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## Minutes of a meeting of the Cabinet held in The Council Chamber, County Hall, Chelmsford, CM1 1QH on Tuesday 23 July 2019

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### Present:

Councillor	Cabinet Member Responsibility
D Finch	Leader of the Council (Chairman)
K Bentley	Deputy Leader and Cabinet Member for Infrastructure
T Ball	Economic Development
S Barker	Customer, Communities, Culture and Corporate
R Gooding	Education and Skills
D Madden	Performance, Business Planning and Partnerships
G Mohindra	Finance, Property and Housing
J Spence	Health and Adult Social Care
S Walsh	Environment and Waste

Councillors Aldridge, Davies, Egan, Grundy, Henderson, Mackrory, Mitchell, Pond, Reeves, Reid, Sargeant, Scordis and Young were also present.

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

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

1. There had been no changes in membership since the last meeting.
2. Apologies for absence had been received from Councillor L McKinlay (Cabinet Member for Children and Families).
3. Councillor Pond declared a code interest as an honorary fellow of the Chartered Institute of Librarians and Information Professionals. Councillor Pond participated fully in the meeting.

### 2. Minutes: 18 June 2019

The minutes of the meeting held on 18 June 2019 were agreed as a correct record and signed by the Chairman.

### 3. Questions from the public

The Chairman welcomed eleven members of the public who had registered to speak on Agenda Item 4 (Future Libraries Programme 2019-2024).

Susan Matthews, Heather Sawyer, Anthony McQuiggan, Alex Kensit, Liz Miles, Megan Daigle, Barbara Gray, Josefine Backman Juliff, Pia Backman, Mandy Jacobs and Councillor Tony Edwards of Harlow Council asked a range

of questions in relation to matters considered during the consultation and the subsequent proposals including:

- The impact of reduced opening hours,
- Access to the consultation particularly in relation to children,
- The impact of the proposals on specific libraries,
- Past, current and future funding for libraries,
- The consequences of volunteering particularly in relation to women's earning potential.

An audio recording of the questions put and the responses provided by Councillor Susan Barker, Cabinet Member for Customer, Communities, Culture and Corporate has been published on the Essex County Council website.

#### **4. Future Libraries Programme 2019-2024 (FP/461/06/19)**

A report was received asking that Cabinet agreed the Essex Future Library Services Strategy 2019-2024 as amended following public consultation. The revised strategy did not envisage the closure of any library during the life of the strategy. The revised strategy focused on developing libraries with local communities so that the library service could thrive and that the decline in usage was addressed.

Councillor Susan Barker, Cabinet Member for Customer, Communities, Culture and Corporate, provided the following information in response to questions put by Councillors Young, Henderson, Mackrory, Scordis, Sargeant, Mitchell and Davies.

- Any community libraries established would form part of the statutory libraries provision within the county. It was still to be determined whether the books at such libraries would be available on the central catalogue; this could be considered as part of the ongoing scrutiny work. Community libraries would have the facility to order books from county run libraries on behalf of customers. It was anticipated that book stock at community libraries would be refreshed on a quarterly basis, according to the size of the library.
- All volunteers and volunteer groups wishing to operate community libraries would be assessed for suitability and appropriately vetted. All necessary safeguarding measures would be put in place. Both library staff and volunteers were valued, and their training and support reflected this.
- Should no volunteers come forward, Essex County Council would continue to operate existing libraries throughout the life of the strategy. Should a community run library fail during this five year period, the Council would resume its operation. There may be the need to consider the suitability of existing premises, and make changes if necessary; the needs of local communities would be of key importance.

Investment would be needed at some larger sites, like Colchester and Harlow, to make required improvements.

- The direct costs of the consultation had been around £80,000.00; the higher figure quoted of around £300,000.00 also included opportunity costs, such as staff already on the payroll. The £18,000.00 grant available to community run libraries had been identified as an average requirement, having looked at the running costs of other such facilities.
- A number of further expressions of interest in respect of community libraries had been received since the end of June 2019. These included Broomfield, Great Tarpots, South Benfleet, Hadleigh and Stanway. It was not felt at all likely that the entire library service could eventually be operated on a volunteer basis.

Further written responses providing additional information would be provided to Councillors Mackrory, Sargeant and Davies.

