

Minutes of a meeting of the Cabinet that was held remotely on Tuesday 24 November 2020

Present:

Councillor	Cabinet Member Responsibility
Councillor D Finch	Leader of the Council (Chairman)
Councillor T Ball	Economic Development
Councillor S Barker	Customer, Communities, Culture and Corporate
Councillor K Bentley	Deputy Leader and Infrastructure
Councillor R Gooding	Education and Skills
Councillor L McKinlay	Children and Families
Councillor D Madden	Performance, Business Planning and Partnerships
Councillor J Spence	Health and Adult Social Care
Councillor S Walsh	Environment and Climate Change Action
Councillor C Whitbread	Finance

Councillors Canning, Durham, Goggin, Grundy, Hedley, Henderson, Mackrory, Mitchell, Pond and Turrell 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 to membership since the last meeting of Cabinet.
2. Declarations were made during the meeting as follows:
 - Councillor A Goggin declared a Code interest in agenda item 6 (Expansion of Colne Community School and College, Brightlingsea) in that the pedestrian crossing to be installed in conjunction with the project was located close to his home (minute 6 below refers).
 - Councillor I Henderson declared a Code interest in agenda item 8 (Acknowledgement of the Interim Report of the Essex Climate Action Commission) in that he is a member of the Commission (minute 8 below refers).

2. Minutes: 20 October 2020

The minutes of the meeting held on 20 October 2020 were agreed as a correct record and would be signed by the Chairman.

3. Questions from the public

None received.

4. Flexible Use of Capital Receipts Strategy (FP/849/10/20)

The Cabinet considered a report which recommended a strategy for the flexible use of capital receipts in the 2020/21 financial year. The strategy identified the revenue investments made that met the criteria to qualify for this funding treatment.

Resolved:

1. That the Council is recommended to approve the Flexible Use of Capital Receipts Strategy as set out in the Appendix to report FP/849/10/20.
2. That any use of the Strategy is subject to a decision in accordance with Financial Regulations and the Scheme of Delegation.

5. Proposed Harlow Investment Fund (FP/825/10/20)

The Cabinet was asked to agree to invest £5m in the proposed Harlow Investment Fund, a proposed £50m fund seeking to invest in property in Harlow.

In introducing the report, the Cabinet Member for Economic Development recorded his thanks to County Councillors from Harlow electoral divisions for their assistance in progressing the Fund.

The following information was provided in response to questions from Councillors Mackrory and Pond:

- As yet, no information was available regarding potential candidates for the Council's nominee as a director of the Investment Fund.
- The Cabinet Member for Finance undertook to provide a written response clarifying the £1.1m cost of borrowing as referred to in paragraph 5.1.2 of the report.
- Creation of the Fund may facilitate work with partners to mitigate challenges associated with the permitted development of office buildings into residential accommodation.

Resolved:

1. That the investment of £5m in the Harlow Investment Fund was agreed in principle.
2. That the Executive Director, Place and Public Health is authorised to enter into an agreement to subscribe for or purchase shares in the Harlow Investment Fund Limited Partnership and such other entities as may be required in order to participate in the Fund, subject to his being satisfied,

after consulting the Leader, the Cabinet Member for Economic Growth, the Cabinet Member for Finance, the Monitoring Officer and the Section 151 Officer that the agreements and structure provide sufficient protection for the Council's investment.

3. That the Fund Investment Principles and the reserved matters with respect to the Fund are as set out in Appendices 3 and 4 respectively to report FP/825/10/20.
4. That the Council's nominee for appointment as a director of the Investment Fund is to be determined by the Leader of the Council.
6. **Expansion of Colne Community School and College, Brightlingsea (FP/806/09/20)**

(Information contained within a confidential appendix was taken into account in reaching a decision on this issue – minute 14 below refers.)

Councillor A Goggin declared a Code interest in this item – minute 1 above refers.

The Cabinet was asked to endorse the expansion of Colne Community School and College by increasing capacity from 8 Forms of Entry (FE) to 10 FE provision (1240 places to 1500 places) in order to meet the need for secondary school places in the locality and to enter into a contract to expand the school.

Speaking as the local Member, Councillor Goggin welcomed the project, which would facilitate installation of a much-needed pedestrian crossing near to the school.

