



Essex County Council

Cabinet

10:15	Tuesday, 21 September 2021	Council Chamber County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

Emma Tombs, Democratic Services Manager

Telephone: 033303 22709

Email: democratic.services@essex.gov.uk

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1	Membership, apologies, substitutions and declarations of interest	5 - 5
2	Minutes: 29 July 2021	6 - 14
3	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 Democratic Services Officer.	
4	The Future of On-street Parking in Essex - Delegation of Civil Parking Enforcement (FP/106/07/21) The Equality Impact Assessment (EqIA) is available online - please scroll to bottom of page, below Meeting Documents	15 - 25

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| 5 | Award of Residual Waste Service Orders (FP/126/08/21)
The Equality Impact Assessment (EqIA) is available online - please scroll to bottom of page, below Meeting Documents | 26 - 31 |
| 6 | Walnut Tree Pupil Referral Unit (PRU) - new 80 place PRU on surplus land at new Paxman Academy, Colchester (FP/111/07/21) | 32 - 38 |
| 7 | Decisions taken by or in consultation with Cabinet Members (FP/110/07/21) | 39 - 41 |
| 8 | Date of Next Meeting
To note that the next meeting of the Cabinet will take place at 10.15am on Friday 15 October 2021 in the Council Chamber at County Hall, Chelmsford. | |
| 9 | 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)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

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|-----------|--|
| 10 | Confidential Appendix: Award of Residual Waste Service Orders (FP/126/08/21) <ul style="list-style-type: none"> • Information relating to the financial or business affairs of any particular person (including the authority holding that information); |
|-----------|--|

- 11 Confidential Appendix: Walnut Tree Pupil Referral Unit (PRU - new 80 place PRU on surplus land at new Paxman Academy, Colchester (FP/111/07/21)**
- Information relating to the financial or business affairs of any particular person (including the authority holding that information);
- 12 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.

Committee: Cabinet

Enquiries to: Emma Tombs, Democratic Services Manager
Emma.tombs@essex.gov.uk

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note:

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership
(Quorum: 3)

Portfolio

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

Minutes of a meeting of the Cabinet meeting that took place in the Essex Restaurant at County Hall on Thursday 29 July 2021

Present:

Councillor	Cabinet Member Responsibility
Councillor K Bentley	Leader of the Council (Chairman)
Councillor M Buckley	Waste Reduction and Recycling
Councillor G Butland	Devolution, Art, Heritage and Culture
Councillor B Egan	Children's Services and Early Years
Councillor L Wagland	Economic Renewal, Infrastructure and Planning
Councillor C Whitbread	Finance, Resources and Corporate Affairs
Councillor J Spence	Health and Adult Social Care

Councillors Pond (by remote link), Mackrory, Scordis, King, Durham, Schwier, Fleming, Massey, Platt and Barker were also present.

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

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

1. There had been no changes of membership since the last report.
2. Apologies were received from Councillor McKinlay, Deputy Leader and Cabinet Members for Community, Equality, Partnerships and Performance, Councillor Scott, Cabinet Member for Highways Maintenance and Sustainable Transport and Performance, Councillor Ball, Cabinet Member for Education Excellence, Skills and Training and Councillor Henderson, Leader of the Labour Group, for whom Councillor Scordis substituted.
3. There were no declarations of interest.

2. Minutes of Previous Meetings

The Minutes of the meeting held on 22 June 2021 were approved as a true record and signed by the Chairman, subject to the correction of a typographical error.

3. Questions from the public

Questions were received from a member of the public who was unable to attend the meeting in relation to Agenda item no.7. A response was provided by the Cabinet Member for Economic Renewal, Infrastructure and Planning and a more detailed response would subsequently be provided in writing.

4. **Acknowledgement of the Essex Climate Action Commission's Final Report 'Net Zero: Making Essex Carbon Neutral' (FP/088/06/21)**

The Cabinet received the final report of the Essex Climate Action Commission, entitled 'Net Zero: Making Essex Carbon Neutral'.

The Leader of the Council, the Cabinet Member for Economic Renewal, Infrastructure and Planning, the Cabinet Member for Waste Reduction and Recycling and Councillor Schwier, Climate Czar, responded to questions from Councillors Mackrory, Scordis and Pond. The questions related to the extent to which the Council had and would engage with central government to achieve the recommendations of the Climate Action Commission, how a modal shift away from car use would be encouraged, how the Commission's report aligned with the Essex Design Guide and how the use of public transport could be encouraged, particularly bus use. The need to set robust targets for residual waste and recycling, and the benefits of walkable town centres and school streets were also referenced.

Resolved:

1. To agree to accept and welcome the 'Net Zero: Making Essex Carbon Neutral' report from the Essex Climate Action Commission as at Appendix A.
2. To agree that a response to the Commission's Net Zero: Making Essex Carbon Neutral report is brought to the Cabinet meeting later in 2021.
3. To formally thank the Commission for their work in producing the final report.

5. **2021/22 Financial Overview as at the First Quarter Stage (FP/011/03/21)**

The Cabinet received a report set out the current forecast financial position of Essex County Council's (ECC) revenue and capital budgets as at the first quarter stage of the 2021/22 financial year.

The Cabinet Member for Finance, Resources and Corporate Affairs and the Cabinet Member for Waste Reduction and Recycling responded to questions from Councillors King and Scordis in relation to the expectations for potential settlement amounts connected to a resolution of a dispute and whether dialogue was taking place with central government about funding requirements in the event of another lockdown period becoming necessary.

A written answer would also be provided to Councillor King from the Cabinet Member for Education Excellence, Skills and Training in relation to the forecast overspend for Independent Schools.

Resolved:

1. To draw down funds from reserves as follows:
 - i. **£1.3m** from the Adults Digital Programme Reserve to the Adult Social Care and Health portfolio to fund projects within the digital programme (section 5.1.iv)
 - ii. **£1.2m** from the Insurance Reserve to the Finance, Resources and Corporate Affairs RSSS portfolio in respect of recovery of income relating to Highways claims, to meet ECC budget pressures in 2021/22 as planned in February budget setting (section 5.15.iii)
 - iii. **£3.7m** from the Covid Equalisation Reserve to the Adult Social Care and Health portfolio to support the COVID Resilience Fund (section 5.1.iv)
 - iv. **£2.5m** from the Covid Equalisation Reserve to the Community, Equality, Partnerships and Performance portfolio relating to: Essex Outdoors loss of income (**£2.4m**), additional staff required in Registrations (**£105,000**) and Coroner's inquest backlog (**£35,000**) (section 5.3.ii)
 - v. **£1.6m** from the Covid Equalisation Reserve to the Finance, Resources and Corporate Affairs RSSS relating to Delivery and Assurance (**£1.3m**), Transactional services staffing (**£150,000**), staffing re Entry Level Employment (**£149,000**), and People Operations (**£65,000**) (section 5.15.iii)
 - vi. **£1.4m** from the Covid Equalisation Reserve to the Community, Equality, Partnerships and Performance RSSS (**£1.3m**) and to the Finance, Resources and Corporate Affairs RSSS portfolio (**£87,000**) relating to Business Support (sections 5.13.iii & 5.15.iii)
 - vii. **£441,000** from the Covid Equalisation Reserve to the Highways Maintenance and Sustainable Transport portfolio to cover lost income within Park & Ride services due to the impact of COVID (section 5.9.iv)
 - viii. **£1.7m** from the Technology Solutions Reserve to the Finance, Resources and Corporate Affairs RSSS portfolio relating to the Social Care Platform Programme (section 5.15.iii)
 - ix. **£1.6m** from the Transformation Reserve to Children's Services and Early Years portfolio to support the 2021/22 budget (section 5.2.ii)
 - x. **£903,000** from the Transformation Reserve to the Adult Social Care and Health portfolio; to support the savings programme (**£843,000**) and for the Independent Living Programme (**£60,000**) (section 5.1.iv)
 - xi. **£654,000** from the Private Finance Initiatives (PFI) Equalisation Reserves to the Education Excellence, Skills and Training portfolio in relation to Debden PFI (**£389,000**) and Clacton secondary schools PFI (**£265,000**) (section 5.7.iii)
 - xii. **£584,000** from the Ambition Fund Reserve to the Community, Equality, Partnerships and Performance RSSS portfolio

