

Minutes of a meeting of the Cabinet that took place in the Council Chamber at County Hall at 10.15am on Tuesday 21 February 2023**Present:**

Councillor	Cabinet Member Responsibility
Cllr Kevin Bentley	Leader of the Council (Chairman)
Cllr Malcolm Buckley	Waste Reduction and Recycling
Cllr Graham Butland	Devolution, the Arts, Heritage and Culture
Cllr Beverley Egan	Children's Services and Early Years
Cllr Lee Scott	Highways Maintenance and Sustainable Transport
Cllr John Spence	Health and Adult Social Care
Cllr Lesley Wagland	Economic Renewal, Infrastructure and Planning
Cllr Chris Whitbread	Finance, Resources and Corporate Affairs

Cllrs Mark Durham, Ivan Henderson, Mark Platt, Peter Schwier, Laureen Shaw, Andrew Sheldon, Derrick Louis and Mike Mackrory were also present. Cllr Chris Pond attended remotely, via Zoom.

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 of membership since the last meeting.
2. Apologies for absence had been received from Cllrs Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability, Louise McKinlay, Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance, and David King Deputy Leader of the Liberal Democrat Group.
3. There were no declarations of interest.

2. Minutes: 17 January 2023

The Minutes of the previous meeting, held on 17 January 2023, were approved as a correct record and signed by the Chairman.

3. Questions from the public

None.

4. **Greater Essex Devolution (FP/012/01/23)**

The Cabinet's approval was sought to endorse the submission of an expression of interest to Government to begin the process of negotiating a deal in support of the greater devolution of powers from central government. The Leader of the Council and the Cabinet Member for Devolution, the Arts, Heritage and Culture responded to questions from Councillors Mackrory, Henderson and Pond in respect of:

- The origins of the funding available and whether this represented new money being made available;
- The time period over which funding would be made available;
- The plans for Shire Hall in Chelmsford;
- The models for Mayoral precepting;
- Southend-on-Sea City Council's opposition to the directly elected mayoral form of governance and whether unanimous approval was needed from all three top tier authorities;
- The importance of maximising employment opportunities within our existing offshore infrastructure;
- The timing of the process and whether it was linked to a possible general election;
- The overall objectives of Devolution and what the perceived benefits would be;
- The impact of any possible local government reorganisation.

Resolved:

1. Agreed that the Council should submit an expression of interest to Government to begin the process of negotiating a devolution deal in the form set out in Appendix 1 to report FP/012/01/23.
2. Agreed that the Chief Executive may make amendments to the Expression of Interest attached as Appendix 2 to report FP/012/01/23 prior to its submission to Government after consulting the Leader of the Council.

5. **Approval to place 2023/24 contractual task orders with Ringway Jacobs for values of £2m and over (FP/568/11/22)**

The Cabinet considered a report seeking approval for the issue of task orders likely to exceed £2m to Ringway Jacobs for the 2023/24 financial year.

The Cabinet Member for Highways Maintenance and Sustainable Transport responded to questions from Councillors Mackrory and Henderson in respect of the reduction to capital investment in carriageways and which carriageways would not be resurfaced as a result. A written response would also be provided to Councillor Mackrory on the detail of proposals for cycling infrastructure within the Bunnywalks in Chelmsford.

Resolved:

1. Agreed that the Director Highways and Transportation may issue the task orders to Ringway Jacobs as outlined in Table 1 of Appendix 1 to report FP/568/11/22, after taking legal advice about the form and content of the task orders.
2. Agreed that the Cabinet Member for Highways Maintenance and Sustainable Transport may change the work to be undertaken under the task orders.

6. Procurement of trainers, venues and a booking system for the delivery of the National Driver Offender Retraining Scheme (NDORS) (FP/588/12/22)

The Cabinet considered a report seeking its approval to set up a Dynamic Purchasing System (DPS) for the creation of a catalogue of trainers to deliver National Driver Offender Retraining Scheme (NDORS) courses and to procure a four-year multi-supplier framework for NDORS training venues in Essex. Approval was also sought to call-off a two year contract for an online booking system following expiry of the existing agreement in April 2023.

The Cabinet Member for Highways Maintenance and Sustainable Transport responded to a question from Councillor Mackrory regarding the quality monitoring of the courses in operation.