The following responses were provided in response to questions by Councillor Mackrory:

- The aims for the building design were to provide a new-build extension and significant improvements to the fabric of the existing accommodation, as well as to improve energy efficiency.
- The Cabinet Member for Education and Skills undertook to provide a written response with detailed information on the sources of funding for the project.

Resolved:

1. That a contract is directly awarded to Pick Everard under the terms of Essex Professional Services Framework for professional design, planning and survey services and all the pre-construction work necessary to establish a final de-risked design and cost to build twelve new classrooms with facilities and internal remodelling work at Colne Community School and College, Brightlingsea.

2. That authority is delegated to the Cabinet Member for Education and Skills to:
 - a. Agree the proposed design and the launch of the competitive procurement for the construction through the Essex Construction Framework (2);
 - b. Agree the winning bidder;
 - c. Award the construction contract to the successful bidder once he is satisfied that:
 - i. An agreement is in place with the academy trust which allows the work to go ahead;
 - ii. The school has all necessary permissions in place to expand; and
 - iii. Funding is in place to fund the likely cost of the expansion.
3. That authority is delegated to the Head of Infrastructure Delivery to:
 - Issue instructions to commence the works once satisfactory planning permission has been granted for the works; and
 - Ensure that collateral warranties between Essex County Council, the contractor and sub-contractors and the school are in place
4. That the capital budget for construction and associated fees is approved, as per the profile stated in the confidential appendix to report FP/806/09/20 (minute 14 below refers) which requires the reallocation of £1.308m of unutilised budget within the existing education capital programme to this project in 2022/23 and the £822,000 of the existing budget allocated for this project in 2021/22 is slipped into 2022/23 in order to fund the revised expenditure profile.

7. Wickford Pupil Referral Unit (PRU) (FP/823/10/20)

The Cabinet's agreement was sought for the Council to self-deliver the construction of a 100-place pupil referral unit (PRU) on the site of the former Curriculum Development Centre in Alderney Gardens, Wickford. The full cost of the construction (£6.9m) would be provided by the Council using the Essex Construction Framework and the PRU would be operated by the South Essex Children's Support Service – a maintained PRU.

Approval was also sought for the appointment of the contractor for the work.

Speaking as the local Member, Councillor Ball expressed his support for the project.

Responding to a question by Councillor Mackrory, the Cabinet Member for Education and Skills acknowledged that there had been a substantial increase in the level of permanent exclusions over the last three years and that the level of referrals for pupils requiring PRU support was growing. This was a national trend with a range of complex causes and it was not possible to identify any single influencing factor. The situation in Essex was subject to ongoing monitoring.

Resolved:

1. That approval is given to the procurement of contracts for demolition of the existing site and construction of a new pupil referral unit (PRU) in Wickford through a design and build mini competition using the Essex Construction Framework.
2. That authority is delegated to the Head of Infrastructure Delivery to enter into a contract with Keir Construction Eastern for design and new build, when he is content that the following conditions have been met:
 - Satisfactory planning permission has been granted
 - The construction costs are within the agreed budget and represent value for money.
3. That the new PRU will be operated by the Council.

8. **Acknowledgement of the Interim Report of the Essex Climate Action Commission (FP/829/10/20)**

Councillor I Henderson declared a Code interest in this item – minute 1 above refers.

The Cabinet was asked to accept and welcome the interim report of the Essex Climate Action Commission. The report brought together the Commission's recommendations from its meetings held to date on the following themes:

- Adapting to an already changing climate;
- Transport; and
- The Built Environment.

The Leader of the Council welcomed the report and acknowledged the opportunity it offered for the Council to rise to the challenge of Climate Change. On behalf of the Cabinet, he recorded thanks to Commission members and those providing support for their contribution.

Councillors Pond, Turrell and Henderson welcomed the report and expressed their support. The following responses were provided to points raised:

- It was agreed that the following comments on the report would be fed back to Commission through the Cabinet Member for Environment and Climate Change Action:
 - That consideration be given in including a section on air quality.
 - That some of the transport recommendations, in particular those related to creation of Low Traffic Neighbourhoods and School Streets, could be more ambitious.
 - That the format of the report be revised to make it more suitable for reading on screen.

