

Minutes of a meeting of the Cabinet meeting that took place in the Chamber of County Hall on Tuesday 22 June 2021

Present:

Councillor	Cabinet Member Responsibility
Councillor K Bentley	Leader of the Council (Chairman)
Councillor T Ball	Education Excellence, Skills and Training
Councillor M Buckley	Waste Reduction and Recycling
Councillor G Butland	Devolution, Art, Heritage and Culture
Councillor B Egan	Children's Services and Early Years
Councillor L Scott	Highways Maintenance and Sustainable Transport
Councillor L Wagland	Economic Renewal, Infrastructure and Planning
Councillor C Whitbread	Finance, Resources and Corporate Affairs
Councillor J Spence	Health and Adult Social Care

Councillors Pond, Henderson, King, Durham, Platt, Schwier, Barker and Aspinell 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 of membership since the last report.
Councillor Whitbread, Cabinet Member for Finance, Resources and Corporate Affairs attended the meeting via video link and did not vote on any item within the agenda.
2. Apologies were received from Councillor McKinlay, Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance, and Councillor Mackrory, Leader of the Liberal Democrats Group.
3. There were no declarations of interest.

2. **Minutes of Previous Meetings**

The Minutes of the meeting held on 8 June 2021 were approved as a true record and signed by the Chairman.

3. **Questions from the public**

There were no questions from members of the public.

4. **2020/21 Provisional Outturn Report (FP/697/05/20)**

The Cabinet considered a report presenting and providing commentary on the provisional outturn position for financial year 2020/21 prior to formal closure of

the accounts. The report also explained the key movements since the third quarter financial overview report (presented to Cabinet on 19 January 2021) to the year-end position.

The Cabinet Member for Finance, Resources and Corporate Affairs and the Cabinet Member for Health and Adult Social Care responded to questions from Councillors Henderson, King and Pond in relation to the following points:

- Why existing reserves had been renamed to the Ambition Fund and Renewal Fund reserves, and why the funds held therein were restricted or earmarked;
- Options for reallocating the revenue underspend of £7.619m;
- The underspend on schools;
- The need for an analysis of spend against adult social care, and the level of confidence that the current resilient position would continue.

Written answers would also be provided to Councillor Henderson in respect of the following:

- Whether a greater level of capital funding should be provided to support Fleet purchases;
- The intentions for the unspent project funding against the Carbon Reduction Reserve;
- Why underspends against residential and nursing care were being moved to the General Balance as opposed to being retained by Health and Adult Social Care;
- The ability to move funds from the COVID emergency grant to the Renewal Fund;
- Why it was no longer considered financially viable to operate the volunteering and project work scheme for young people previously delivered by the National Citizenship Service;
- Redundancy costs related to the new Occupational Health Contract;

And to Councillor King in respect of the following:

- The need for ongoing monitoring and analysis of the impacts of and on capital spending.

Resolved:

To approve the following in relation to the 2020/21 outturn position:

1. Rename the Service Improvement Reserve to the Ambition Fund Reserve;
2. Rename the COVID-19 Recovery Reserve to the Renewal Fund Reserve;
3. That the net under spend £11.482m is appropriated to the General Balance to support future years' budget planning;

4. General Balance returns of £15.714m in relation to Adult Social Care COVID funding that is no longer required or has been recovered from Health (£15.385m), Slough libraries (£300,000) and Excess Deaths COVID funding no longer required (£29,000);
5. Withdrawal of £31.542m from the General Balance to earmarked reserves in respect of reassignment of COVID grant funding;
6. That under spends are allocated between portfolios as set out within the 'Transfers of under / over spends between Portfolios' column of Appendix A;
7. That the following amounts are appropriated to / from restricted and other revenue reserves;

Restricted Funds

- Private Finance Initiative (PFI) Reserves

- Building Schools for the Future - **£354,000** contribution (Appendix D 6iii)
- Clacton Secondary Schools - **£479,000** contribution (Appendix D 6iii)
- Debden School - **£835,000** contribution (Appendix D 6iii)
- A130 Road - **£219,000** contribution (Appendix D 3iii)

- **Waste Reserve - £4.574m** contribution mainly relating to PFI credits received during the year (Appendix D 7iii & 17ii)

- **Grants Equalisation Reserve - £501,000** contribution in relation to Public Health grant to be utilised in 2021/22 relating to under spends following the maximisation of grant funding (Appendix D 9v)

- **Schools - £8.958m** net contribution to the Schools' reserve, following under spend against schools' budgets in 2020/21 (Appendix D 5i)

