

Minutes of the Cabinet meeting held in the Council Chamber at County Hall at 10.15am on Tuesday 14 November 2023

Present:

Councillor	Cabinet Member Responsibility
Cllr Kevin Bentley	Leader of the Council
Cllr Tony Ball	Education Excellence, Lifelong Learning and Employability
Cllr Tom Cunningham	Highways Infrastructure and Sustainable Transport
Cllr Mark Durham	The Arts, Heritage and Culture
Cllr Beverley Egan	Children's Services and Early Years
Cllr Peter Schwier	Climate Czar, Environment, Waste Reduction and Recycling
Cllr Lee Scott	Planning a Growing Economy
Cllr John Spence	Adult Social Care, Health and ICS Integration
Cllr Chris Whitbread	The Chancellor of Essex

Cllrs Susan Barker, Lynette Bowers-Flint, Graham Butland, Alan Goggin, Carlo Guglielmi, Ivan Henderson, Derrick Louis, Mike Mackrory, Bob Massey, Mark Platt, Laureen Shaw, Clive Souter and Holly Whitbread were also present. Cllrs David King and Chris Pond attended remotely via Zoom.

1. Membership, Apologies, Substitutions and Declarations of Interest

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

1. Membership of the Cabinet was as set out in the report. Two Cabinet Members had exchanged responsibilities since the last meeting, as set out below:
 - Cllr Lee Scott was now Cabinet Member for Planning a Growing Economy.
 - Cllr Tom Cunningham was now Cabinet Member for Highways Infrastructure and Sustainable Transport.
2. Apologies for absence were received from Cllr Louise McKinlay, Deputy Leader and Cabinet Member for Levelling Up and the Economy. Gavin Jones, Chief Executive, had also sent apologies and was represented by Mark Ash, Executive Director, Climate, Environment and Customer.
3. There were no declarations of interest.

2. Minutes: 10 October 2023

The Minutes of the previous meeting, held on 10 October 2023, were approved as a correct record and signed by the Chairman.

3. Questions from the Public

None.

4. Extension of Residual Waste Framework Service Orders (FP/258/10/23)

This report was considered in conjunction with a confidential appendix – minute 13 below refers.

Cabinet's approval was sought for a 12-month extension to existing service orders for the disposal of residual waste that are due to expire on 31 March 2024. The extension is required to ensure ECC complies with its statutory duty to make disposal arrangements for residual waste collected by Borough, City and District Councils and from Recycling Centres in Essex.

The Climate Czar and Cabinet Member for Environment, Waste Reduction and Recycling responded to questions by Cllrs Mike Mackrory, Ivan Henderson and Chris Pond in relation to joint working with neighbouring authorities, the impact on landfill tax on Council finances, the level of confidence in the process and the efforts being made in respect of waste minimisation.

He also undertook to provide a written response to Cllrs Mackrory and Henderson regarding the unsuccessful tender processes in 2022 and 2023.

Resolved:

Agreed to extend the service orders awarded to Enovert South Limited and Veolia ES (UK) Limited for Lots 1,2 and 3 under the terms of the Residual Waste Framework (0538) for a period of 12 months from 1 April 2024 to 31 March 2025.

5. Annual Review of the Live at Home Framework 2023/24 and Pricing Increased for Domiciliary Care (FP/250/09/23)

Cabinet's approval was sought to increase the rates paid to domiciliary care providers on the Council's Live at Home Framework and for existing packages of domiciliary care purchased outside of this framework. These rate increases were in addition to those of up to 14.6% agreed by the Cabinet in February 2023, and were intended to help secure the workforce needed to develop ECC's longer-term strategy and drive further service improvements.

The Cabinet Member for Adult Social Care, Health and ICS Integration responded to questions by Cllrs Ivan Henderson and Mike Mackrory in respect of the adequacy of levels of government funding and the likelihood of this being increased, the level of confidence held that the Council was

meeting its obligations in providing domiciliary care, whether the increased capacity referenced in the report was within the public or private sector, the relationship between the rates quoted and the payments actually received by care staff, and contingencies should funding not be available in the future.

In response to a question from Cllr Mike Mackrory, he also undertook to ask officers to produce a list of areas currently affected by a lack of provision.

Resolved:

1. Agreed to open pricing submissions in the Live at Home Framework which will enable providers currently on the Framework to submit new prices for new care packages from the updated matrices in Appendix A to report FP/250/09/23, which will take effect from 31 March 2024 to 11 August 2023, representing an average of 6.5% increase in the rates.
2. Agreed to uplift existing packages of domiciliary care (excluding night sleep and 24-hour live-in care) with effect from 31 March 2024 so that:
 - (a) Packages provided under the Live at Home Framework are increased by £1.52 per hour, representing an average increase of 6.5%, and
 - (b) Packages not provided under the Live at Home Framework will be uplifted to the new minimum rate of £23.84 per hour if they are currently less than that.
3. Agreed that the Executive Director, Adult Social Care be authorised to agree the contractual changes required to the Live at Home Framework to reflect the outcome of the pricing submissions and the updated pricing matrices referred to in paragraph 2.1 of report FP/250/09/23, provided that the impact on budget remains within the thresholds set out in paragraphs 6.1.2 and 6.1.3 of that report.
4. Agreed that the Director, Procurement in consultation with the Executive Director, Adult Social Care, be authorised to agree:
 - (a) Which districts will be opened to competition to existing providers on the Live at Home Framework to give an opportunity to become a Tier 1 provider; and
 - (b) The Target Supply Areas, where, due to difficulty in sourcing care, existing providers can select a higher rate, provided that the impact on the budget remains within the thresholds set in paragraphs 6.1.2 and 6.1.3 of report FP/250/09/23.

