

## **Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Thursday 22 November 2018**

### **Present:**

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
K Bentley	Deputy Leader and Cabinet Member for Infrastructure (Chairman)
S Barker	Customer and Corporate
R Gooding	Education and Skills
L McKinlay	Finance, Commercial and Traded Services
D Madden	Children and Families
J Spence	Health and Adult Social Care
S Walsh	Environment and Waste

Councillors J Aldridge, T Ball, J Beavis, A Davies, M Durham, I Grundy, I Henderson, D Kendall, M Mackrory, M Maddocks, C Pond, J Reeves, C Sargent, L Scordis, M Steptoe, A Turrell, L Wagland, P Weston and J 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 D Finch (Leader of the Council), Councillor S Lissimore (Cabinet Member for Culture and Communities) and Councillor G Mohindra (Cabinet Member for Economic Development).
3. The following Code interests were declared regarding Agenda Item 5 (Consultation on Essex Future Libraries Strategy) - Minute 6 below refers:
  - Councillor K Bentley, in that part of Mersea Island falls within his Electoral Division of Stanway and Pyefleet;
  - Councillor R Gooding, in that Stansted Library falls within his Electoral Division of Stansted; and
  - Councillor C Pond, in that he is an Honorary Fellow of the Chartered Institute of Library and Information Professionals (CILIP);

### **2. Minutes: 16 October 2018**

The minutes of the meeting held on 16 October 2018 were agreed as a correct record and signed by the Chairman

### 3. Questions from the public

The Chairman welcomed three members of the public who had registered to speak on Agenda Item 5 (Consultation on Essex Future Libraries Strategy).

**a) Councillor Patricia Moore (Colchester Borough Councillor, Mersea and Pyefleet Ward)**

Councillor Moore was concerned that West Mersea Library had been placed in tier 3, which she believed ignored both the special circumstances of the location (frequently cut off by the sea) and of the Island's deprivation and ageing population. The building was much used by community groups for which there were no other venues available. Under the scoring system, West Mersea was two points away from tier 2 and Councillor Moore requested that consideration be given to placing it in this tier, in the light of the special circumstances she had described.

**b) Councillor Robert Davidson (Colchester Borough Councillor, Mersea and Pyefleet Ward)**

Councillor Davidson stated that he understood the need for financial savings. However, he believed Mersea to have special circumstances due to its ageing population, deprivation levels and the poor levels of education, skills and training amongst its population. The library offered the only venue for free access to the internet, and this facility was much used. He echoed Councillor Moore's comment that West Mersea was only two points short of category 2. In his view, the scoring system was flawed in that it did not drill down sufficiently to reflect local circumstances, and he requested that consideration be given to placing West Mersea Library within tier 2.

**Response by Councillor Susan Barker, Cabinet Member for Customer and Corporate**

Councillor Barker advised that she had visited West Mersea Library. She stated that all responses to the Consultation would be considered in detail. The aim of the process was to help libraries remain open, but assistance from local communities would be required for this to be possible.

**c) Councillor Maureen Caton (Chairman, Stansted Mountfitchet Parish Council)**

Councillor Caton expressed serious concern regarding the proposals in relation to Stansted Library, stating that the assessment methodology was flawed and lacked transparency. A document had been sent to the Cabinet Member setting out in full the views of the local community.

Councillor Caton asked why ECC had not consulted the Parish Council regarding the placing of the Library in tier 4, given that both councils had been in negotiation for some seven years regarding the relocation of the

library within a new shared hub building, and ECC had agreed to enter into a lease with the Parish Council for the library's share of that building. The Parish Council had first learnt of the current proposals via social media. Councillor Caton believed that the assessment of library usage leading to the placing of the library in tier 4 had been skewed by reduced customer access during building work and the use of temporary accommodation.

Councillor Caton expressed the desire of the Parish Council to retain the library, and to continue to work in partnership with ECC.

**Response by Councillor Susan Barker, Cabinet Member for Customer and Corporate**

Councillor Barker acknowledged the particular circumstances regarding Stansted Library, stating that a meeting with the Parish Council was due to take place shortly.

**4. Variation in the Order of Business**

The Chairman agreed to vary the order of business to allow Agenda Item 5 (Consultation on Essex Future Library Services Strategy) to be considered as the next item of business. For ease of reference, the debate on the item is recorded in the order in which it appeared on the agenda (minute 6 below refers).

**5. Future Resourcing Services to Deliver ECC's Workforce Strategy (FP/160/05/18)**

(Information contained within a confidential appendix was taken into account in reaching a decision on this issue – minute 11 below refers)

The Cabinet's agreement was sought to bring the Council's permanent recruitment in-house, and to use framework agreement(s) to provide temporary recruitment solutions at the expiry of the current combined contract in September 2019, on an interim basis whilst a longer-term solution is fully explored.