**Resolved:**

1. To note the strong public engagement with the consultation on the draft Essex Future Library Services Strategy 2019-2024, and the results of that consultation as set out in section 4, detailed in appendices 1 and 2.
2. To agree to adopt the Essex Future Library Services Strategy 2019-2024 at appendix 3.
3. To support the people of Essex to reinvigorate and reverse the downward trend in library use and in particular to work closely with, and support community groups or organisations to implement viable and sustainable community-run libraries according to the support offer set out in section 5.13.
4. To note that the revised strategy does not envisage the closure of any library during the life of the strategy.
5. To authorise the draw down of £3m from the Transformation Reserve as set out in paragraph 6.1.3 to set up and support Community-run Libraries and invest in modernising libraries and technology. Further draw downs to be considered in the normal budget process in later years.

**5. Evening and Sunday Supported Local Bus Services (FP/410/04/19)**

A report was received asking the Cabinet to agree new policies for supported evening and Sunday bus services. The new policy would mean that generally ECC would not support journeys leaving after 2200 Monday to Friday, 2300 on Saturday and 1900 on Sunday, subject to exceptions for journeys which regularly carry six or more passengers on average. The Sunday policy would

additionally mean that the services that ECC did support on Sundays would run at a minimum two hourly frequency.

The report also asked Cabinet to agree to procure contracts providing supported evening and Sunday local bus services, which are due to expire in March 2020, currently totalling £635,000 for Sunday services and £1.2m for evening services except for contracts for two services. The report asked that contracts for these two services (service 21 ,Black Notley to Bocking and 418B Loughton to Harlow) were not awarded unless the tender prices was less than £5 per passenger journey.

Councillor Gooding, Cabinet Member for Education and Skills provided the following information in response to questions made by Councillors Young, Pond, Henderson, Mackrory and Scordis.

- Consideration of climate change was extremely important, and the policy sought to ensure that services were being provided at the right times and in the right locations. It was important to minimise the prospect of empty or almost empty buses on underused routes. Shaping the service to better fit communities' needs would assist in this.
- The needs of vulnerable or low income groups had been considered, and the policy represented a real attempt to shape the service according to need. All the routes being provided had to fit with the journeys that people wanted to make.
- Continuing to subsidise underused routes would inevitably impact on the provision or costs of other routes. It was important that Section 106 agreements arising from new housing developments required the provision of services at an early point, in order to establish regular and continued use of new routes by residents.

A further written response to Councillor Young would be provided.

**Resolved:**

***Supported Sunday services***

1. Agree a new supported Sunday services policy that Sunday services are a) supported between 08:00 and 19:00 with exceptions where appropriate based on journeys carrying an average of six passengers or more and b) supported on a minimum two hourly frequency.
2. Agree to the procurement of the supported Sunday services listed at appendix B on the basis of this policy, using the Dynamic Purchasing System and inviting bids on three options where appropriate with award to be based on price:
  - (i) a specified route and timetable basis;

- (ii) an area basis, specifying the settlements to be covered and requiring operators to specify routes and timetables that meet the policy; and
- (ii) a fleet basis, specifying the area and settlements to be covered and the fleet to be provided to enable a demand responsive service to be put in place that meets the terms of the policy.

### **General**

3. Agree that the Director, Highways and Transportation, is authorised to award new evening and Sunday contracts to the lowest price bid meeting the minimum standards via ECC's existing dynamic purchasing system as long as those contracts are affordable within the overall local bus budget.
4. Agree that any such new contract will be for a period determined by the Director, Highways and Transportation with a maximum award term of four years on the basis of 2 years with the possibility of two further extensions for up to two years in total.
5. Agree that a procurement is undertaken for evening journeys on service 21 (Black Notley to Bocking) and 418B (Loughton to Harlow) and that the Director, Highways and Transportation
  - (i) Shall award a contract for either or both services if they are secured at a cost of £5.00 per passenger journey or less; or
  - (ii) Shall withdraw either or both services and not award a contract if the procurement fails to secure services at a cost per passenger journey of £5.00 or less.

### **6. Annual Report 2018-19 (FP/478/07/19)**

The Cabinet received the Annual Report providing a commentary on the progress made towards ECC's strategic aims and priorities in 2018-19.

#### **Resolved:**

Approve the Annual Report 2018-19 (attached as appendix 1) and that this be published on ECC's website.

### **7. Extension of Local Bus Contracted Services due to expire in March and June 2020 (FP/409/04/19)**

A report was received by the Cabinet in relation to supported local bus Monday to Saturday contracts which were due to expire in July 2020.

#### **Resolved:**

1. To agree to extend 76 Monday to Saturday local bus contracts across Essex as set out in appendix A by 12 months from July 2020 until July

2021 if the operator agrees to the extension. Cabinet is asked to note that the annual cost of these is £6.9m.