- relating to the Just About Managing project to cover the costs associated with the Working Families Initiative (section 5.13.iii)
- xiii. **£220,000** from the Ambition Fund Reserve to the Adult Social Care and Health portfolio towards funding for Mental Health (section 5.1.iv)
 - xiv. **£187,000** from the Covid Equalisation Reserve to the Community, Equality, Partnerships and Performance RSSS (**£44,000**) and Leader RSSS portfolio (**£143,000**) to the Communications and Marketing team for pandemic related media campaigns (sections 5.13.iii & 5.16.ii).
 - xv. **£383,000** from the Transformation reserve to the Children's Services and Early Years portfolio to support the Divisional Based Intervention Team within the Children's Sustainability Programme (section 5.2.ii)
 - xvi. **£33,000** from the Transformation Reserve to the Finance, Resources and Corporate Affairs RSSS portfolio relating to Technology Services Portfolio project. This was previously approved (FP/387/03/19) but has time lapsed (section 5.15.iii)
 - xvii. **£28,000** from the Quadrennial Election Reserve to the Community, Equality, Partnerships and Performance portfolio relating to costs of the May 2021 elections (section 5.3.ii)
 - xviii. **£25,000** from the Collection Fund Risk Reserve to the Finance, Resources and Corporate Affairs RSSS portfolio to support analysis of the pandemic impact (section 5.15.iii).
 - xix. **£125,000** from the Covid Equalisation Reserve to the Children's Services and Early Years portfolio for the Family Innovation Fund Extra (section 5.2.ii)

2. To appropriate funds to reserves as follows:

- i. **£2.5m** to the Children's Transformation Reserve from the Children's Services and Early Years portfolio appropriating the Social Care Grant settlement to the reserve until it is required (section 5.2.ii)
- ii. **£2.3m** to the Waste Reserve from the Waste Reduction and Recycling portfolio due to a lower inflationary increase than budgeted (section 5.11.iii)
- iii. **£1.1m** to the Commercial Investment in Essex Places Reserve from the Finance, Resources and Corporate Affairs RSSS portfolio due to the receipt following the sale of Schools payroll (section 5.15.iii)
- iv. **£6,000** to the Community Initiatives Fund Reserve from Community, Equality, Partnerships and Performance portfolio following receipt of grant, which will be utilised before planned use of reserves (section 5.3.ii)
- v. **£314,000** to the Private Finance Initiatives (PFI) Equalisation Reserves from the Education Excellence, Skills and Training Portfolio in relation to Building Schools for the Future (section 5.7.iii)

- vi. **£150,000** to the Technology Solutions Reserve from the Finance, Resources and Corporate Affairs RSSS portfolio to support future years Technology programmes (section 5.15.iii)
3. To approve the following adjustments:
- i. Transfer the balance of funds relating to the Children's Sustainability programme, which are currently ringfenced in the Transformation reserve, to the Children's Transformation Reserve. The balance to be moved, after requests in this report, is **£3m**.
 - ii. Agree to fund all future requests to withdraw money from reserves against decisions previously taken with respect to providing additional funding to services for COVID related reasons from the COVID Equalisation reserve, rather than the reserve(s) originally agreed.
 - iii. Agreement is therefore sought that up to **£16.8m** which has not been drawn down but which was previously authorised to be drawn down from various sources (as set out in **Appendix E**) will now, if required, be drawn down from Covid Equalisation Reserve.
 - vi. Vire **£33,000** from the Community, Equality, Partnerships and Performance portfolio to Devolution, Art, Heritage and Culture Portfolio to fund an additional post in relation to Brexit within Trading Standards (sections 5.3.ii & 5.4.ii)
 - v. Vire **£40,000** from Community, Equality, Partnerships and Performance portfolio to Community, Equality, Partnerships and Performance RSSS portfolio to align delivery of a saving from Strategic Partnerships to Equalities and Diversity (sections 5.3.ii & 5.13.iii)
 - vi. Agree that authority is given to draw down up to **£13m** from the Waste Reserve on an incremental basis but that the money may be drawn down in phases as determined by the Executive Director, Corporate Services in consultation with the Cabinet Member for Finance, Resources and Corporate Affairs to resource the resolution of a dispute (including the referring of the dispute to litigation). This reflects the change in post title and structure of the original authorisation FP/655/11/16.
 - vii. To create a new Equalities Fund Reserve to set aside resources to support the focus on the people and places where the council can make the biggest difference to improve lives, and to transfer **£10.3m** from the Collection Fund Risk Reserve to this reserve.
 - viii. To amend the capital budget as shown in Appendices C (i) and C (ii) which allows for capital slippage of **£21.7m**, capital budget additions of **£15.1m**, capital budget reductions of **£1.5m** and advanced works of **£2m** (see section 7.2).

6. Essex Housing - Annual Delivery Plan 2021/22 (FP/077/05/21)

The Cabinet received a report advising that Essex Housing Development LLP was required to prepare an Annual Delivery Plan for Essex Housing that ECC would be asked to consider and approve. The report sought approval of the Annual Delivery Plan for 2021/22.

The Cabinet Member for Economic Renewal, Infrastructure and Planning would provide a written response to questions from Councillor Mackrory and Pond in relation to forecast reductions in the level of capital programme expenditure from 2023/24 through to 2025/26 and the level of expected net receipts to the Council over the next five years.

Resolved:

1. To agree the Essex Housing Annual Delivery Plan 2021/22 contained in the Confidential Appendix.
2. To note that further formal decisions will need to be taken for each site for development, financing, and land disposal to Essex Housing Development LLP for 2021/22 as set out in paragraph 3.7.

7. Land at Hamberts Farm South Woodham Ferrers - Residential Development (FP/058/04/21)

The Cabinet received a report seeking approval to enter into a contract with Countryside Properties (UK) Limited ('Countryside') in relation to Essex County Council's (ECC) Hamberts Farm site.

The Cabinet Member for Economic Renewal, Infrastructure and Planning responded to questions from Councillors Massey and Mackrory in relation to the provision of a primary school on the site and measures to ensure that sustainable travel was embedded within the development.

Resolved:

1. To agree that subject to the remaining recommendations the Council should enter into an option agreement with Countryside for the disposal of its interest in the land at South Woodham Ferrers shown outlined red on appendix A1 on the terms set out in the report.
2. To agree that subject to 1. the Director, Performance, Investment and Capital Delivery may determine the terms of the agreement in consultation with the Director, Legal and Assurance.
3. To agree that the option agreement may not be entered into until the Director, Performance, Investment and Delivery, in consultation with the Cabinet Member for Economic Renewal, Infrastructure and Planning, and the Director, Legal and Assurance is satisfied that Countryside Properties

(UK) Limited is giving sufficient security for the potential overage payments.

8. Intensive Coaching Service for Young People in Care (FP/082/06/21)

The Cabinet received a report advising that the current Department for Education (DfE) funding for the intensive coaching support programme would cease on 30 June 2022. It was proposed that this service was recommissioned and funded by ECC to ensure that provision continued post cessation of the DfE funding. Prior to consideration of the report the Cabinet were advised of a data error in section 3.4 which should have stated that the looked after children figures in Essex had reduced from 1,580 in 2010/11 to 1,079 in 2020/21.

The Cabinet Member for Children's Services and Early Years responded to questions from Councillors Mackrory and King in relation to the cost benefit ratio and the potential for the related investment line to be extended or enhanced.

Resolved:

1. To agree to procure a contract for the provision of Inside Out coaching for vulnerable young people in care in Essex, Hertfordshire and Norfolk using an open, single stage procurement procedure for an initial 3-year contract term from 1 July 2022, with a 1 year plus 1 year option to extend to 2027.
2. To agree that ECC act as lead commissioner of the procurement of the Inside Out coaching Programme on behalf of Hertfordshire County Council and Norfolk County Council.
3. To agree that the total contract value for all 3 Councils over a 5 year period will be £5.1m. The annual contract value for the Council will be £340,000 for the duration of the contract.
4. To agree that the evaluation model for the procurement will be based on 30% price and 70% quality, of which 10% of the quality criteria will assess social value.
5. To agree that the Director for Commissioning, Children and Families is authorised to approve the detailed evaluation model to be used for the procurement in consultation with Hertfordshire County Council and Norfolk County Council.
6. To agree that the Cabinet Member, Children's Services and Early Years is authorised to agree the terms of and award the contract to the successful bidder.
7. To agree that the Cabinet Member, Children's Services and Early Years is authorised to agree the terms of the Collaboration Agreement with Hertfordshire County Council and Norfolk County Council.

