

## **Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Tuesday 20 February 2018**

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### **Present:**

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
K Bentley	Deputy Leader and Economic Growth, Skills, Infrastructure and the Digital Economy (Vice-Chairman, in the Chair)
S Barker	Culture, Communities and Customer
R Gooding	Education
I Grundy	Highways
S Lissimore	Housing, Property and Planning
D Madden	Children and Families
S Walsh	Environment and Waste

Councillors J Aldridge (Chairman of Essex County Council), P Channer, M Durham, A Hedley, M Mackrory, M Maddocks and A Turrell were also present.

### **1. Membership, Apologies, Substitutions and Declarations of Interest.**

The report of Membership, Apologies and Declarations was received and it was noted that:

1. the membership of the Cabinet was unchanged since the last meeting;
2. apologies for absence had been received from Councillors David Finch, Leader of the Council, Louise McKinlay, Cabinet Member for Resources, John Spence, Cabinet Member for Health and Adult Social Care, Ivan Henderson, Leader of the Labour Group and Chris Pond, Leader of the Non-Aligned Group; and
3. any interests would be declared at the point during the meeting when they arose.

Members were sorry to learn that Councillor Julie Young had broken her leg and was therefore unable to attend as a substitute for Councillor Ivan Henderson.

### **2. Minutes of the meeting held on 23 January 2018**

The minutes of the meeting held on 23 January 2018 were agreed as a correct record and signed by the Chairman.

**3. Questions from the public**

None.

**4. To authorised a competitive tender process to procure a supplier to provide print services to the full organisation (FP/020/12/17)**

The Cabinet was asked to approve the procurement of a three year Print Services (reprographics and scanning) Framework (the Framework) to be available to the Council, other public sector bodies and Essex Cares Limited, commencing in August 2018 upon the expiry of the current contractual arrangements. The Cabinet was also asked to authorise the award of a contract under the Framework for a period of three years.

Responding to a question by Councillor Mackrory, the Chairman advised that the existing provider, CDS, would be eligible to bid for the proposed Framework Agreement should they so wish.

**Resolved:**

1. That a new Print Services single supplier Framework Agreement be procured for three years with an option to extend for one year in accordance with the Public Contracts Regulations 2015, using the restricted procedure and evaluation criteria based on 70% price and 30% quality and with the framework available for use by those organisations listed at appendix A to report FP/020/12/17.
2. That the Director, Corporate Strategy be authorised to award the Framework contract in line with the evaluation criteria set out in paragraph 3.10 of report FP/020/12/17 if he believes that the Framework offers better value than other frameworks available to the Council.
3. That the Director, Corporate Strategy be authorised to award a call-off contract for a period of three years with an extension to extend for a further year from the newly established Framework, for ECC specific print and scanning needs.

**5. Education Transport Contract Extensions and Awards 2018 (FP/044/01/18)**

Cabinet's approval was sought for the Director, Education to take action to ensure that suitable transport arrangements are in place for September 2018 onwards to fulfil the Council's statutory and policy based obligations to provide transport to school for children.

The Cabinet Member for Education provided the following information in response to questions asked by Councillor Mackrory (including one asked on behalf of Councillor Julie Young):

- As the report related to implementation of an agreed policy rather than to formulation of the policy itself, Councillor Gooding did not believe that it should be referred to the relevant Policy and Scrutiny Committee. It was important to avoid delay to ensure that the necessary transport provision was in place for September 2018. He commented that the Policy had been referred to scrutiny on two previous occasions.
- The savings predicted as part of the move to the current education transport policy had been achieved in full.
- Although it would not be specified in the contract, there was a gradual move to ensure that the vehicles provided for education transport were eco-friendly. In addition, the Council was leading a project to upgrade buses in the Colchester and Rochford areas to the highest emissions standard.

**Resolved:**

1. That the Director, Education be authorised to extend for one year any home to school transport contracts which expire in July 2018 where extension is permitted under the terms of the contract and where she considers this to be in the Council's best interests.
2. That the Director, Education be authorised to procure new contracts via the Council's existing dynamic purchasing system where extension is not permitted or where she does not consider extension to be in the Council's best interests. Any such new contract is to be for a period determined by the Director, Education initially for a maximum of three years on terms which give the Council the right to extend for up to a further two years.

**6. Recommissioning of Advocacy Services in Essex (FP/920/08/17)**

Cabinet's approval was sought to procure an All Age Advocacy Hub, for Advocacy services for both adult and children and young persons, using a lead provider model, effective from 28 June 2018 when current contracts expire.

Presenting the report on behalf of the Cabinet Member for Health and Adult Social Care, the Chairman undertook to arrange for written responses to be provided to Councillor Mackrory regarding the proposed method for benchmarking quality and the plans in place to ensure continuity of the service should external funding cease.

The Cabinet Member for Children and Families commented that the proposed Advocacy Hub was a positive development which would allow faster and more responsive provision of an all-age service. This model had been nationally recognised as best practice.

