

## MINUTES OF A MEETING OF THE CABINET HELD AT COUNTY HALL, CHELMSFORD, AT 10.00AM ON 17 JULY 2012

Present:

Councillors	Cabinet Member responsibility
P J Martin	Leader of the Council (Chairman)
D M Finch	Deputy Leader, Cabinet Member for Finance and Transformation Programme (Vice Chairman)
J Aldridge	Adults Social Care
K Bentley	Economic Growth, Waste and Recycling
R Gooding	Children's Services
J G Jowers	Communities and Planning
D J Louis	Highways and Transportation
A Naylor	Health and Wellbeing
J R Lucas	Customer Services, Environment and Culture

Councillors M Mackrory and Mrs T Higgins were present as Opposition Observers.

Councillors, W J C Dick, M Lager, G W McEwen, D Madden, M Page and R Walters also attended.

### 1. Apologies for Absence

Apologies for absence were received on behalf of Councillors S C Castle.

### 2. Minutes

The minutes of the meeting held on 19 June 2012 were agreed as a correct record and signed by the Chairman.

Arising from consideration of the minutes, Cllr M Mackrory asked when the Leader of the Council would reply to Cllr Kendall's question concerning the approved budget for consultancy in the 2011/12 Financial Year. The Leader of the Council advised that a full response would be sent later on the day of the meeting, but that the headline figures for expenditure were £39 million (approx) in 2010/11 compared with £16m (approx) in 2011/12.

### 3. Declarations of Interest

Members declared interests in the following agenda items, as set out below.

Councillors D J Louis and K Bentley declared a prejudicial interest in agenda items 8 and 13 (Award of Contract for Domiciliary Reablement Services part 1 and part 2) on the grounds that they are respectively a Director of a company which bid for the contract and a Director and Chairman of Mosaic Publicity Ltd, which carries out work for Essex Cares.

Councillor Louis and Councillor Bentley left the meeting during consideration of the agenda items concerned (minutes 12 and 14 below refer).

### 4. Variation in the Order of Business

Upon the motion of the Chairman, duly carried, it was agreed to vary the order of business to postpone consideration of item 8 (Award of Contract for Domiciliary Reablement Services) until immediately after item 10 (Decisions taken by or in consultation with Cabinet Members).

## **5. 2012/13 Financial Overview as at the First Quarter Stage**

The Cabinet considered report FP/695/011/11 by the Deputy Leader and Cabinet Member for Finance and Transformation Programme which provided an updated assessment of the financial position of the Council in 2012/13, based upon the position at the first quarter stage.

In considering the report, Members noted that the impact upon the capital payment profile of making the changes proposed were summarised in Appendix C.

In response to a question by Councillor Mackrory, the Cabinet Member confirmed that every effort would be made to ensure optimum usage of S106 funding in respect of capital works to schools.

### **Resolved:**

- (1) That the current revenue forecast for a projected overspend for the year of £1.577m as detailed in Appendix A to the report be noted, together with a projected underspend of £3.253m against the approved capital payments guideline, after proposed adjustments.
- (2) That it be noted that, within the projections, £8500 is due to actions for which carry forward funds could be made available or spending plans adjusted. £4.442m of this relates to carry forward requests in Schools, Children's and Families for which change control notices (CCNs) have been written, and are due to be considered by the Deputy Leader and Cabinet Member for Finance and Transformation.
- (3) That the appropriation of £64,000 from the Grant Equalisation Reserve by the Customer Services, Environment and Culture portfolio be approved.
- (4) That the appropriation of £76,000 from the Redundancy Reserve by the Deputy Leader portfolio be approved.
- (5) That approval be given to withdraw from the General Balance £1.040m for use by the Deputy Leader in respect of Facilities Management Services.
- (6) That approval be given to a net reduction of the Council's Net Expenditure budget by £505,000 relating to a number of small adjustments to align budgets to reflect final funding settlements.

- (7) That the appropriation of £1.083m to the Personal Care Reserve by Adult Social Care be approved.
- (8) That the reduction of the capital payments profile and financing assumptions by £22.802m be approved.

## **6. 2012/13 Corporate Plan Progress Report as at the First Quarter Stage**

The Cabinet considered a report FP/836/05/12A by the Deputy Leader and Cabinet Member for Finance and Transformation Programme which provided an updated assessment of the progress made in delivering Essex County Council's Corporate Plan Priorities in 2012/13, based upon the position at the first quarter stage. This included progress against specific performance measures within the 2012/13 Corporate Plan.

Arising from consideration of the report, the Cabinet Member for Customer Services, Environment and Culture commented that the decline in the numbers of library items issued reflected a national trend and was unsurprising given the rise of e-books. Initiatives were being embarked upon to increase library footfall, which was not subject to the same level of reduction.

In response to comments by Councillor Mackrory, the Leader of the Council undertook to ask the Cabinet Member for Education, Lifelong Learning and the 2012 Games to respond regarding action being taken to improve performance in relation to the education issues highlighted in the report.

Also in response to a question by Councillor Mackrory, the Cabinet Member for Health and Wellbeing acknowledged the importance of ensuring that residents were informed of changes to health services. The Council would be working with Clinical Commissioning Groups and GPs to progress the issue.

### **Resolved:**

That the current performance outlined in the 2012/13 Corporate Plan Progress Report be noted, together with the risks to delivery and plans in place to ensure that these priorities are achieved.

## **7. 2011-12 Annual Report**

The Cabinet considered report FP/836/05/12B by the Deputy Leader and Cabinet Member for Finance and Transformation Programme which showed where the Council spent taxpayers' money during 2011/12, demonstrated the Council's achievement in delivering against the EssexWorks priorities, showed the impact of the Council's achievements and identified where future focus on improvement was needed.