8. To agree that the Children's Services and Early Years portfolio is increased by £255,000 for 2022/23 with a full year effect of £340,000 in 2023/24. This will increase the budget gap of the Council's Medium Term Resource Strategy and will require a sustainable financial mitigation to be identified from the Children's Services and Early Years portfolio as part of the 2022/23 budget setting process.
9. **Procurement of the Substance Misuse Specialist Treatment and Recovery Service (FP/060/04/21)**

The Cabinet received a report advising that the Council had historically commissioned substance misuse, drug and alcohol, treatment and recovery services via the Public Health Grant. The contract for the delivery of the current substance misuse specialist prescribing service, an integral part of the wider treatment and recovery system, would expire on 31 March 2022. A new service was needed to comply with the terms of the grant, and to ensure this element of the treatment system was available to residents.

The Cabinet Member for Health and Adult Social Care responded to questions from Councillors Pond and King in relation to the Safe Van initiative in Glasgow, and work undertaken to develop a shared understanding of demand with colleagues from Public Health England.

Written responses would also be provided to Councillors Mackrory and King in relation to the role of the charitable and voluntary sector within the service and the Council's response to the second part of Dame Carol Black's independent review.

Resolved:

1. To agree to procure a contract for the provision of a substance misuse Specialist treatment and recovery service for Essex residents suffering with drug and alcohol misuse using an open, single stage procurement procedure for a 7-year contract term commencing in April 2022.
2. To agree that the provision of this service over the 7-year term will have a maximum total expenditure of £30.3m based on an annual spend of circa £4.3m.
3. To agree that the service will be procured using an evaluation model based on 30% price and 70% quality, of which 10% of the quality score will relate to social value.
4. To agree that the Executive Director, Place and Public Health is authorised to agree the detailed evaluation model for the procurement.
5. To agree that the Cabinet Member for Adult Social Care and Health is authorised to award the contract to the successful bidder.

10. **Decisions taken by or in consultation with Cabinet Members (FP/086/06/21)**

The report was noted.

11. **Date of the next meeting**

The next meeting of the Cabinet would take place on the morning of Tuesday, 21 September 2021, with the venue and time to be confirmed.

12. **Urgent Business**

There was no urgent business.

13. **Confidential Appendix: Essex Housing - Annual Delivery Plan 2021/22 (FP/077/05/21) (Public and press excluded)**

The confidential appendix to report FP/077/05/21, to which minute 6., above, refers was agreed.

14. **Confidential Appendix: Land at Hamberts Farm South Woodham Ferrers - Residential Development (FP/058/04/21) (Public and press excluded)**

The confidential appendix to report FP/033/03/21, to which minute 7., above, refers was agreed.

15. **Urgent exempt business (Public and press excluded)**

There was no urgent exempt business.

There being no further business, the meeting closed at 11.15am.

Forward Plan reference number: FP/106/07/21

Report title: The future of on-street parking in Essex - Delegation of Civil Parking Enforcement	
Report to: Cabinet	
Report author: Councillor Lee Scott, Cabinet Member for Highways Maintenance and Sustainable Transport	
Date: 21 September 2021	For: Decision
Enquiries to: Andrew Cook, Director, Highways and Transportation, andrew.cook@essex.gov.uk	
County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 The Council is the authority responsible for the enforcement of decriminalised on street parking contraventions. Since 2011, these functions have been discharged jointly with district councils – who deal with off street contraventions - via two Joint Committees – one in the north of Essex and one in the south of Essex.
- 1.2 The current agreements come to an end in March 2022. This report asks the Cabinet to agree that these arrangements should be renewed.
- 1.3 The proposals fit with the authority's aspirations around climate change by continuing to have effective regulation of disruptive parking and encouragement of sustainable travel, thus helping to reduce carbon emissions in Essex.

2. Recommendations

- 2.1 Agree to enter into joint committee agreements under which the Council delegates civil parking enforcement to two area Joint Committees with the same areas as the current joint committees with effect from 1 April 2022 for a period of five years with an option to extend for a further twelve months on three consecutive occasions.
- 2.2 To agree that the Director, Highways and Transportation is authorised to agree the terms of the two new Joint Committee Agreements in consultation with the Monitoring Officer.

3. Summary of issue

Background

- 3.1 The County Council's emerging strategy includes within it a focus on providing a high-quality environment for all our residents and transport's role within this

as an enabler of sustainable travel across the county growing passenger transport and active travel options for residents so that there are practical alternatives to car journeys.

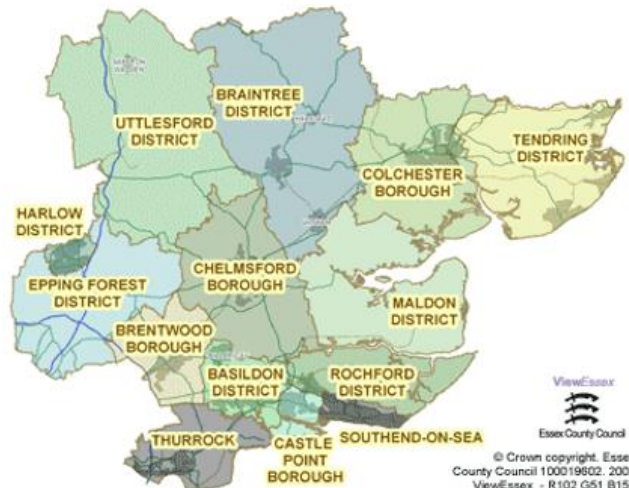
- 3.2 The management and enforcement of on street parking is fundamental to the network management duty of the Traffic Management Act 2004 to facilitate safe and efficient movement on the road network. The appropriate management of on street parking can support safer neighbourhoods, school zones and the viability of local shopping areas by encouraging a modal shift to keep roads free from obstructions. Although enforcement results in a requirement to pay for contravention, this is not a power to raise revenue – the aim must be to deter motorists from contravening restrictions. The money raised through contraventions has to be spent on the cost of enforcing the restrictions with any surplus being spent on parking or highways or transport schemes. The Council's functions with respect to the enforcement of on street parking contraventions along with power to introduce and vary on street parking contraventions are exercisable by two joint committee arrangements.
- 3.3 Essex Highways Network Management has a critical role to play in supporting the Council to achieve its net zero climate ambitions. Encouraging people to walk to school, work and for leisure and to use public transport or to cycle requires routes which are not obstructed by poor parking. Car use not only emits CO₂, but emits NO_x, which has a direct impact on individual's health. Car journeys in local neighbourhoods where engines are idling or stopping and starting, rather than journeys being free-flowing, increases emissions and affects air quality, therefore preventing obstructions on the route is an important part of improving the environment for everyone. Essex is a rural county and for many there is (at present) no practical alternative to the car, but where people can leave their car at home, they should be supported to make this switch to more active travel, which reduces congestion, improves poor air quality, enables public transport to flow smoothly and prevents delays to emergency vehicles attending incidents. The Parking Partnerships directly support this work with revenues raised from enforcement utilised to improve sustainable transport planning across the County which benefits all our residents.
- 3.4 The two 'parking partnerships' were launched on 1 April 2011; one called South Essex ("SEPP"), and one called North Essex ("NEPP"). Two lead authorities were appointed; Chelmsford in the south, and Colchester in the north. The Parking Partnerships are each governed by Joint Committees and a Joint Committee Agreement is in place for each partnership. As Lead Authority for each partnership, Chelmsford City Council and Colchester Borough Council are responsible for all employment and financial management of the Parking Partnerships.