6. Award of Care Technology Contracts for Adult Social Care (FP/532/10/22)

Cabinet's approval was sought to award new contracts for provision of a care technology service from a Framework Agreement with Millbrook Healthcare Ltd and Provide Community Interest Company for a period of four years.

The Cabinet Member for Adult Social Care, Health and ICS Integration responded to questions by Cllr David King in respect of how the satisfaction survey had been undertaken, the continuing importance of human contact and the operation of the triage system.

The Cabinet Member also pledged to provide further details in writing to Cllr Mike Mackrory as to how the savings of £24.7m set out in the report had been realised.

Resolved:

1. Agreed to award two four-year contracts (with options to extend for a further two years) from a Framework Agreement for Care Technology Services to:
 - Millbrook Healthcare Ltd for £20m.
 - Provide Community Interest Company (CIC) for £12.2m
2. Agreed to fund £32.2m from the existing Adult Social Care revenue budget for Care Technology, with any additional costs (e.g., through additional volume) funded through cost avoidance and benefits realisation.
3. Agreed that the Executive Director, Adult Social Care, be authorised to agree the final terms of the contracts in accordance with the terms of the Framework Agreement and the Procurement Regulations, including the Key Performance Indicators.
4. Agreed that the Executive Director, Adult Social Care, in consultation with the Council's Monitoring Officer, be authorised to agree a novation of the contract with Millbrook Healthcare Limited.

7. Harlow HiG – decision to award construction contract for Harlow Sustainable Transport Corridor (STC) North to Centre, Harlow and the acquisition of land by agreement land dedication (FP/257/09/23)

Cabinet's approval was sought to award a construction contract to Bouygues (UK) Limited for construction works for the Harlow North to Centre Sustainable Transport Corridor (STC), and to the acquisition of associated land required for delivery of the project.

The Cabinet Member for Highways Infrastructure and Sustainable Transport responded to questions by Cllr Mike Mackrory with regard to the level of risk

associated in the proposal and in particular how the assessment of risks in relation to inflation had been reconciled within the report.

He also undertook to provide a written response to Cllr Pond giving a breakdown of the anticipated usage of the STC by various modes of transport.

Resolved:

1. Agreed that the Director, Highways and Transport, in consultation with the Monitoring Officer, be authorised to award a Construction Contract to Bouygues (UK) Limited for construction works for the Harlow North to Centre Sustainable Travel Corridor, up to the budgeted value in the capital programme, where ECC has the right to construct works on the land and relevant land has been dedicated.
2. Agreed to enter into a conditional agreement with Mantle (Epping) Limited to acquire the land highlighted in Appendix 1 to report FP/257/09/23.
3. Agreed to enter into an agreement to dedicate the land owned by Harlow District Council as shown in Appendix 2 to report FP/257/09/23.
4. Agreed to enter into an agreement with Sainsbury's Supermarkets Ltd to dedicate as a highway the land owned as shown in Appendix 3 to report FP/257/09/23.
5. Agreed to enter into an agreement to enable construction to take place on land owned by Greater Anglia as shown in Appendix 4 to report FP/257/09/23.
6. Agreed to enter into Licence Agreements to allow enabling works to proceed on the land identified in Resolutions 2.2 to 2.5 above, as shown in Appendix 5 of report FP/257/09/23.
7. Agreed that the Director, Highways and Transport (or, if unavailable, the Director for Property, Investment and Delivery or Director for Sustainable Growth) be authorised, in consultation with the Monitoring Officer, to agree the final terms of the Agreements referred to in Resolutions 2.1 to 2.6 above.
8. Agreed to the profiling and financing of the Capital Programme as set out in paragraph 7.1.3 of report FP/257/09/23.

**8. Modernising Passenger Transport (Digitising Public Transport)
(FP/217/08/23)**

Cabinet's approval was sought to procure a travel planning and Digital Demand Responsive Transport (DDRT) platform to replace the current

TravelEssex app and enable the wider modernisation of passenger transport through improved customer service, network planning and information.

The Cabinet Member for Highways Infrastructure and Sustainable Transport responded to questions by Cllr Ivan Henderson in respect of the need to consider those people who may be subject to digital exclusion, the research undertaken to identify any gaps between bus routes and access to the opportunities presented by increasing skills related to digital connectivity, and the provision of real time information at bus stops.