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

- The unit cost quoted in the report for temporary staffing appeared high as it was inclusive of salary.
- It was proposed to bring permanent recruitment in-house for reasons of cost-effectiveness, and to facilitate the building of a talent pool capable of meeting the Council's future staffing requirements. Staff employed by the current contractor would be offered a transfer to the Council under the provisions of TUPE (Transfer of Undertakings – Protection of Employment Regulations).

**Resolved:**

1. That permanent recruitment and resourcing activity be brought in-house.
2. That funding of £335,000 one-off costs, including investment in technology solutions, relating to the in-house permanent recruitment service, from the Transformation Reserve, be agreed, to be spent and profiled in accordance with Table 7 contained within report FP/160/05/18.
3. That it be noted that budget transfers between portfolios will be required to centralise the budget for the in-house permanent recruitment team; this is required to realise the full-year saving of £449,000 in the Medium-Term Resource Strategy (MTRS) (£224,500 part year saving in 2019/20).
4. That an external OJEU compliant framework be used to provide temporary worker solutions for a maximum period of three years (2+1), whilst long term options are explored. The total annual contract value is likely to be in the region of £17.5m.
5. That the Cabinet Member for Customer and Corporate be authorised to award one or more call-off contracts under framework agreements for temporary worker solutions upon consideration of a further report.
6. That the Cabinet Member for Customer and Corporate be authorised to award one of more call off contracts under framework agreements to provide talent attraction and selection services, to support the in-house permanent recruitment function upon consideration of a further report.

**6. Consultation on Essex Future Library Services Strategy (FP/217/08/18)**

Councillors Bentley, Gooding and Pond declared Code interests in this item (Minute 1 above refers).

Revised versions of Appendix 1 (Essex Future Library Service 2019-2024 draft strategy) and Appendix 2 (Essex Library Services Needs Assessment, together with an explanatory note concerning the changes, had been circulated following publication of the agenda.

The Cabinet's agreement was sought to consult on the draft Essex Future Library Services Strategy for a 12-week period from 29<sup>th</sup> November 2018 to 20<sup>th</sup> February 2019.

As this item concerned a decision to go out to consultation, the Monitoring Officer had advised in advance of the meeting that, in accordance with paragraph 20.15 (xix) (c) of the Council's Constitution, it **may not** be called in. The Chairman reminded those present at the meeting of this advice, and confirmed that the decision on implementing the finalised Strategy, to be taken by the Cabinet in Summer 2019, would be subject to call-in.

Members considered the proposals in detail, and the Cabinet Member for Corporate and Customer responded as follows to questions and requests for clarification by Councillors Aldridge, Henderson, Kendall, Mackrory, Pond, Reeves, Sargent, Scordis, Steptoe, Turrell, Wagland and Young:

- The period between the end of the consultation period and the submission of the final Strategy to the Cabinet was sufficient to allow time for detailed consideration of what was expected to be a large response.
- The proposals were a response to changes in how people learn and use information, which had contributed to a reduction in library visits. Although there was a need for financial savings, investment was still taking place (such as the refurbishment of the Children's Library in Chelmsford), and there was no specific target in relation to the amount of savings to be achieved by implementation of the proposed Strategy.
- As the process under consideration was one of consultation, it was not possible at this stage to give accurate details concerning the meaning of 'reduced hours', as this would depend on needs and desires in relation to individual localities. However, a full library service would continue to be provided across the County.
- The aim of the Strategy was to build a different kind of library network, improving customer experience by providing attractive environments which offered more and were places where people wanted to be. The current service was no longer delivering what people wanted. The hope was to enable as many libraries as possible to remain open, and the consultation was a genuine, bespoke exercise to establish how this could be achieved. There were no pre-determined outcomes, and thoughts and suggestions from individuals and communities were essential, as were contributions from County Councillors concerning library use in their electoral divisions. All registered library users would be invited to respond to the consultation.
- ECC support to tier 3 libraries would vary depending on the outcome of discussions with community groups. Examples could include the provision of staff, or financial assistance towards the cost of a lease. Expressions of interest from parish councils and others regarding the possible lease or purchase of individual buildings would be welcome in due course, but proposals were at a strategic level only at present. No detailed information, for example in relation to potential discounts, was currently available.
- With regard to any libraries which closed, liaison would take place with parish councils concerning alternative locations for the provision of free internet access (although analysis had shown that computer use within libraries was currently reducing and changing). Alternative provision would also be made for ECC-sponsored facilities which used the building. Books could be made available to the local community. The home library

service, already provided by volunteers, could take responsibility for delivering items such as talking books.