NEPP

Epping Forest
Harlow
Uttlesford
Colchester
Braintree
Tendring

SEPP

Rochford
Chelmsford
Brentwood
Maldon
Basildon
Castle Point



- 3.5 The existing Joint Committee Agreements which commenced in 2011 were for an initial seven-year term. In 2018, these were extended for a further four-year term, taking the total term for each of the agreements to eleven years, expiring on 31 March 2022.
- 3.6 When NEPP and SEPP were set up, the on street parking enforcement arrangements were operating with a total annual deficit of around £900,000 (this unfunded pressure had to be met by the Council) but one of the key aims of the development of NEPP and SEPP was to change the outturn position, with the partnerships moving from an operational deficit to a cost neutral position, and ultimately a surplus position.
- 3.7 In recent years, both NEPP and SEPP have each significantly improved their financial position, resulting in a surplus being created. The surplus must be spent on traffic improvements. To date the use of the surplus has been retained under the control of the relevant parking partnership and they have spent the money on the implementation of new Traffic Regulation Orders (TROs) and other parking related activity such as smart bay sensors and the 3PR initiative (the 'Three Parking Rules').
- 3.8 A review of the future of the current arrangements has been undertaken.

Benchmarking

- 3.9 Within the UK, civil parking enforcement is commissioned by local authorities in different ways. The service may be provided in-house, delivered by a contractor or, as in Essex, by a partnership model. The table below is the latest available CIPFA benchmarking information showing the financial performance of civil parking enforcement.

Table 1: Local Authority Benchmarking Analysis 2018/19

Local authority	Total Expenditure (2018/19) £,000	Total Income (2018/19) £,000	Net Current Expenditure	Surplus Generating	Surplus as a percentage of income
Gloucestershire	2,098	5,365	-3,267	Surplus Generating	-61%
Essex*	5,108	8,306	-3,198	Surplus Generating	-39%
Cambridgeshire	2,818	5,797	-2,979	Surplus Generating	-51%
Devon	5,499	8,419	-2,920	Surplus Generating	-35%
Warwickshire	1,880	4,084	-2,204	Surplus Generating	-54%
Lancashire	1,975	3,266	-1,291	Surplus Generating	-40%
East Sussex	3,388	4,505	-1,117	Surplus Generating	-25%
Oxfordshire	3,289	4,317	-1,028	Surplus Generating	-24%
West Sussex	3,287	4,303	-1,016	Surplus Generating	-24%
Northamptonshire	1,626	2,549	-923	Surplus Generating	-36%
Dorset	1,237	1,701	-464	Surplus Generating	-27%
Nottinghamshire	66	271	-205	Surplus Generating	-76%
Leicestershire	1,822	1,927	-105	Surplus Generating	-5%
Somerset	1,338	1,430	-92	Surplus Generating	-6%
Lincolnshire	1,180	1,254	-74	Surplus Generating	-6%
Cumbria	1,418	1,392	26	Deficit	2%
Staffordshire	1,094	1,011	83	Deficit	8%
Derbyshire	960	872	88	Deficit	10%
North Yorkshire	4,990	4,884	106	Deficit	2%
Surrey	5,158	5,041	117	Deficit	2%

*NB For comparative purposes Bus Lane Enforcement (which is not commissioned through the partnerships) has been included

**Data taken from 2018-19 – also due to the impact of Covid

- 3.10 The analysis demonstrates that Essex generates the second highest surplus of those authorities included in the data, although Essex is by far the largest authority included in the data. These figures include bus lane enforcement which is not undertaken by the parking partnerships and is not being considered for change.

Market research and intelligence

- 3.11 A market research provider ('Porge') was used to provide insight to the market for civil enforcement of on-street parking across local authorities. Table 2 lists third-party supplier spend for enforcement and parking activities (including bus lane enforcement) by local authority. For the year 2018-19 (pre-Covid), the key market players were; NSL Services Group (£90m), APCOA (£26m), OCS Legion (undisclosed) and Serco Group (£6m).

Table 2: Third-party supplier invoice spend by local authority 2018/19, Source: Porge Research

Local authority	3rd Party Supplier	3rd Party Supplier Spend 2018-19*
Nottinghamshire	NSL Services Group	£754,283
Essex	N/A	N/A
Gloucestershire	APCOA	£1,339,353
Cambridgeshire	OCS Legion	Unknown
Warwickshire	NSL Services Group	£1,424,561
Dorset	Unknown	Unknown
Oxfordshire	NSL Services Group	£2,809,639
East Sussex	NSL Services Group	£2,409,615
Devon	Unknown	Unknown
Lancashire	NSL Services Group	£1,527,344
West Sussex	NSL Services Group	£3,594
Northamptonshire	NSL Services Group	£1,604,493
Leicestershire	Unknown	Unknown
Somerset	NSL Services Group	£1,512,555

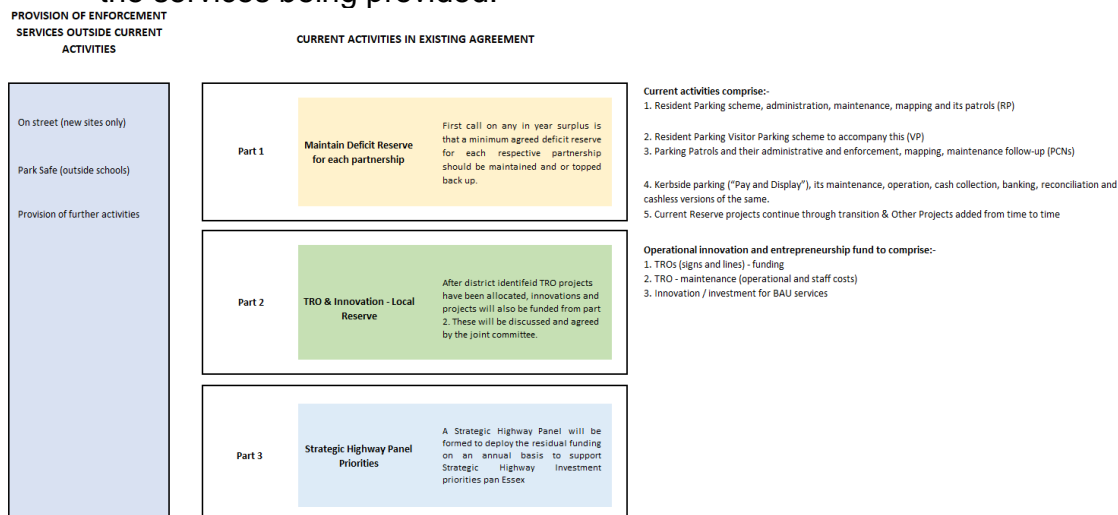
- 3.12 Officers also held informal discussions with several local authorities including Oxfordshire, Cambridgeshire, Gloucestershire, and Maidstone, under an

agency arrangement with Kent CC to understand how respective on-street parking arrangements are currently delivered and innovations being considered. These did not identify any further business opportunities which are not currently being explored within the existing partnership arrangements.

- 3.13 During the discussions we received feedback that NEPP is considered by other local authorities as being a national leader in enforcement with whom other local authorities consult for best practice advice and have been recognised in the industry for multiple awards (some jointly with SEPP), for example the British Parking Awards.
- 3.14 One local authority mentioned a new supplier entrant to the UK market whose focus is on innovation via data management and utilising fewer 'feet on the ground' than the more traditional approaches used by other established UK service providers. As this was a new entrant it is too early to understand the impact this has had on the effectiveness of services provided, however the Council are maintaining communication with the local authority using this supplier to observe how the service develops and will look to incorporate any best practice within the partnerships.
- 3.15 From discussions with other local authorities, it was noted that where enforcement activities are outsourced to a third-party supplier, this could lead to an increased cost base of circa 10-20%. This appears to be because third party suppliers have to set up or adapt systems and processes specifically for this purpose.
- 3.16 To ensure continuity and encourage the successful delivery of key projects within the term of the agreement, Cabinet are asked to agree to enter into a five-year agreement with each Parking Partnership with an option to extend each agreement for twelve months on three consecutive occasions.

Proposed operational model

- 3.17 A proposed operational model has been developed as illustrated in the diagram below. This introduces two financial models for different aspects of the services being provided.



3.18 For current services it is proposed that the surplus generated at the end of every financial year will be applied as follows:

- (a) The first use of the surplus will be to ensure that the partnership has a reserve of £300,000 to use against any deficit arising in future years (both partnerships already have this funded reserve in place).
- (b) The second use will be an agreed sum to be spent by the parking partnership on local schemes and innovations. The amount available for 2022/23 is as set out in the table below and any changes will be agreed on an annual basis between the joint committee and ECC.