Resolved:

1. Agreed to set up a Dynamic Purchasing System (“DPS”) for a period of 5 years and the possibility of extension for a further 5 years extension for the following education and training courses under the National Driver Offender Retraining Scheme (NDORS):
 - NDORS Theory Courses
 - NDORS Practical Courses
 - Non NDORS (All schemes of work outside of the judicial system, e.g., elder driver) Theory
 - Non NDORS – Practical
2. Agreed that the Director, Highways and Transport is authorised to agree the terms of the contract and appoint operators to the DPS following completion of the procurement process.
3. Agreed to procure a four year, multi supplier framework for NDORS training venues in Essex, Southend and Thurrock in the following lots:
 - Lot 1 – Uttlesford and Braintree
 - Lot 2 – Colchester and Tendring
 - Lot 3 – Harlow and Epping Forest

- Lot 4 – Chelmsford and Maldon
 - Lot 5 - Brentwood and Basildon
 - Lot 6 - Rochford, Castle Point and Southend
 - Lot 7 – Thurrock
4. Agreed that the above Framework will be procured using the open procedure with the high-level evaluation criteria evaluating 30% price and 70% quality.
 5. Agreed that the Director, Highways and Transport is authorised to agree the detailed evaluation criteria for the procurement of the DPS and the framework for NDORS training venues.
 6. Agreed that the Cabinet Member, Highways Maintenance and Sustainable Transport is authorised to award the contracts to the successful bidders following completion of the procurement process of the Framework for NDORS training venues
 7. Agreed to call off a two-year contract for an online bookings system (with the option to extend for up to 12 months on two occasions) using the mini-competition process through the G-Cloud 13 Framework Agreement at a total value of £172,800 including VAT.
 8. Agreed that the Director, Highways and Transport is authorised to award the contract for the online bookings service to the successful bidder following completion of the mini-competition process.
- 7. Procurement of accommodation-based support for people with mental health needs (FP/ 595/12/22)**

The Cabinet considered a report seeking its agreement to go out to the market to secure a provider for a new model of supported accommodation for people with mental health needs. The service would cover those parts of Mid and South Essex falling within the County Council's boundaries.

The Cabinet Member for Health and Social Care responded to a comment from Councillor Henderson in respect of the Council's aim to prevent people with mental health needs having to go outside Essex for treatment and care. A written answer would also be provided to Councillor Mackrory in respect of the type of accommodation to be provided and whether the Public Health grant had been advised and the possible impact on other initiatives given £600,000 of grant funding was required for accommodation-based support.

Resolved:

1. Agreed to undertake two competitive procurement processes using the open procedure to procure providers of Mental Health Supported Accommodation Services across Mid and South Essex as follows:

Procurement 1 – Intensive Assessment Beds and Complex Needs

- Intensive Assessment Beds (9 units in Mid and South Essex)
- Complex needs (18 units in Mid and South Essex)

Procurement 2 – High, Medium and Low Provision

- High, Medium and Low Mid Essex area (67 units total)
- High, Medium and Low South Essex area (101 units total)

2. Agreed that the high-level evaluation criteria for the procurements will be 40% price and 60% quality with 10% of the quality score assessing social value.
3. Agreed that the new contracts for High, Medium and Low Provision will commence in October 2023 with a duration of four years, with a budget envelope of £12.8m over the life of the contract split between the Council (£7.4m) and the Mid and South Essex Integrated Commissioning Board (£5.4m).
4. Agreed that the new contracts for Intensive Assessment Beds and Complex Needs will commence in April 2024 with a duration of three years and six months, with a budget envelope of £5.8m over the life of the contract split between the Council (£3.3m) and the Mid and South Essex Integrated Commissioning Board (£2.4m).
5. Agreed that the Cabinet Member for Health and Adult Social Care may award the contracts referred to in paragraphs 2.3 and 2.4 above following completion of the procurement process and once the relevant s256 agreements referred to in paragraph 2.6 below are in place.
6. Agreed to enter into two s256 Agreements with the Mid and South Essex Integrated Care Board (ICB) for the purposes of commissioning the Mental Health Supported Accommodation services referred to in this report.
7. Agreed that the Executive Director, Adult Social Care is authorised to agree the terms of the two s256 Agreements with the Mid and South Essex Integrated Care Board.