2. To agree to extend three Monday to Saturday local bus contracts as set out in appendix B with a current cost of £198k per annum from March 2020 to July 2021.
  3. To agree that where the contractor will not agree to extend a contract then ECC will undertake a procurement exercise using the Dynamic Purchasing System to replace only those contracts, on the basis that the existing services are maintained. Any new award shall be for a period of 12 months expiring in July 2021 and will be provided within the available total local bus budget.
  4. To authorise the Director, Highways and Transport, to award the contracts procured to replace contracts which cannot be extended.
  5. To agree to consult on the withdrawal of services 39, 313 and 313a listed in appendix C in July 2020 as the cost of these services significantly exceed ECC's benchmark figure of £5.00 per passenger journey.
8. **Sourcing Strategy for Major Highways Schemes – Eastern Highways Alliance (FP/400/03/19)**

The Cabinet received a report advising that The Eastern Highways Alliance were a group of local authorities who worked together to create a framework agreement which made it easy for them to buy highways works at lower cost by using bulk buying power. The current framework agreement expired on 31 March 2020. The Cabinet were asked to agree that ECC could procure a new framework agreement on behalf of the Alliance.

Councillor Finch, Leader of the Council, provided the following information in respect of a question asked by Councillor Young.

- Work was being progressed in order to ensure that social value was taken into account when the Council procured services.

**Resolved –**

1. Approve the procurement of a four-year multi-supplier framework agreement for the provision of major highway project design and construction services on behalf of the Eastern Highways Alliance and to do so using the restricted procedure.
2. Agree that ECC will act as lead authority for the alliance on the basis that it will hold money for the alliance and the cost of doing so will be met by members of the alliance.
3. Delegate the approval of the number of lots to be procured to the Deputy Leader and Cabinet Member for Infrastructure.

4. Delegate approval of the detailed evaluation methodology to the Deputy Leader and Cabinet Member for Infrastructure.
5. Delegate to the Deputy Leader and Cabinet Member for Infrastructure the authority to award the framework agreement to the successful bidders following the outcome of evaluation based on a high-level evaluation criteria split of 60:40 price: quality.
6. Delegate to the Deputy Leader and Cabinet Member for Infrastructure the approval of the terms upon which the Eastern Highways Alliance (referred to in this report as the 'Alliance') may make the framework available to be used by other contracting authorities that are not Alliance members via an Access Agreement.

## 9. 2019/20 Financial Overview as at the First Quarter Stage (FP/383/03/19)

The Cabinet received a report setting out the forecast financial position of Essex County Council's (ECC) revenue and capital budgets as at the first quarter stage of the 2019/20 financial year. There was a forecast under spend of **£4.6m** (0.5%) against a net budget of **£939.3m**. This assumed full commitment of the Emergency Contingency (**£4m**). Whilst there was a forecast under spend, it is early in the financial year and there were known costs and both risks and opportunities which were likely to change the position. There was an under spend of **£336,000** (0.1%) on capital against the current budget of **£253.3m**. After taking account of budget change requests in this report there would be an over spend of **£66,000**.

Councillor Mohindra, Cabinet Member for Finance, Property and Housing provided the following information in relation to a question by Councillor Mackory.

- The report as provided reflected the early position of the financial year, and as such detailed commentary had not been provided in all instances. A more detailed reply regarding the identified overspends on residential homes and external fostering placements would be provided following the meeting by Councillor McKinlay, Cabinet Member for Children and Families.

### Resolved –

1. To draw down funds from reserves as follows:
  - i. **£5.2m** from the Reserve for Future Capital Funding to the Deputy Leader and Infrastructure portfolio in relation to Department of Transport additional Highways funding (section 5.9.ii);
  - ii. **£5m** from the Adults Digital Programme reserve to the Health and Adult Social Care portfolio to fund digital schemes in 2019/20 (section 5.8.iii);
  - iii. **£241,000** from the Community Initiatives Fund reserve to the Customer,

Communities, Culture and Corporate Services portfolio to support expenditure incurred to date in relation to local projects and grants to third parties for community improvements (section 5.2.ii);

iv. **£215,000** from the Community Initiatives Fund Reserve to the Reserve for Future Capital Funding (via the Customer, Communities, Culture and Corporate portfolio), to match expenditure incurred to date in the final quarter of 2018/19 and first quarter of 2019/20) in relation to the Community Initiatives project (section 7.4.ii).

v. **£205,000** from the Transformation reserve to Customer, Communities, Culture and Corporate Recharged Strategic Support Service (RSSS) portfolio for Organisation Design project funding (section 5.13.ii).

vi. **£69,000** from the Transformation reserve to the Environment and Waste portfolio in support of development of an energy and low carbon agenda (section 5.6.i).

vii. **£21,000** from the Transformation reserve to the Reserve for Future Capital Funding (via the Children and Families portfolio) in relation to Children's capital projects.

viii. **£156,000** from the Transformation Reserve to Performance, Business Planning and Partnerships RSSS to support the Future Gov contract (Essex Transformation Partners) (section 5.16.ii).