Part 2 breakdown	NEPP	SEPP
a. TRO delivery (operational and funding costs plus essential maintenance of parking related signs and lines)	£339,000	£372,000
b. Innovation to manage on street parking	Nil	£56,000
TOTAL ANNUAL CAP	£339,000	£428,000

- (c) The remaining money will be paid to ECC to fund strategic highways projects which would not otherwise be funded. The strategic highways projects will be decided in consultation with a new panel to be chaired by the Cabinet Member.

3.19 It is important to point out that any surplus will only be spent in the following financial year, meaning that there is no risk of spending surplus which does not in fact arise.

3.20 It is proposed that in some cases new activities may be added to the partnerships. The funding for these will be operated differently with all of any surplus being passed to ECC. It is proposed that there will be a different model for NEPP and SEPP for this work as follows. For agreed projects which do not generate income and the only funding available is from PCNs, the Council will provide the investment costs and all PCN income will pass to ECC for both NEPP and SEPP. For projects which generate both revenue and PCN income, the position will be different between NEPP and SEPP. In NEPP both revenue and PCN income will pass to ECC, with NEPP taking an agreed management fee; in SEPP the revenue would pass to ECC and any PCN income will pass to SEPP in lieu of a management fee.

4. Options

4.1 A review of the options for civil parking enforcement was undertaken to determine whether to outsource the on-street parking enforcement and charging activity to a third-party provider, bring the enforcement in-house or enter into new Joint Committee agreements. Doing nothing is not a realistic option as no one else can enforce restrictions on parking (including yellow line contraventions). Good, clear, enforced parking management is likely to result

in reduced congestion in town centre areas and fewer access problems in residential areas.

Three options were considered:

Option 1 – Outsource to a third-party supplier (not recommended)

- 4.3 Outsourcing services to a third-party supplier could increase the costs by up to 20% (see 3.15), therefore reducing the surplus available to the Council. This could also be potentially complex and costly due to the need to transfer staff from both partnerships to the new provider. This would also lose the benefit of current savings such as shared premises and system costs with the parking partnerships. There would also be reduced local engagement and transparency.

Option 2 – Extend Parking Partnerships arrangements on slightly different terms (recommended)

- 4.4 The current parking partnership model effectively delivers the policy objectives through an integrated service that joins enforcement, signs and lines maintenance and TRO activity, and has both delivered and exceeded the objectives set at the outset of the agreements. This option also minimises the need for new investment costs as the arrangements are already established.
- 4.5 Negotiating a new agreement with the Parking Partnerships would retain the existing delegation of control for local parking policies and the management of the associated functions to the NEPP and SEPP joint committees.
- 4.6 The Council have identified the parking partnership is a proven working model which delivers the service in a cost neutral manner with any surplus deployed in line with legislation.
- 4.7 Further it would provide the opportunity for invest to save initiatives which meet other organisational aims such as helping to create great places to grow up, live and work through the appropriate management of on-street parking, for example, outside of schools.
- 4.8 A new agreement also enables shared income initiatives between the parties and builds on existing successful collaborative activity, facilitating a win-win-win between the Council, parking partnerships and the district authorities.
- 4.9 Experience working with the parking partnerships shows they are already bringing forward innovation.

Option 3 – Provide the service in-house (not recommended)

- 4.10 Providing the services in-house has the advantage of direct control of the service, and potentially being able to affect changes more easily.

4.11 Further, it could cost less than outsourcing and it would give ECC more direct control over the surplus.

4.12 However, the disadvantages of providing services in-house include;

- liability for any deficit would immediately land with ECC
- lack of synergies for collaborative working
- currently all enquiries and complaints regarding parking are managed by the partnerships – the Council would become responsible for responding to and resolving all these enquiries.

5. Links to Everyone's Essex

5.1 This report links to the emerging ECC organisational strategy 2021-2025 (Everyone's Essex).

The surplus that is generated could be put towards highways initiatives that supports our ambition around safer greener and healthier and the provision of more sustainable transport options across the county.

5.2 This links to the following strategic aims in the Organisational Plan:

- Enable inclusive economic growth through the appropriate management of on-street parking.
- Help create great places to grow up, live and work through the appropriate management of on-street parking for example, outside schools.
- Transform the council to achieve more with less.

6. Issues for consideration

6.1 Financial implications

6.1.1 Any surplus income at the end of each financial year will be deployed in accordance with Section 55 of the Road Traffic Regulation Act 1984, which sets out how any surplus funds are to be deployed.

6.1.2 In the unlikely event that either partnership should fall into long term deficit which cannot be met from the reserve then the deficit will be apportioned with each partner to a partnership being liable to a seventh of the deficit of that partnership. As part of the current and proposed arrangements a deficit reserve is held by both partnerships and is detailed in 3.18.

6.1.3 Any one-off investment costs, surplus income associated with expansion of existing on-street parking enforcement activities and in accordance with 6.1.1 above have been taken account of as part of the Local Authorities Medium Term Resource Strategy (MTRS) position. Furthermore, in the unlikely event that Essex did need to support any deficit for either partnership on a 1/7th basis, the

service would be expected to fund this from existing budgets in the first instance by reprioritising spending.

6.1.4 Below is an extract from the NEPP and SEPP partnership accounts providing an overview of their financial position in recent years.

	SEPP - Outturn 2017-18	SEPP - Outturn 2018-19	SEPP - Outturn 2019-20		NEPP - Outturn 2017-18	NEPP - Outturn 2018-19	NEPP - Outturn 2019-20
	Total £	Total £	Total £		Total £	Total £	Total £
Direct Expenditure							
- Employees	1,078,230	1,092,090	1,117,062		1,562,447	1,580,227	1,785,904
- Premises	1,870	4,080	27,629		27,327	29,989	14,978
- Supplies and Services	114,360	101,460	140,995		295,491	369,040	371,266
- Third Party Payments	164,680	167,280	155,726		44,788	28,350	35,410
- Transport costs	94,010	121,500	103,626		33,092	28,583	33,567
- TRO Recharges					(40,722)	(38,471)	(47,834)
Total Direct Expenditure (Excl TRO Costs)	1,453,150	1,486,410	1,545,037		1,922,424	1,997,717	2,193,291
Indirect Expenditure							
Central Support	121,680	125,060	127,146		423,000	440,853	458,035
Total Indirect Expenditure	121,680	125,060	127,146		423,000	441,000	458,035
Total Expenditure	1,574,830	1,611,470	1,672,183		2,345,424	2,438,717	2,651,326
Income received to 31st March 17							
PCN's	(1,454,920)	(1,615,960)	(1,596,525)		(1,900,391)	(1,964,770)	(1,994,499)
Residents' Parking Permits/Season Tickets	(624,520)	(659,950)	(678,379)		(659,702)	(807,249)	(882,732)
Pay & Display	(160,960)	(161,070)	(169,637)		(310,035)	(348,160)	(369,297)
Other	(19,840)	10,320	(5,228)		(97,108)	(43,142)	(23,648)
Total Income	(2,260,240)	(2,426,660)	(2,449,769)		(2,967,235)	(3,163,320)	(3,270,176)
Net (Surplus) / Deficit - Cash Basis (PRE TRO COSTS)	(685,410)	(815,190)	(777,585)		(621,811)	(724,602)	(618,850)
TRO COSTS	295,430	266,180	404,832		399,423	465,753	517,863
Net (Surplus) / Deficit - Cash Basis (Post TRO COSTS)	(389,980)	(549,010)	(372,754)		(222,388)	(258,849)	(100,987)

6.1.5 The current MTRS identifies the budget gaps facing the Council over the coming years. Within the proposed agreement for the parking partnerships there are opportunities for the Council to share in financial surpluses to benefit the MTRS. As part of the new proposed agreement two opportunities are available;

- The Council could fund and receive all income by the expansion of on-street parking enforcement activities and park safe cameras (as shown in the table in section 3 of this report where the Council funds expansion and all net surplus income flows to the Council after deduction of operating costs by the partnerships.
- Through creating a Strategic Highway Investment fund across Essex to support key strategic investment priorities that would not otherwise be funded.

6.2 Legal implications

6.2.1 The Council must comply with the Traffic Management Act 2004 and relevant statutory guidance when discharging its civil parking enforcement duties.