8. Annual review of the Live at Home Framework 2023-24 (FP/597/12/22)

The Cabinet received a report seeing approval to undertake the Annual Review Process of the Live at Home framework and proposing increases of up to 14.6% to the rates paid to domiciliary care providers on the framework.

The Cabinet Member for Adult Social Care and Health responded to a question from Councillor Henderson in respect of the Council's ability to monitor care workers' working conditions.

Resolved:

1. Agreed that the Live at Home Framework will not be opened to new providers for 2023 but that pricing will re-open to enable providers currently on the framework to submit new prices based on the matrices set out in Appendix A to report FP/597/12/22, which represent an 11.8%-14.6% increase in the rates.
2. Agreed to uplift existing packages of domiciliary care (excluding night sleep and 24 hour live-in care) with effect from 2 April 2023 so that:
 - (a) Packages provided under the framework are increased by £2.84 per hour (including consolidation of the £1.12 per hour temporary uplift approved in October 2022); and
 - (b) Packages not provided under the framework will be uplifted to £22.32 per hour if they are currently less than that.
3. Agreed to allow eligible providers on the older people, mental health and physical/sensory impairment live a home framework who are not currently classified as a 'tier 1 provider' to apply to become a tier 1 provider, enabling them to be considered a priority for new packages.
4. Agreed to make payments to backdate any increases to providers to 2 April 2023.
5. Agreed that the Executive Director of Adult Social Care will make the decisions on the new ranked lists resulting from the above changes.

9. Residential and nursing placements annual fee uplift 2023-34 (FP/009/01/23)

The Cabinet received a report seeking its approval to undertake the annual review process of the Integrated Residential and Nursing (IRN) Framework, and also for a proposed price uplift approach for existing and new residential and nursing placements for older people through the IRN Framework. The report proposed uplifts in rates of 8% to be paid to residential care home providers on the IRN Framework and significant uplifts of 20% to residential homes with nursing.

The Cabinet Member for Adult Social Care and Health responded to a question from Councillor Henderson regarding the impact of increased charges for care packages on those residents who paid for care in full and what would happen if this was unaffordable.

Resolved:

1. Agreed to reopen the Integrated Residential and Nursing (IRN) Framework to new homes and to allow providers of the current homes on the IRN Framework to vary their price point using the price matrix at Appendix A to report FP/09/01/23, which is an increase of each price by:
 - 8% for residential care, with new minimum rate of £647.57 per week.
 - 20% for residential care with nursing, with new minimum rate of £796.46 per week.
2. Noted that, alongside the above change there will also be an increase in the number of price bands available for:
 - Residential without nursing by two bands for Castle Point and Rochford ; and
 - Residential with nursing by four bands in Basildon, Brentwood, Castle Point, Rochford and Southend.
3. Agreed that IRN Framework placements made between 1 April 2023 and 31 May 2023 will be made at the Provider's current rate uplifted by 8% for residential and 20% for nursing, with the rate transitioning to the Provider's new rate on 1 June 2023.
4. Agreed that the new ranking and prices will apply to placements made after 1 June 2023.
5. Agreed to vary the exceptional needs payment for current and future approved placements via the IRN Framework from £80.01 to £140.00 per week with effect from 1 April 2023.
6. Agreed to increase the weekly rate of all existing care home placements in place on 31 March 2023 delivered via the IRN Framework Agreement by 8% for residential without nursing, and by 20% with nursing, capped at the new maximum framework rates of £746.27 per week for residential and £1,009.40 per week for nursing placements and increase placements on the IRN Framework which are currently below the new minimum rate of £647.57 for residential and £796.46 for nursing to the new minimum, with effect from 1 April 2023.

10. Decisions taken by or in consultation with Cabinet Members (FP/006/01/23)

The report was noted.

11. Dates of future meetings

Agreed to note:

1. That the next meeting of the Cabinet will take place at 10.15am on Tuesday 21 March 2023.
2. That the meeting of the Cabinet originally scheduled for Tuesday 17 October 2023 will now take place on Tuesday 10 October at 10.15am

(Both meetings to take place in the Council Chamber at County Hall, Chelmsford, CM1 1QH.)

12. Urgent business

There was no urgent business.

There being no further business, the meeting closed at 11.13am.