- An undertaking was given to publish door counter figures for the last five years, although they were an unreliable indicator of actual library use.
- Although Members had been formally briefed on the proposals as the agenda for this meeting was published, certain aspects had been leaked in advance via social media, meaning that they may have become aware initially via informal sources.
- Consideration would be given to the possible retention of Holland-on-Sea library as a community facility.
- If available, more specific cost information relating to aspects of the proposals would be provided upon request.
- The nature of the proposals meant that pre-scrutiny had not been considered as a possibility on this occasion.
- The Cabinet Member welcomed the suggestion by Councillor Wagland that responses to the Consultation be publicised as they were received, to help encourage and inspire other respondents. She also confirmed that she would be willing to engage with local councils and community groups as they worked up individual proposals.
- The interrelationship between the static and mobile libraries, and the potential for them to complement each other, would be considered as part of the forthcoming review of the mobile library service.
- The Cabinet Member undertook to meet with Councillor Aldridge concerning various aspects of the proposals if he would find it helpful, and also with a community group at Great Wakering concerning a joint use proposal. She also agreed to raise with Rochford District Council the possibility of joint use of library premises for that Council's offices, and to liaise with Wivenhoe Town Council concerning the possibility of that Council taking on responsibility for Wivenhoe Library.
- The potential impact of the proposals on women and children had been considered as part of the Equality Impact Assessment.
- Poor stock levels were unlikely to be a factor in the declining use of libraries due to regular stock rotation across the County.
- Library usage tended to increase when people were attracted in by other events and activities.

- The Cabinet Member for Education and Skills stated that he had already received representations from some schools and pre-schools concerning the library proposals, and he was taking steps to ensure that the issues were fully understood and taken into consideration. Library use by schools and pre-schools varied considerably across the County.

The Cabinet Member for Customer and Corporate undertook to provide written responses to Councillors as set out below:

- To Councillor Mackrory: details of the percentage reduction in book purchases over the last 10 years. (Councillor Mackrory had expressed the view that this may be a contributory factor in the reduction on loans);
- To Councillor Pond: information and access details concerning the current location of the Chelmsford and Essex Collection;
- To Councillor Henderson: details identified as part of the Equality Impact Assessment in terms of the potential effect of the proposals on those living with severe deprivation.

**Resolved:**

1. That the draft strategy and needs assessment appended to report FP/217/08/18 be publicly consulted upon for a 12-week period from 29<sup>th</sup> November 2018 to 20<sup>th</sup> February 2019.
2. That a further report seeking approval for the final strategy be submitted to the Cabinet in Summer 2019, following consideration of the public comments.

**7. Integrated Residential and Nursing Framework extension and re-procurement (FP/164/05/18)**

A revised version of Appendix B to the report (2019/2020 Pricing Matrices for Nursing and Residential Care) had been circulated following publication of the agenda.

The Cabinet's agreement was sought to extend the existing framework agreement for Integrated Residential and Nursing Care (IRN) beyond its expiry in February 2019 until June 2019, to allow time for the establishment and procurement of a fresh framework.

In presenting the report, the Cabinet Member for Health and Adult Social Care highlighted the innovative and imaginative nature of the proposals under consideration.

Responding to a question by Councillor Mackrory, the Cabinet Member explained how the proposal aimed to improve the stability of the care market and benefit service users. He undertook to reply in writing to Councillor Pond to provide information on the differing price points set for each district, as referred to within the Financial Implications.

**Resolved:**

1. That tenders be invited for a framework agreement for service providers across Essex to deliver residential and nursing care services, with initial pricing to be based on the pricing matrices set out in Appendix B to report FP/164/05/18, using a one-stage process compliant with the light touch regime. Call-off contracts under the framework will be awarded via a ranked list or through mini competitions. The framework contract will be awarded for six years with annual refreshes under which all providers can review their prices and new providers can be admitted to the framework.
2. That the current IRN Framework Contract be extended from 8 February 2019 to 7 June 2019.
3. That the Cabinet Member for Adults and Health be authorised to award the new IRN Framework contracts following completion of the procurement process and to re-open competition at least once each year for the annual refreshes and any additional review points as required (after the price and quality criteria) to meet with corporate, legislative or ECC outcomes.
4. That the Director, Adult Social Care be authorised to award the new IRN Framework Contract to new entrants, following the review points.

**8. Decisions taken by or in consultation with Cabinet Members (FP/258/10/18)**

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

**9. Date of Next Meeting**

It was noted that the next meeting of the Cabinet would take place on Thursday 18 December 2018 at 10.00am.

**10. 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).

**11. Confidential Appendix: Future Resourcing Services to Deliver ECC's Workforce Strategy (FP/160/05/18)**  
(Press and public excluded)



The Cabinet noted the Confidential Appendix to report FP/170/06/18 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 5 above refers).

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

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**Chairman**  
**18 December 2018**