2. To appropriate funds to reserves as follows:

i. **£1.4m** to the Waste reserve from Environment and Waste portfolio following a favourable pricing movement (section 5.6.i).

ii. **£4.6m** to the Transformation reserve from Children and Families portfolio relating to the Children's Sustainability programme (section 5.1.iii).

3. To approve the following adjustments:

i. Vire **£167,000** from Health and Adult Social Care portfolio to Economic Development portfolio in relation to Independent Living posts (section 5.3.ii).

ii. Vire **£56,000** from Education and Skills Non Dedicated Schools Grant (DSG) portfolio to Customer, Communities, Culture and Corporate portfolio for two posts transferring from the Employment and Licencing Service to Corporate and Customer Services as part of Organisation Design (section 5.2.ii).

iii. Vire **£20,000** from Customer, Communities, Culture and Corporate RSSS Services to Education and Skills Non DSG portfolio for School Organisation and Place Planning (section 5.5.ii).

iv. Vire **£2.5m** to Finance, Property and Housing RSSS from other portfolios to reflect early delivery of savings across the Customer and Corporate Services function. Budget to be transferred from Customer, Communities, Culture and Corporate (£1.1m); Customer, Communities, Culture and Corporate RSSS (£1m); Education and Skills Non DSG (£260,000); Health and Adult Social Care (£93,000) (section 5.14.ii).

v. **£60,000** from the Place Services Traded reserve to Place Services Traded budget to fund investment in their office environment (section



6.4).

vi. Close the Digital Infrastructure reserve and transfer the residual balance (£3.1m) to the Transformation reserve (section 9.2).

vii. To amend the capital budget as shown in Appendices C (i) and C (ii) which allows for capital slippage of £13.1m, capital budget additions of £13.1m, capital budget reductions of £1.6m and advanced works of £1.2m (see section 7.2).

#### **10. Decisions taken by or in consultation with Cabinet Members (FP/436/05/19)**

The report of decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet was noted.

Councillor Finch agreed to provide some further information in respect of FP/945/09/17 (Land for Housing Development in Epping Forest) as requested by Councillor Pond.

#### **11. Highways Maintenance Policy (FP/430/05/19)**

The Cabinet received a report asking it to adopt a new framework for highway maintenance policies, and the main policies forming part of that framework. It also proposed that the Deputy Leader should adopt the new policies which sit under the high level policies as part of the framework.

##### **Resolved –**

1. Agree that the Council should adopt new highways maintenance policies consisting of those policies set out in paragraph 3.5, and general principles and associated strategies which will be introduced from August 2019 as shown in the diagram at appendix 1.
2. Adopt the Highways Maintenance Policy and General Principles (2019), the ECC Maintenance and Inspections Strategy: Carriageways, Footways and Cycleways (2019) and the ECC Maintenance and Inspections Strategy: Structures (2019) in the form at appendices 2-4) with effect from 1 August 2019.
3. Adopt the Revised footway and structures hierarchies in the form at appendix 5 with effect from 1 August 2019.
4. Note that Cabinet Member for Infrastructure to agree future revisions to the ECC Highways Maintenance Policy and General Principles and associated strategies in consultation with the Leader of the Council.
5. Note that the Cabinet Member for Infrastructure will be adopting the strategies listed in phase 2 (see 3.6) and to approve a public facing summary document to complement the new policy and strategies.

**12. Date of Next Meeting**

It was noted that the next meeting of the Cabinet would take place on Tuesday 17 September 2019 at 10.00am in Committee Room 1 at County Hall, Chelmsford.

**13. Exclusion of the Press and Public****Resolved:**

That the press and public be excluded from the meeting during consideration of the remaining item of business on the grounds that it involves 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).

**14. Evening and Sunday Supported Local Bus Services – CONFIDENTIAL APPENDIX**

(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/410/04/19 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 5 above refers).

**15. Extension of Local Bus Contracted Services due to expire in March and July 2020 – CONFIDENTIAL APPENDIX**

(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/409/04/19 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 7 above refers).

There being no further business, the meeting closed at 12:01pm.