- Air quality was not strictly a climate change issue, although initiatives such as the creation of school streets would address local air quality issues.
- An inclusive, consultative approach would be taken to reaching decisions on the Council's actions in response to the report, and there were a number of ways for Opposition Group members to raise any issues of concern.
- It was confirmed that early action would be taken in response to any 'quick wins' identified in the Commission's report, for example those relating to Public Rights of Way,

Resolved:

1. That thanks are recorded to the Essex Climate Change Commissioners for their hard work and efforts in helping advise the Council on the actions it can take to address Climate Change.
 2. That the interim report of the Essex Climate Action Commission, as set out in Appendix 1 to report FP/829/10/20, is accepted and welcomed.
 3. That consideration of the Commission's recommendations is prioritised
 4. That a more detailed and considered response to the Commission's interim report is brought to a meeting of the Cabinet early in 2021, which would include those recommendations that can be agreed as priorities to action, which require a more significant action plan to be developed, discussions with partners or detailed cost analysis and which might require some further questions to be asked of the Commission by the Council.
9. **To agree the procurement of a new Contract for Electricity Generation from landfill Gas at Bellhouse Closed Landfill Site (FP/822/10/20)**
(Information contained within a confidential appendix was taken into account in reaching a decision on this issue – minute 15 below refers.)

The Cabinet considered a report which outlined the options for safe management of landfill and gas and sought its agreement to procure a new long-term contract for landfill gas management at Bellhouse Closed Landfill Site.

Resolved:

1. That a competitive procurement process is undertaken to appoint a provider to manage and generate energy from Landfill Gas at the Bellhouse closed landfill site for an initial period of 20 years, with the option to extend for a further five-year period, using the evaluation criteria set out in paragraph 3.16 of the contract.

2. That authority to award the contract is delegated to the Cabinet Member for Environment and Climate Action.

10. **Integrated Waste Handling Contract Service Delivery (FP/803/09/20)**
(Information contained within a confidential appendix was taken into account in reaching a decision on this issue – minute 16 below refers.)

The Cabinet considered information about the Council's arrangements, as the Waste Disposal Authority (WDA), to ensure suitable arrangements for the disposal of certain wastes and the provision of recycling centres. Its approval was sought for the approach to the replacement of the current Integrated Waste Handling Contract.

The following information was provided in response to questions by Councillors Henderson and Pond:

- The Council's aim was to provide a top of the range suite of recycling centres. However, at present there were no plans to make any changes to the existing service.
- Engagement with Trades Unions and staff representatives in relation to transfer of employment had already begun and all arrangements, including those relating to staff terms and conditions, would be managed in accordance with TUPE (the Transfer of Undertakings (Protection of Employment) Regulations).
- The need to maximise recycling would continue to be a significant factor.

Resolved:

1. That after the expiry of the current contract on 31 March 2022, the Council will assume responsibility for operating Recycling Centres for Household Waste (RCHW) and Waste Transfer Stations (WTS) directly.
2. That the Director, Environment and Climate Change Action will undertake a detailed appraisal of options for the delivery of the RCHWs and WTSs, bringing a recommended approach back to Cabinet for further decision in early 2021.
3. That the Council goes out to the market to procure contractors to provide:
 - a. Waste Haulage Services;
 - b. Plant and Equipment, including vehicles, operational plant and waste containers for efficient operation of the services;
 - c. Material Marketing Services to sell or pay for the treatment of waste collected.
4. That authority to approve the procurement approach, evaluation criteria, contract length and terms of the award of the contracts is delegated to the Cabinet Member for Environment and Climate Change Action in consultation with the Cabinet Member for Finance.

11. Decisions taken by or in consultation with Cabinet Members (FP/831/10/20)

The report of decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet was noted. The report included details of decisions exempted from being on the Forward Plan and those exempt from call in in response to the Covid-19 pandemic.

12. Date of Next Meeting

It was noted that the next meeting of the Cabinet will take place on Tuesday 15 December 2020 at 10.00am. The meeting was expected to take place online.

13. Urgent Business

There was no urgent business.

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. Confidential Appendix: Expansion of Colne Community School and College, Brightlingsea (FP/806/09/20)
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/806/09/20 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 6 above refers).

15. Confidential Appendix: To agree the procurement of a new Contract for Electricity Generation from Landfill Gas at Bellhouse Closed Landfill Site (FP/822/10/20)
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/822/10/20 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 9 above refers).

16. **Confidential Appendix: Integrated Waste Handling Contract (FP/803/09/20)**
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/803/09/20 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 10 above refers).

17. **Urgent Exempt Business**

There was no urgent exempt business.

There being no further business, the meeting closed at 10.49am.

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Chairman

15 December 2020