- 6.2.2 The Council is able to delegate to a Joint Committee the responsibility for civil parking enforcement.
- 6.2.3 The Joint Committees shall consist of the Partner Authorities listed in this report.
- 6.2.4 The NEPP and SEPP Joint Committees manage the Parking Partnerships in accordance with the Local Government Act 1972, the Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 6.2.5 Section 55 of the Road Traffic Regulation Act 1984 requires the council to maintain a parking account and that any surplus on the account must be used on parking places or, if it is not desirable to provide more parking places on transport or highways schemes.
- 6.2.6 Section 16 of the Traffic Management Act 2004 places the council under a duty to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives—
- (a) securing the expeditious movement of traffic on the authority's road network; and
 - (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
- 6.2.7 In order to perform that duty we may take any action which they consider will contribute to securing—
- (a) the more efficient use of their road network; or
 - (b) the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on the road network.

7. Equality and Diversity implications

- 7.1 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.
- 7.2 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).

- 7.3 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.

8. List of appendices

Equality Impact Assessment

9. List of Background papers

The South Essex Parking Partnership Joint Committee Agreement 2011
The North Essex Parking Partnership Joint Committee Agreement 2011

Forward Plan reference number: FP/126/08/21

Report title: Award of Residual Waste Service Orders	
Report to: Cabinet	
Report author: Cllr Malcolm Buckley, Cabinet Member for Waste Reduction and Recycling	
Date: 21 September 2021	For: Decision
Enquiries to: Jason Searles – Head of Waste Policy and Circular Economy, email - Jason.searles@essex.gov.uk	
County Divisions affected: All Essex	

This report has a confidential appendix which is **NOT FOR PUBLICATION** as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Purpose of Report

- 1.1 Essex County Council established a framework agreement in October 2017 for the treatment and disposal of residual waste. This report seeks approval to the award of call-off contracts from the framework agreement to secure the short term residual waste disposal requirements of ECC.

2. Recommendations

- 2.1 Agree to award service orders to the waste disposal providers detailed in paragraph 3.8 of this report for a period of up to 18 months commencing on 1 October 2022.

3. Summary of issue

- 3.1 Essex County Council is the statutory Waste Disposal Authority (WDA) for Essex and is required to make necessary arrangements for the disposal of local authority collected waste. ECC provides extensive opportunities to help people reduce their waste, recycle more, and reduce their carbon footprint in partnership with the Waste Collection Authorities which contributes to our net zero target commitment. However, despite success in this area some residual waste remains requiring disposal. As the Mechanical Biological Treatment (MBT) facility that was intended to take ECC's residual waste is currently unavailable it has been necessary to use contingency landfill arrangements. Landfill remains an unsustainable long-term waste solution and it is a desire that there should be an end to landfill by ECC at the earliest opportunity. However, these contingency arrangements, which are due to expire shortly, need to be maintained for a short period to ensure the WDA can meet its

statutory responsibilities with respect to waste disposal and to provide the necessary time to evaluate other residual waste disposal approaches. These options, which will enable ECC to cease the use of landfill as a primary waste disposal route, will be reported to Cabinet in due course.

- 3.2 In accordance with the previous Cabinet Decision (FP/756/02/17), a residual waste framework agreement was procured. This enables ECC to meet its obligations as a WDA, and is in place for:
- the disposal of Refuse Derived Fuel (RDF); and
 - Municipal Solid Waste (MSW) whilst the MBT facility is unavailable.
- 3.3 Mini-competitions under the Framework Agreement have been run, and service orders have been placed, since the framework agreement was established to meet the residual waste disposal requirements of ECC. The current framework agreement expires in October 2021 and current service orders expire on the 30 September 2022. To ensure ECC continues to meet its statutory waste disposal obligations in the short term it is necessary for new service orders to be in place from 1 October 2022.
- 3.4 COVID-19 and imminent legislative changes continue to exert an influence on the quantity of waste which ECC is required to dispose of and market appetite to provide such services. During this period of uncertainty, the framework remains the most suitable and flexible approach for ECC to ensure its short term waste disposal requirements are secured. Using the framework for a short flexible period in this way will afford ECC the appropriate time to develop and deliver on its plans to cease using landfill for the disposal of waste.
- 3.5 ECC is permitted to run mini competitions under this existing framework up until its expiry in October 2021. A mini-competition was run under the framework during July 2021 across the five lots detailed below to maximise the opportunity for an appropriate blend of solutions and outlets to be secured to meet the short term waste disposal requirements of ECC:
- Lot 1:** Disposal Only of Refuse Derived Fuel (RDF) and/or MSW
Lot 2: Disposal Only of MSW only (Contingency)
Lot 3: Disposal Only of Bulky Waste (Contingency)
Lot 4: Transfer and Disposal of direct delivered waste (Contingency)
Lot 5: Transfer and Haulage of direct delivered waste (Contingency)
- 3.6 All necessary due diligence of the facilities was initially carried out during the procurement of the Framework Agreement in 2017. Facilities have been subject to periodic review during the term of the Framework Agreement to ensure continued compliance with all necessary requirements. The mini-competition evaluation is based 100% on price and evaluated using an award model based on a whole system cost. Each bidder's gate fee has been evaluated considering the location of waste arisings and the costs associated to deliver waste to the bidder's disposal facility. This approach ensures the total cost is considered when awarding service orders. This evaluation approach is consistent with the terms of the Framework Agreement.

- 3.7 The mini-competition received bids from four waste disposal providers across the five available lots. This is a smaller range of providers than has been the case in previous mini-competitions. Although the bids received meet the anticipated waste disposal needs of ECC, the reduced number of providers and the greater reliance on landfill as a disposal route increases operational risks. Landfill operations are more likely to close or reduce vehicle throughput during inclement weather placing increased pressure on the waste operations, particularly if multiple sites are affected. ECC will mitigate this risk by:
- Use of the full range of framework providers, thereby spreading operational risk associated with the non-availability of a facility, particularly at peak times or during inclement weather
 - Utilisation of the ECC waste transfer station network to better manage waste flows through disposal facilities
- 3.8 Following evaluation of all mini-competition bids received, the providers detailed in Table 1 below offered the most economically advantageous tenders for the required service need and are accordingly recommended for award of service orders to ensure that ECC can meet its short term disposal needs (up to 18 months from October 2022).

Table 1

Lot	Provider	Location	Tonnage Award (p.a)
Lot 1 and Lot 2 combined (GMT)	Enovert	Colchester	240,000 GMT
Lot 1 (Non-GMT): RDF and/or MSW	Veolia Veolia Veolia Viridor	Ockendon Pitsea Rainham Ipswich	0-250,000 0-25,000 0-100,000 0-25,000
Lot 2 (Non-GMT): MSW only	Veolia Veolia Viridor	Ockendon Rainham Ipswich	0-200,000 0-50,000 0-25,000
Lot 3 (Non-GMT): Bulky Waste	Enovert Veolia Veolia	Colchester Ockendon Rainham	0-50,000 0-25,000 0-25,000
Lot 4 (Non-GMT): Transfer and Disposal	James Waste	Rochford	0-100,000

Lot 5 (Non-GMT): Transfer and Haulage	James Waste	Rochford	0-25,000
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GMT: Guaranteed Minimum Tonnage

- 3.9 The maximum tonnage award that ECC can commit to has been assumed for the purposes of the financial implications of this report however the maximum tonnage awarded to the providers may need to be adjusted if the waste disposal providers do not have capacity available at the time that the service order is entered into or waste is delivered.
- 3.10 In entering into the combined Lot 1 and Lot 2 service order with Enovert, ECC is committed to meeting 80% of the quoted Guaranteed Minimum Tonnage ("GMT") input into the Enovert (i.e.192,000 tonnes) for the initial 12 months of the service order. The forecast residual waste requiring disposal indicates that ECC is able to fulfil this commitment.
- 3.11 Enovert is in the process of submitting a planning application to the Waste Planning Authority to extend the operational life of the Bellhouse landfill site. The grant of this application is necessary to fulfil the proposed service order for Lot 1,2 and 3. If the planning application is unsuccessful, ECC may need to consider other arrangements to ensure that there is capacity for the disposal of this waste.