Questions from Cllr David King in relation to the phasing of the project, the level of engagement obtained from sustainable transport providers and the next steps for Digigo services were also responded to, together with those from Cllrs Chris Pond and Mike Mackrory in connection with the technological support that the Council would provide to the app when operational, and the need for bus operators' websites to be fit for purpose particularly in respect of contact methods and the ability to make complaints.

Resolved:

1. Agreed in principle to the overall vision for the modernisation of Passenger Transport in a three-phase approach:
 - **Phase 1 (2024/25 – 2027/28):** Replace current app and enhance travel planning and Digital Demand Responsive Transport (DDRT) functionality to enable a national journey planner and underpin the digitalisation or other flexible transport service within Essex.
 - **Phase 2 (2027/8 – 2029/30):** Widen the digital offering to allow for the digitalisation of Adult Social Care (ASC) and Special Education Needs and Disability (SEND) transport services.
 - **Phase 3 (2029/30 – onwards):** Gradual digitalisation of mainstream home to school transport.
2. Noted that the investment required in phases 2 and 3 are subject to future affordability and further decisions supported by data from a feasibility pilot project and an assessment against the success measure set out in paragraph 3.20 of report FP/217/08/23.
3. Agreed to launch a competitive procurement for a contract for services which will include customisation, configuration of the platform and ongoing maintenance, to replace the TravelEssex app in March 2025, using the restricted procedure.
4. Agreed that the replacement will include a requirement to provide:

- (a) National travel planning and Digital Demand Responsive functionality, which enables the DigiGo service and supports the digitalisation of other similar flexible services.
 - (b) Payment processing services to enable in app and over the phone payments for DDRT services.
5. Agreed for the proposed duration of the contract to an initial term of three years with the option to extend for another four years in total using award criteria of 40% price and 60% quality (of which 5% will be for Social Value).
6. Agreed that the Executive Director for Climate, Environment and Customer may award the contract for the initial three-year period (2024/25 to 2027/28) provided that:
 - (a) No contract may be awarded if the contract is likely to cost more than £2.31m over three years; and
 - (b) No contract may be awarded unless the Executive Director considers that the outcome represents value for money for taxpayers and passengers.

9. ENCTS reimbursement payments to bus service operators 2024/2025 (FP/168/06/23)

The Cabinet's approval was sought on matters relating to payments by ECC to bus operators in 2024/25 under the Concessionary Fares scheme.

Resolved:

1. Agreed that for 2024/25 ECC will keep the same discretionary scheme elements (relating to times of pass availability and companion passes) as for 2023/24.
2. Agreed to authorise the publication of a draft reimbursement scheme for concessionary bus fares in 2024/25, based on the 2023/24 DfT Reimbursement Calculator and Guidance on or before 1 December 2023.
3. Agreed to authorise the Executive Director for Climate, Environment and Customer, in consultation with the Cabinet Member for Highways, Infrastructure and Sustainable Transport and the Section 151 Officer to negotiate with the operators to see if a scheme with bus operator can be agreed which is in the best interests of Essex Tax Payers, such negotiations to be within the legal and financial parameters set out in Option 2 within report FP/168/06/23) and taking into account (though not necessarily being bound by) any changes made to the DfT guidance and Reimbursement Calculator for 2024/25.

4. Agreed to authorise the Executive Director for Climate, Environment and Customer, in consultation with the Cabinet Member for Highways, Infrastructure and Sustainable Transport, the Chancellor or Essex and the Section 151 Officer to issue the final scheme on or before 1 March 2024 which will either be:
 - (a) A calculator-based scheme, or
 - (b) A scheme which is within the taxpayers' best interests, agreed with operators and within the legal and financial parameters set out within Option 2 of report FP/168/06//23)
5. Agreed that if the negotiations result in a recommended scheme which is not within the financial parameters set out within Option 2 then the decision to issue a final scheme will be made by the Cabinet or the Leader of the Council.

10. Decisions taken by or in consultation with Cabinet Members (FP/264/10/23)

The report was noted. In response to a question, the Monitoring Officer clarified that, in accordance with the Council's Constitution, decisions concerning the appointment of a person or persons to a specific role or roles were exempt from call-in.

11. Date of next meeting

Noted that the next meeting of the Cabinet would take place at 10.15am on Tuesday 19 December 2023 in the Council Chamber at County Hall, Chelmsford, CM1 1QH.

12. Urgent business

None.

Exclusion of the Press and Public

Resolved:

That the press and public be excluded from the meeting during consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information as specified in paragraph 3 of Schedule 12A of the Local Government Act 1972 – information relating to the financial or business affairs of any particular person).

13. Confidential Appendix: Extension of Residual Waste Framework Orders (FP/258/10/23)

The confidential appendix to report FP/258/10/23, to which minute 4, above, refers, was noted. The Chancellor Essex clarified that costs associated with Landfill Tax had been included in the figures cited in the final column of the table at paragraph 1.12 of the report.

14. Urgent Exempt Business

None.

There being no further business, the meeting closed at 11.25am.