutiny involvement in ascertaining the causes for its inability to do so in 2016/17.
- The Cabinet Member for Adults and Children emphasised that the aim of the ongoing review of children's centres was to move towards delivery of a service 'without walls'. Any changes to existing provision would be based on the outcome of the consultation exercise.
- The Deputy Leader of the Council and Cabinet Member for Economic Growth and Partnerships confirmed that the Innovation Fund referred to in paragraph 2.3 (VI) was a new initiative.

Resolved:

That the following actions be approved:

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. 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)

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).

7. Digital Access to Agendas and Reports

During consideration of the above agenda item, Members highlighted a number of issues they had experienced regarding digital access to agendas and reports. The Chairman asked officers to investigate and take remedial action as required.

8. Procurement of an Independent Living Developer Provider Framework

The Cabinet considered report FP/445/03/16 by the Executive Director for People Commissioning which sought approval to establish a multi-provider framework to enable delivery of new independent living schemes.

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

- The proposed independent living units would not in any way resemble residential care homes and would be incorporated within developments of mainstream housing as part of the creation of mixed communities. An existing scheme in Chelmsford comprised 20 independent living units situated within a 90 unit development.
- The creation of a charity or social trust to deliver accommodation, as referred to in paragraph 3.8 of the report, had not been ruled out.

Resolved:

1. That a 7-year Council-led Framework Agreement be procured 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. That it be noted 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.
3. That the Framework Agreement be procured using the restricted procedure.
4. That the high level evaluation criteria be as set out below
 - (a) 50:50 ratio for price and quality for the appointment to the framework; and
 - (b) 70:30 (price/quality) of the call off of individual schemes.
5. That authority be delegated to the Executive Director for People Commissioning to finalise the detailed evaluation criteria.
6. That the Executive Director for People Commissioning may award the framework to the successful bidders.

9. Surplus Property Disposal – the sale of the former Epping St John’s Junior and Primary School

Councillor J Whitehouse declared Pecuniary and Code interests in this item – minute 3 above refers.

The Cabinet considered report FP/951/01/15 by the Director for Corporate Operations relating to the former Epping St John’s Junior and Primary School, St John’s Road, Epping, CM16 5DN. The report sought authority to declare the property surplus to requirements and dispose of it accordingly. Details of the legal, financial and other key implications were provided. An appendix to the report had been included in the confidential part of the agenda for the meeting, and the information contained therein was taken into consideration by the Cabinet in reaching its decision.

In response to questions raised by Councillor Whitehouse, the Chairman stated that everyone involved was keen to avoid further delay, and a clear outline of the process intended to bring matters to a conclusion was set out in the report. He agreed to ask for information to be provided to Councillor Whitehouse by the Leader of the Council and Councillor Anthony Jackson (the Leader’s Deputy with responsibility for Property and Project Assurance) regarding any lessons learned from the process to date. He also undertook to ensure that Councillor Whitehouse, as the local Member, received regular updates as to progress.

Resolved:

That authority be delegated to the Director for Corporate Operations to dispose of the freehold of the former Epping St John's Junior and Primary School, St John's Road, Epping to Epping Forest District Council at a figure not less than that included within the confidential appendix to report FP/951/01/15, 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.

10. Cabinet Decisions Report

The Cabinet received report FP/545/06/16 by the Secretary to the Cabinet setting out the decisions taken by or in consultation with Cabinet Members since the last meeting.

11. Date of Next Meeting

Members noted that the next meeting of the Cabinet would take place on Tuesday 20 September 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. Minutes: 21 June 2016 (Confidential Appendix)

(Public and press excluded)

The confidential appendix to the minutes of the meeting of the Cabinet held on 21 June 2016 was noted.

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

(Public and press excluded)

The Cabinet noted the confidential appendix to report FP/951/01/15 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 8 above refers).

The meeting closed at 10.55am.

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Chairman
20 September 2016