- Partnership Reserves

- Essex Safeguarding Childrens Board Partnership Reserve - **£50,000** withdrawal (Appendix D 1iii)
- Adults Safeguarding Board Partnership Reserve - **£17,000** contribution (Appendix D 9v)
- Public Sector Reform Partnership Reserve - **£47,000** contribution (Appendix D 1iii)
- Youth Offending Teams Partnership Reserve - **£343,000** contribution (Appendix D 1iii)
- Public Law Partnership Reserve - **£19,000** contribution (Appendix D 12iii)

Capital funding

- **Capital funding - £2.841m** net contribution to transfer capital financing resources to revenue in respect of:

- Replenish the reserve to retain funding to support the capital programme - **£8.450m** contribution
- Essex Housing - **£7.746m** withdrawal for the technical adjustment relating to projects transferring to Essex Housing LLP. The Council will transfer the housing development sites to the LLP during 2021/22 at a price that reflects the market value of the sites and includes the pre-construction costs being treated as abortive by the Council. This is in line with the Cabinet decisions taken in December 2020
- To support Fleet purchase in 2021/22 - **£1.276m** contribution
- Highways expenditure which is capital in nature - **£500,000** contribution
- Capital works relating to the in-house Adults Residential Service - **£200,000** contribution
- Capital expenditure on networking and communications infrastructure - **£82,000** contribution
- Compensation claims for highways as a result of works carried out for Colchester Integrated Transport Package scheme - **£79,000** contribution

Other reserves

- **Carry Forwards - £8.471m** contribution, in respect of revenue budget underspends that it is proposed are carried forward for use in 2021/22. The proposals for utilising this Reserve in 2021/22 are set out in **Appendix C** of this report
- **Adults Digital Programme - £877,000** contribution to continue with projects within the programme for use in 2021/22 (Appendix D 9v)
- **Adults Transformation - £3.5m** contribution to support the Adult Social Care medium term budget (Appendix D 9v)
- **Carbon Reduction Reserve - £192,000** contribution due to unspent project funding which is now required for use in 2021/22 (Appendix D 7iii)
- **Children's Transformation Reserve - £1.314m** contribution to replenish the reserve to support transformation capacity to deliver the Children's Transformation Programme (Appendix D 1iii)
- **Collection Fund Investment Risk Reserve - £42,000** contribution to support funding in 2021/22 (Appendix D 16ii)
- **Community Initiatives Reserve - £275,000** withdrawal to support expenditure incurred on community projects during 2x 20/21 (Appendix D 2iii)
- **COVID Equalisation Reserve - £12.638m** net contribution – withdrawals to and contributions from multiple portfolios to fund COVID pressures and return COVID funding where actual expenditure was lower than previously forecast, plus a contribution to transfer all remaining COVID emergency grant required for future commitments to this reserve; this will be applied

- to expected COVID related costs from 2021/22 (Appendix D 1iii, 2iii, 3iii, 6iii, 7iii, 9v, 14iii & Appendix M)
- **Emergency Reserve - £10.169m** contribution due to actual expenditure being lower than previously forecast relating to the pandemic and to replenish ECC funds originally used for COVID pressures and losses with emergency grant (Appendix D 3iii, 6iii & Appendix M)
 - **Health and Safety Reserve - £681,000** contribution relating to unspent funds for planned projects now slipped to 2021/22 and also a contribution from the General Balance to replenish ECC funds originally used for COVID pressures and losses with emergency grant (Appendix D 6iii, 10iii & Appendix M)
 - **Insurance Reserve - £1.238m** contribution in respect of recovery of income relating to Highways claims, to meet ECC budget pressures in 2021/22 as planned in February budget setting (Appendix D 13iii)
 - **Quadrennial elections reserve - £668,000** withdrawal towards preparation work incurred for the May 2021 elections (Appendix D 10iii)
 - **Renewal Fund Reserve - £21.518m** net contribution – a contribution of COVID emergency grant from the General Balance to support the creation of a £25m Renewal Fund within the reserve and to replenish ECC funds originally used for COVID pressures and losses. Partially offset by withdrawals for COVID pressures and losses (Appendix D 4iii, 6iii, 11iii, 12iii & Appendix M)
 - **Ambition Fund Reserve - £6.069m** net contribution due mainly to replenishment of the reserve using part of the funds received from UBB in respect of the costs order relating to a litigation between the authority and UBB Waste (Essex Ltd) and the ECL Dividend (Appendix D 1iii, 6iii, 8iii, 9v, 10iii, 14iii & 16ii)
 - **Technology Solutions Reserve - £1.187m** contribution due to unspent funds for corporate systems reprofiled into 2021/22 (Appendix D 12iii)
 - **Tendring PPP Reserve - £303,000** withdrawal of the remaining funds now the contract has been terminated (Appendix D 6iii)
 - **Transformation Reserve - £2.445m**, net contribution due to unspent funds relating to slipped or paused projects to use in 2021/22 and also a contribution from the General Balance to replenish ECC funds originally used for COVID pressures and losses which can be funded from government emergency grant (Appendix 1iii, 2iii, 3iii, 4iii, 12iii, 15iii & Appendix M)
8. The financing of capital payments in 2020/21 is approved on the basis set out within Appendix G to this report.
 9. Capital payment budgets, and associated capital financing, of **£18.032m** are reprofiled into subsequent financial years, in respect of slippage in schemes (as shown in the 'Slippage' column of Appendix H).
 10. Capital payment budgets, and associated capital financing, of **£4.347m** are brought forward in respect of schemes that have progressed ahead of schedule (as shown in the 'Advanced works' column of Appendix H).