4 Options

4.1 Option 1 – Reprocure Alternative Short Term Waste Disposal Arrangements (Not Recommended):

This option is not recommended. By not awarding new service orders and instead procuring a new short-term solution there is a risk that ECC would not have a secure outlet for the disposal of RDF or residual waste beyond September 2022 due to the time needed to procure and mobilise alternative arrangements. As the current service orders cannot be extended, the Council would be at a high risk of being unable to meet its statutory obligations as Waste Disposal Authority.

4.2 Option 2 – Award Service Orders to Secure Short Term Waste Disposal Arrangements (Recommended Approach):

This is the recommended approach. The Framework Agreement was set up in 2017 to enable the Council to efficiently call-off services as and when needed by running mini-competitions and remains the most appropriate way to secure requirements at this moment in time. By awarding new service orders the required capacity will be secured to ensure that ECC is able to fulfil its statutory waste disposal obligations for a period of up to 18 months from October 2022. This will provide the necessary time to procure suitable medium term disposal arrangements.

5 Issues for consideration

5.1 Financial implications

- 5.1.1 The financial evaluation of treatment options for residual waste cannot be based solely on the disposal price per tonne and cannot be evaluated in isolation as they are linked to haulage costs incurred via a combination of ECC managed vehicles and an externally provided bulk haulage contract. These are known as whole system costs upon which the evaluation is based.
- 5.1.2 In order to secure value for money from providers, guaranteed minimum tonnage has been offered by ECC where possible for the eighteen-month period. Guaranteed Minimum Tonnages are not offered for the contingency arrangements.
- 5.1.3 The cost of the award for each annual service order is set out in the Confidential Appendix. The whole system disposal costs total £73.45m for the 18-month period which includes the costs of service orders and applicable Landfill Tax. This is in line with the current Medium Term Resource Strategy (MTRS) and will be contained within the existing waste budgets.
- 5.1.4 Delivery of the whole system cost has been considered on a price optimum basis as per the procurement specification and award criteria for the framework agreement. Any subsequent costs (if any) of additional third-party handling in order to optimise the Waste Collection Authorities (WCA) logistics is outside the scope of this contract award and meeting such costs are an obligation of the relevant WCA.

5.2 Legal implications

- 5.2.1 The Framework Agreement was procured and implemented in accordance with a Cabinet Decision taken in March 2017 and the published tender documents.
- 5.2.2 The Framework Agreement provides for mini-competitions to be carried out when services are needed by ECC. The mini-competition has been conducted in accordance with the published procedures for awarding service orders under the Framework Agreement and notification letters will be issued to successful bidders pending approval of this decision. Under The Public Contracts Regulations 2015, a standstill period is not required for awards under a framework agreement.
- 5.2.3 Subject to approval of this decision, service orders will be completed in order to allow providers sufficient mobilisation time prior to commencement of the services.

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.

7 List of appendices

- 7.1 Equality Impact Assessment
- 7.2 Confidential Appendix

8 List of Background papers

Framework agreement

Forward Plan reference number: FP/111/07/21

Report Title: Walnut Tree Pupil Referral Unit (PRU) – new 80 place PRU capacity on vacant land adjacent to new Paxman Academy, Colchester	
Report to: Cabinet	
Report author: Councillor Tony Ball, Cabinet Member for Education Excellence, Life Long Learning and Employability	
Date: 21 September 2021	For: Decision
Enquiries to: Ralph Holloway Head of SEND Strategy and Innovation email ralph.holloway@essex.gov.uk	
County Divisions affected: All Colchester divisions	

Confidential Appendix

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Purpose of Report

- 1.1 There is a need for more capacity in pupil referral units in North East Essex. The current provider is North East Essex Co-operative Alternative Provision Academy (NEECA) which operates from a site at Turner Road, Colchester but which is operating beyond the design capacity of the premises. Meanwhile the Council has vacant land as part of the site of the new Paxman Academy which has been earmarked for new provision. This report asks the Cabinet to agree to build on this site to provide 80 places of a Pupil Referral Unit (PRU) in Colchester for; 30 places for Key Stage 1 and 2 pupils, 20 places for year 6/7 transition pupils and 30 places for secondary age medical/anxious school refusers and to lease the site to Keys Co-operative Academy Trust, the operator of the Turner Road site. Both sites will be managed as a single pupil referral unit.
- 1.2 The report explains how the proposed building will contribute to reducing carbon emissions.

2. Recommendations

- 2.1 Agree that the Council will support the construction of an establishment of a new pupil referral site with a capacity of 80 places on surplus land adjacent to Paxman Academy, Colchester to be known as the Walnut Tree site which will be managed by Keys Co-operative Academy Trust as part of its current PRU provision .

- 2.2 Agree to the procurement of the associated building works for Walnut Tree through a two-stage design and build mini competition using the Essex Construction Framework 2.
- 2.3 Agree that the Head of Infrastructure Delivery is authorised to award the contract to the successful bidder, when he is content that the following conditions have been met:
 - a. A satisfactory planning permission has been granted; and
 - b. The construction costs are within the agreed budget and represent value for money.
 - c. collateral warranties are in place between the bidder and the end user of the building.
 - d. a funding agreement between the Secretary of State for Education and the Keys Co-operative Academy Trust allows the trust to expand on this site.
- 2.4 Approve the capital budget for construction and associated project fees as per the profile stated in the confidential financial appendix.
- 2.5 Agree to lease the new PRU building to Keys Co-operative Academy Trust on a 125 year term at nominal rent.

3. Summary of issue

- 3.1 ECC has a statutory obligation to ensure that a school place is provided for each child residing in Essex whose parents/guardians request one. We also have a duty to provide education for children who are unable to be educated in a school setting. The provision of pupil referral units helps improve the educational attainment of children who are not otherwise able to attend a setting. This contributes to the emerging objectives in the draft Organisational Strategy of '*A Good Place for Children and Families to Grow*'. In addition, ECC's corporate objectives include: deliver the best possible educational outcomes for children attending schools within its administrative border; improve public health and wellbeing across Essex and, safeguard vulnerable people of all ages.
- 3.2 The need for capital investment in the pupil referral units was set out in a Strategic Business Case (SBC) in May 2015. Since then there has been a significant year on year increase in pressure on existing capacity at Essex PRUs, as a result of rising permanent exclusions (50 in 2014/15 rising to 161 in 2019/20) and, at the same time, a rise in the number of children and young people who require provision due to their medical or mental health needs with 291 pupils with medical needs in 2019/20 with 90 of them being in North East Essex
- 3.4 Demand for PRU places exceeds the physical capacity of the current estate, and the team are commissioning individual packages of one-to-one tuition from independent providers instead. The development of the site at Walnut Tree Way will enable Keys Co-Operative Academy Trust who run the current

provision in North East Essex to open up additional pathways that they cannot currently offer on their site. This will help with new demand for such places in the commutable area thus avoiding the more costly spot placements that may need to be sourced as alternative provisions. In addition, there is no key stage one or two provision in North East for children with social, emotional and mental health needs; the new provision will enable this provision to be made because it will allow a more flexible use of the Turner Road site offering a greater ability to support longer-term commissioning arrangements not currently available in the locality.

- 3.5 The current PRU site in Colchester at Mile End does not have sufficient capacity to accommodate the number of places commissioned by ECC and there is insufficient space for an expansion. A feasibility study of the Mile End site was undertaken in order to assess whether there was sufficient capacity to enable an expansion but this was not possible.
- 3.6 The establishment of a new secondary school on the Paxman Avenue site leaves surplus land retained by ECC, to develop a primary and secondary PRU which will be able to accommodate the number of pupils necessary to provide a sufficiency of provision for Colchester. There are no other suitable sites available in the town.
- 3.7 The primary purpose of a pupil referral unit is to support children and young people to successfully re-engage in education with the ultimate intention to support their return to their local mainstream school. Essex's commissioning arrangements with NEECA reflect this and joint working and collaboration with schools across North-East Essex will focus on ensuring that this is achieved. Whilst exclusion figures have risen they remain lower than the national average and our strategy is focussed on supporting schools to successfully support all their pupils without the need for offsite provision. However, where offsite provision is necessary it is important that it is of a high quality and that pupils do not feel that they are being removed from the education system. In addition to supporting children and young people by placement at a PRU ECC is also working with schools and settings to build their expertise in meeting the needs of all of their pupils.
- 3.8 The Sustainable Transport team have been engaged in preparing the highway plan for the PRU at Walnut Tree Way and, going forward, NEECA will work with ECC to ensure as many journeys as possible are by public transport or foot/bicycle. The Essex PRUs work closely with the travel training teams to prepare children and young people to successfully overcome any barriers to travelling independently to school.
- 3.9 The design of the building allows for photovoltaic panels (PV) which will ensure that the project can achieve an Energy Performance Certificate rating of A. This demonstrates that the building is very efficient in its use of energy and is promoting ECC commitment towards meeting climate change targets.

