

## **Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Tuesday 19 March 2019**

### **Present:**

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

Councillor A Turrell was 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 Councillors D Madden (Cabinet Member for Children and Families) and G Mohindra (Cabinet Member for Economic Development)
3. There were no Declarations of Interest.

### **2. Minutes: 26 February 2019**

The minutes of the meeting held on 26 February 2019 were agreed as a correct record and signed by the Chairman, subject to replacement of the word 'no' by 'not' in the second line of the second bullet point of Minute 7 (Education and Community Travel Contract Extensions and Awards 2019), such that this would now read 'If they elected not to do so...'.

### **3. Questions from the public**

None.

### **4. Interim Arrangements for Better Care Fund (FP/390/03/19)**

The Cabinet's agreement was sought for interim arrangements for management of the Essex Better Care Fund (BCF) Pooled Funds between the end of the existing Plan / Section 75 Arrangements on 31 March 2019 and the establishment of the new 2019/20 BCF Plan once the national planning guidance has been published.

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

- Although no indication as to a likely date had been given, all parties were pressing for early publication of the national planning guidance.
- The term 'Protection of Social Care' in the Schedule of Invoice Payments on the third page of the report referred to funding received from the Government ringfenced for the top-up of social care budgets.
- With regard to paragraph 5.2.5 of the report, the Cabinet Member for Health and Adult Social Care clarified that the Responsible Officer of each Clinical Commissioning Group (CCG) was required to submit a letter of assurance indicating commitment to the continuation of the proposed interim arrangements on the current terms pending the agreement of a new plan and agreements. To date, three of the required five letters had been received.

**Resolved:**

That, subject to the receipt of letters of assurance from the Responsible Officer from each of the five Clinical Commissioning Groups operating within Essex:

1. The Council can extend section 75 agreements for up to a year and continue to raise purchase orders valued at around £7.9million per month for making payments to NHS-commissioned providers of Better Care Fund (BCF) services on behalf of the Essex Clinical Commissioning Groups (CCGs), on the basis that letters of assurance have been signed by CCGs to allow providers to be paid on time and to confirm that CCG BCF contributions to social care will continue to flow. All agreements to be on the same terms as the current arrangements.
2. Cabinet will receive a future report for approval on the 2019/20 Better Care Fund Plan, once the national guidance has been published and the details of the Plan have been negotiated and agreed with CCGs.

**5. Residual Waste Disposal Award of Service Orders (FP/315/12/18)**

(Information contained within a confidential appendix was taken into account in reaching a decision on this issue – minute 9 below refers.)

The Cabinet's approval was sought to award service order extensions of 12 months to all active framework providers pursuant to the Medium-Term Residual Waste Framework Agreement (0538) for the disposal for residual waste.

The Cabinet Member for Environment and Waste responded as follows to questions by Councillors Henderson, Pond and Mackrory:

- The decision to seek extension of the Service Orders had no connection with other ongoing issues in relation to waste disposal.
- The Council had received some income from energy generation at closed landfill sites.
- Lot 1 of the Service Orders related to the Council's method of disposing of Refuse Derived Fuel (RDF) and would always be required (Business as Usual). The other lots (2-5) related to contingency arrangements.
- A written response would be provided to Councillor Mackrory clarifying whether the Service Orders had been fully operational for 12 months, the evidence available to demonstrate that the Orders represented good value for money and whether any waste sent to landfill had been subject to landfill tax.

**Resolved:**

1. That the current service orders with six framework providers, totalling a value of up to £21.53 million, be extended for the period 1 April 2019 – 31 March 2020 in accordance with the Medium-Term Residual Framework (0538).
2. To note that the actual spend under each order will be determined by officers using delegated powers as set out in paragraphs 3.5 – 3.7 of report FP/315/12/18, to deliver optimum value for money. Total expenditure will be dependent on waste tonnage arisings over the term and the need to call on the contingency arrangements available via this framework.

**6. Decisions taken by or in consultation with Cabinet Members (FP/361/02/19)**

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

**7. Date of Next Meeting**

It was noted that the next meeting of the Cabinet would take place on Tuesday 16 April 2019 at 10.00am in Committee Room 1 at County Hall, Chelmsford.

**8. 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).

**9. Confidential Appendix: Residual Waste Disposal Award of Service Orders (FP/315/12//18)**  
(Press and public excluded)

The Cabinet noted the Confidential Appendix to report FP/315/12/18 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 5 above refers).

A full record of the discussion, including responses given by the Cabinet Member for Environment and Waste to questions raised by Councillors Pond, Mackrory and Henderson, is included in a confidential appendix to the minutes of the meeting.

There being no further business, the meeting closed at 10:15am.

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**Chairman**  
**21 May 2019**