**Resolved:**

1. That a contract be procured for a lead provider to secure an All Age Advocacy Hub, using a single stage procurement procedure which complies with the 'light touch' regime of the Public Contract Regulations 2015 with a contract length of five years, with break clauses at the end of years 2 and 3 and which can be terminated on either side by six months' notice in the final two years.
  2. That the maximum annual cost of the contract be £1.3m (a maximum of £6.6m over the length of the contract), funded by:
    - Health and Adult Social Care Portfolio                    £1,170,000
    - Children and Families Portfolio                                £ 113,000
    - Mid and West Essex CCGs    £ 30,000
  3. That the Executive Director, Adult Social Care and Education be authorised to enter into an agreement under section 256 of the National Health Service Act 2006 to procure and commission the non-statutory children's services on behalf of the CCGs.
  4. That the Director, Adult Social Care be authorised to award the contract for the provision of the Hub once he is satisfied that arrangements are in place for funding of the services by the CCGs.
- 7. Lease of Essex House and car park, 200 The Crescent, Colchester (FP/040/12/17)**

Information contained within a confidential appendix was taken into account in reaching a decision on this issue (minute 13 below refers)

Cabinet considered recommendations in relation to the taking of a new lease of Essex House, Colchester for a term of ten years, to be the main corporate office for Essex County Council in north-east Essex in accordance with the current property strategy.

In presenting the report, the Cabinet Member for Housing, Property and Planning thanked the officers involved for their hard work in relation to this issue.

Responding to a question by Councillor Turrell, the Cabinet Member referred to paragraph 3.3 of report FP/040/12/17, advising that the potential to acquire the freehold of Essex House had been considered in 2016 but not pursued due to the likely asking price and uncertainty over accommodation requirement in the longer term. The position would be kept under regular review.

**Resolved:**

That a new lease of Essex House be taken on terms and conditions summarised in the confidential appendix to report FP/040/12/17 and on such

terms as are agreed by the Executive Director, Infrastructure and Environment in consultation with the Director, Legal and Assurance.

#### **8. Energy Procurement from 1 October 2018 (FP/975/10/17)**

The Cabinet considered and agreed the procurement process for the next energy contract period, commencing October 2018. The contract related to all energy consuming applications within the Council's portfolio, comprising schools, core estate and street lighting.

In response to a question by Councillor Turrell, the Cabinet Member for Environment and Waste advised that the Council was taking measures where possible to improve energy efficiency. The proposed contract would allow scope for the Council to receive any income arising from solar panels.

The Cabinet Member for Education undertook to provide a written response to Councillor Mackrory regarding the proposals to implement from October 2018 a recharge mechanism for schools in relation to contract management costs, in particular whether schools were aware and had been consulted, and the likely impact on budgets which had already been agreed for the next financial year.

#### **Resolved:**

1. That energy (gas and electricity) services be procured using a flexible framework approach via the restricted procedure, with the contract commencing on 1 October 2018 for a period of three years, with extension for one year based upon performance.
2. That the Cabinet Member for Environment and Waste be authorised to award the contract(s) to the successful bidder(s) following completion of the procurement process.

#### **9. Procurement of Integrated Community Equipment Service (FP/048/01/18)**

The Cabinet's approval was sought for the direct award to Essex Cares Limited, trading as ECL, of the contract for the Integrated Community Equipment Service (ICES). The duration of the contract would be until 31 March 2019, including an option to extend for an additional one year until 31 March 2020, which can be terminated by a rolling three month break clause. This purpose of this short term contract was to provide certainty to ECC, health partners and ECL for an interim period during which ECC can undertake a competitive procurement to demonstrate that the future service will provide value for money. The Cabinet's approval was also sought to procure a new Integrated Community Equipment Service from the open market from April 2019 through a competitive OJEU procurement process.

#### **Resolved:**

1. That the Integrated Equipment Service contract for the period until 31 March 2019, with an option to extend for one year until 31 March 2020, be awarded directly to ECL.
2. That authority to award the extension be delegated to the Cabinet Member for Health and Adult Social Care.
3. That the agreement with ECL be varied to change the cost model for the service provision as set out in paragraph 6.1.5 of report FP/048/01/18, the payment mechanism to be effective from 1 April 2017.
4. That a provider be procured to deliver the Integrated Community Equipment Service from 1 April 2019, using a competitive single stage open procedure, based on 70% price, 30% quality evaluation criteria.
5. That the Executive Director, Social Care and Education, in consultation with the Cabinet Member for Health and Adult Social Care and the Leader of the Council, be authorised to award the contract following completion of the OJEU procurement process, provided they are satisfied that a formal evaluation and due diligence has been completed.

**10. Decisions taken by or in consultation with Cabinet Members (FP/054/01/18)**

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

**11. Date of Next Meeting**

It was noted that the next meeting of the Cabinet would take place on Tuesday 20 March 2018 at 10.00am.

**12. 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).

**13. Lease of Essex House and car park, 200 The Crescent, Colchester (FP/040/12/17) – Confidential Appendix (Public and press excluded)**

The Cabinet noted the Confidential Appendix to report FP/040/12/17, which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 7 above refers).

The Cabinet Member for Housing, Property and Planning undertook to respond in writing to Councillor Turrell providing a breakdown of yearly costs and commenting on the timing of the decision-making process.

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**Chairman**

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**Date**