- 3.10 The building will include high standards of energy efficient building services equipment. These measures including but not limited to high efficiency LED lighting with daylight dimming and presence detection lighting controls, enhanced natural ventilation units, heat recovery units and supply and extract fans, high efficiency gas-fired boilers, smart learning and optimized Building Management System and Energy Metering.
- 3.11 To allow for the future installation of Electric Vehicle (EV) charging points to two suitable parking bays in the car park, the Academy Trust has agreed to cover the cost of the ductwork in the ground to enable these points to be easily installed.

Infrastructure Required

- 3.12 The site considered for the construction of Walnut Tree PRU was previously part of the playing field to the old Paxman Secondary School. When the school was rebuilt, the site area (which has now been allocated for the PRU) was considered surplus to the new Secondary school and the land was retained by ECC.
- 3.13 It is proposed that the scheme will be procured using the Essex Construction Framework 2 through a Two Stage tender process. A mini-competition (Stage 1) will be held and the design will be fully developed by the successful contractor under a Pre-construction Agreement and then a Fixed Price (Stage 2) will be presented in the FBC for endorsement before proceeding into construction under an NEC ECC – Option A Contract.
- 3.14 The framework provides the opportunity for the project to be tendered swiftly allowing the programme dates set to be met. Value for money will be checked throughout the project with the assistance of the internal quantity surveyor and cost comparisons provided by the framework. Construction quality and adherence to design will be monitored by the in-house quality inspector team
- 3.15 This new site is accessible off Walnut Tree Way, Colchester. There is an existing vehicular access junction, but this will need to be reconfigured to provide entry and exit arrangement onto the new PRU site. A total of 42 car parking spaces will be provided, which will include 2 disabled spaces and space for 2 minibuses. Cycle storage will also be provided

- 3.16 Proposed delivery timescales are as follows:

Milestone Description	Target Date
OBC Endorsed by Recovery Advisory Board	July 2020
Pre-Construction Contract Award	December 2020
Planning Submission	March 2021
Planning Permission	August 2021
Final Business Case to Recovery Advisory Board (RAB)	August 2021
Start on Site	November 2021
Build completion for handover	October 2022

- 3.17 When the building is completed it will be leased on a 125 year lease to Keys Co-operative Academy Trust on a standard academy lease at nominal rent. The PRU will be an expansion of NEECA with all places at the site commissioned by ECC.

4. Options

- 4.1 **Option 1** – Create a new 80 place PRU in Colchester (30 places for Key Stage 1 and 2 pupils; 20 places for year 6/7 transition pupils; 30 places for secondary age medical/anxious school refusers)
- 4.2 This is the preferred option. There are no other suitable sites available in the town. The site is fit for purpose and the new provision will greatly improve the service offer.
- 4.3 **Option 2** – Do nothing
- 4.4 There has been an increase in the number of children and young people who have social, emotional and mental health needs in schools both nationally and within Essex, seeing an increase of 15% over the last three years; and in North East Essex in particular, the increase has been 26%. The number of referrals to PRUs as a result of exclusions and inability to attend school for medical reasons has also continued to be high. Without this additional PRU, Essex will find it difficult to be able to provide sufficient local places to meet need. This option is not recommended.

5. Links to Everyone's Essex

- 5.1 This report links to the following aims in Everyone's Essex:

- Enjoy life into old age
- Provide an equal foundation for every child
- Strengthen communities through participation
- Develop our County sustainably
- Connect us to each other and the world
- Share prosperity with everyone

For more information visit www.essexfuture.org.uk.

- 5.2 This links to the following strategic aims in the Organisational Plan:

- Enable inclusive economic growth
- Help people get the best start and age well
- Help create great places to grow up, live and work
- Transform the council to achieve more with less

- 5.3 Finally it aligns well to the emerging aims of the draft organisational strategy 'Everyone's Essex' '*A Good Place for Children and Families to Grow*',

particularly the aims around educational outcomes and outcomes for vulnerable children.

6. Issues for consideration

6.1 Financial implications

6.1.1 Please see the confidential appendix for details of the financial implications of this decision.

6.1.2 The total capital cost is included in the current and future years' capital programme and the revenue implications are included in the Medium Term Resource Strategy (MTRS). A contingency of 5% has been included to cover any financial risks.

6.1.3 £110,000 will be allocated from Dedicated Schools Grant (DSG) revenue funding for furniture and equipment.

6.2 Legal implications

6.2.1 The Council has a statutory duty to arrange education for pupils who are not able to attend school for certain reasons. Pupil Referral Units, including alternative provision academies which provide such services are one way in which the Council discharges that duty.

7. Equality and Diversity implications

7.1 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.

7.2 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).

7.3 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.

8. List of appendices

8.1 Confidential Appendix

8.2 Equality Impact Assessment

9. List of Background Papers

9.1 Strategic Business Case for provision of PRU places (2015)

Report title: Decisions taken by or in consultation with Cabinet Members	
Report author: Secretary to the Cabinet	
Date: 21 September 2021	For: Information
Enquiries to: Emma Tombs, Democratic Services Manager, 03330 322709	
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/117/07/21** Appointment of a director to ExWaste Limited
- *FP/119/07/21** Funding for Adult Social Care: COVID 19 Response
- FP/130/08/21** Change of Cabinet Member Titles

Deputy Leader & Cabinet Members for Community, Equality, Partnerships and Performance

- FP/146/09/21** Pilot Essex Library of Things (BLUEPRINT to a Circular Economy project/Essex Library Services)

Cabinet Member for Adult Social Care and Health

- *FP/029/03/21** North East Essex Community Integrated Services – Strength and Balance Service

Cabinet Member for Economic Renewal, Infrastructure and Planning

- FP/123/08/21** A120/A133 Link Road - Request to purchase 2 Mount Pleasant Cottages, Tye Road, Elmstead, Colchester CO7 7BB
- FP/131/08/21** Shire Hall, Chelmsford - extension of time for Agreement for Lease
- FP/132/08/21** Dunton Hills Garden Village - Supplementary Planning Document, May 2021

Cabinet Member for Education Excellence, Life Long Learning and Employability

FP/121/08/21	Revision of School Term Dates for Community and Voluntary Controlled Schools 2021-2022
FP/124/08/21	Appointment and Re-Appointment of School Governors by Essex LA - Schedule 380
FP/125/08/21	Appointment and Re-Appointment of School Governors by Essex LA – Schedule 379
*FP/034/03/21	Proposed expansion of Trinity Road Primary School, Chelmsford
FP/134/08/21	Replace Relocatable Classroom at Henham & Ugley Primary School with permanent classroom
FP/145/09/21	Appointment and Re-Appointment of School Governors by Essex LA - Schedule 381
FP/147/09/21	Replacement of Temporary Accommodation and Expansion of Early Years Provision at Friar's Grove Primary School

Cabinet Member for Finance, Resources and Corporate Affairs

FP/116/07/21	Ways of Working (WoW) Programme – Release of funding
FP/129/08/21	Education COVID19 Response
FP/149/09/21	Draw down of funding for Harlow Library Refurbishment

Cabinet Member for Health and Adult Social Care

FP/118/07/21	New Live at Home Domiciliary Support Contract
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Cabinet Member for Highways Maintenance and Sustainable Transport

FP/122/08/21	Formal Adoption of Highways Practice Note 039 – Procedure for Road Safety Audit Rev 2 (RSA)
FP/148/09/21	Local Highway Panel - Scheme Approvals for Essex Local Highway Panel Delivery for Financial Year 2021/22

Cabinet Member for Waste Reduction and Recycling

***FP/018/03/21** Integrated Waste Handling Contract Service Delivery- Bulk Haulage Contract Award

FP/120/07/21 Integrated Waste Handling Service Delivery – Amendment to Plant Procurement Approach

*** Key Decisions: 4**

Decisions Exempt from call in and Forward Plan: 1