In introducing the report, the Leader of the Council stated that the Council's strict control of its finances had made it possible to maintain services and make improvements in some areas. The Council had also delivered on nine of the ten

pledges, with reporting on the tenth still awaited. He congratulated the Chief Executive and her staff on achieving this in challenging financial circumstances.

In response to questions by Councillor Mackrory, the Cabinet Member for Highways and Transportation acknowledged that the overall level of satisfaction for Essex Highways and Transportation had fallen and set this against a background of intense change. He was confident that the position would improve significantly given the recent introduction of the new partnership with Ringway Jacobs, increased investment in infrastructure and implementation of the local highways panels. He also undertook to verify the figure quoted for numbers of vehicles removed from Chelmsford City Centre's roads each weekday following the opening of the Chelmer Valley Park and Ride

**Resolved:**

That performance achieved during 2011/12, as outlined in the Annual Report, be noted.

**8. Tender for Adult Mental Health Formal Advocacy Service**

The Cabinet considered report FP/873/06/12 by the Cabinet Member for Health and Wellbeing which sought approval to tender for a Working Age Adult Mental Health Formal Advocacy Service following a review of the Mental Health advocacy services, funded by both health and social care.

In response to a question by Councillor Mrs Higgins, the Cabinet Member for Health and Wellbeing undertook to verify whether the overall status of the advocacy service, as set out in the Equality Impact Assessment attached as an appendix to the report, had been correctly stated as 'low'.

**Resolved:**

That an open tender process for working age adult mental health formal advocacy services across Essex be undertaken for a 12 month period, to commence on 1 April 2013.

**9. Award of Education and Social Care Transport Contracts**

The Cabinet considered report FP/847/06/12) by the Cabinet Member for Highways and Transportation which detailed the outcome of the tender process for the statutory provision of transport to schools and social care establishments and sought approval to award contracts to the successful bidders. The contracts would commence with effect from 1 August 2012 for a minimum 12 month period.

**Resolved:**

- (1) That contracts for the delivery of statutory transport service into schools be awarded as set out in Annex 1 to the report for a minimum 12 month period, resulting in an estimated efficiency saving of £1.766, for the Schools, Children and Families Directorate.

- (2) That contract for the delivery of transport service to social care centres be awarded to external operators for a minimum 12 month period as set out in Annex 1 to the report, resulting in efficiency savings of £0.147m to the Adults, Health and Community Wellbeing Directorate.
- (3) That those contracts in the tender round currently operated by Community Link (Essex County Council's in-house fleet) be withdrawn from the tender process as the tender for these contracts did not include sufficient information relating to TUPE and other potential overhead costs, meaning that a fair tender was not possible.
- (4) That the routes referred to in (3) above be offered to Community Link for a minimum 12 month period at an additional cost of £15,115 to the Adults, Health and Wellbeing Directorate.

#### **10. Urgent Business: Essex House Update**

The Chairman agreed to consideration of the following item of urgent business on the grounds that there was a need to update the Cabinet on a current issue:

##### **Essex House Update**

The Cabinet Member for Customer Services, Environment and Culture updated the Cabinet on the current situation at Essex House, Colchester from which staff had had to be evacuated on two separate occasions. The building was currently closed pending further detailed investigations and arrangements had been made to relocate staff to other premises.

The Cabinet Member placed on record his thanks to staff across the Council for their co-operation and positive approach to dealing with this difficult situation. His comments were echoed by the Cabinet.

#### **11. Decisions taken by or in consultation with Cabinet Members**

The Cabinet received report FP/877/06/12 by the Secretary to the Cabinet listing the decisions taken since the last meeting.

#### **12. Award of Contract for Domiciliary Reablement Services**

Councillors D J Louis and K Bentley declared a prejudicial interest in this item and were not present during its consideration (minute 3 above refers).

The Cabinet considered report FP/858/06/12 by the Cabinet Member for Adults Social Care which advised that the restricted tender process in respect of the contract for domiciliary reablement services agreed by the Cabinet on 24 January 2012 had been completed and evaluated, resulting in a single winning bidder for all five lots. Approval was therefore sought to award the contracts for the five lots covering the whole of Essex to the winning bidder, Essex Cares.

The contracts would be awarded on 30 July 2012 (subject to completion of the Alcatel process), for commencement by 1 November 2012. The Cabinet noted that the County Council was the lead commissioner for health for this jointly commissioned, jointly funded reablement service which would operate on a locality basis (Mid, North East, South East, South West and West) covering the whole of Essex.

In introducing the report, the Cabinet Member advised that an Equality Impact Assessment carried out on 23 January 2012 had resulted in an outcome of 'low'.

**Resolved:**

That contracts for domiciliary reablement services for all five lots covering the whole of Essex be awarded to Essex Cares for a period of three years, with a break point at the end of year 2 should the requirements of the service change.

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

**Resolved:**

That, having reached the view that, in each case, the public interest in maintaining the exemption (and discussing the matter in private) outweighed the public interest in disclosing the information, the public (including the press) be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**14. Award of Contract for Domiciliary Reablement Services**

(Exempt under paragraph 3 – information relating to the financial or business affairs of any particular person)

Councillors D J Louis and K Bentley declared a prejudicial interest in this item and were not present during its consideration (minute 3 above refers).

The Cabinet noted report FP/858/06/12/PtII by the Cabinet Member for Adults Social Care which contained exempt information referred to in the report on the same issue considered and decisions taken earlier in the meeting (minute 12 above refers).

The meeting closed at 10.45am.

Chairman  
4 September 2012