11. Portfolios' 2020/21 capital payments budgets are reduced by **£16.016m** (as shown in the 'Reductions' column of Appendix H), with increases of **£11.845m** to other schemes (as shown in the 'Additions' column of Appendix H), to reflect achieved activity in 2020/21.

To approve the following in relation to the 2021/22 budget:

12. Agreed to delegate authority to the Executive Director for Finance and Technology (S151 officer), in consultation with the Cabinet Member for Finance, Resources and Corporate Affairs to release **£8.471m** from the Carry Forwards Reserve in 2021/22 for the purposes detailed in Appendix C of this report, as well as those previously approved in the Half Year report (FP/694/05/20) and Third Quarter report (FP/695/05/20).

5. **Procurement of the Essex Community Wellbeing Service (FP/054/04/21)**

The Cabinet received a report seeking agreement to procure a community wellbeing service to deliver a cohesive and innovative model of wellbeing for residents which approached the issues impacting wellbeing holistically and focussed on unmet need, a single point of access, equality and a digital offer.

The Cabinet Member for Health and Adult Social Care responded to questions from Councillors King and Henderson in relation to

- Whether triage would be delivered by qualified social workers;
- The degree to which personal contact would be replaced by digital methods;
- How engagement with the voluntary sector would be managed and how this meshed with service provision;
- The mechanisms to monitor delivery including customer feedback and contractual obligations;
- The level of efficiencies expected to be achieved;
- The degree to which the efforts of volunteers would be used to deliver services.

Resolved:

1. To procure a provider to deliver an integrated, countywide Essex Community Wellbeing Service for a period of five years, with the option to extend for a further two years.
2. To undertake a competitive procurement exercise using a two-stage tender process, with bids to be evaluated on 60% quality of which 10% will be allocated to social value, and 40% price with agreement of the detailed evaluation criteria being subject to the approval of the Director, Wellbeing, Public Health and Communities.
3. That the Cabinet Member, Adult Social Care and Health, is authorised to award the contract to the successful bidder following completion of the procurement process.

6. Bus Back Better: Proposed Enhanced Bus Partnership for Essex (FP/063/05/21)

The Cabinet received a report asking for agreement that ECC formally issue a statement of intention to set up enhanced quality bus partnerships.

The Cabinet Member for Highways Maintenance and Sustainable Transport responded to questions from Councillors Barber (via video link), Pond, King and Henderson in relation to:

- The importance of the proposal in delivering a service to rural areas;
- Whether the approach could be seen as a stepping stone to eventually adopting a franchise model;
- The future of the Bus Strategy Board;
- How engagement with the districts would be delivered;
- How any future failure of the enhanced bus partnerships would be managed.

A written answer would also be provided to Councillor Pond in relation to how differing approaches may be delivered in different parts of the county according to need.

Resolved:

1. That the Council will progress the development of an Enhanced Partnership Plan for the whole of the administrative county of Essex with the intention of delivering an Enhanced Partnership Plan and one or more Enhanced Partnership Schemes as soon as possible, and if possible, by April 2022.
 2. To note that the Cabinet Member will take decisions relating to:
 - the final number of schemes,
 - the draft issued to give operators the chance to object
 - the consideration of objections from operators; and
 - the final consultation draft.
 3. To note that as there are likely to be additional resources required in order to issue a Bus Service Improvement Plan (BSIP) by 31 October 2021, a further decision relating to the resource requirements may be required once the detailed requirements have been developed.
 4. To note that the Cabinet will take the final decision on adopting the Enhanced Partnership plan and scheme(s) and on the adoption of the Bus Service Improvement Plan.
- 7. Expansion of New Rickstones Academy, Witham and Southview SEN School with residential provision (FP/033/03/21)**

The Cabinet received a report requesting endorsement of the expansion of New Rickstones Academy in Witham in order to meet the need for secondary school places in the locality and the endorsement of the expansion of sixth form places and residential provision at Southview SEN School.

The Cabinet Member for Education Excellence, Skills and Training and Councillor Schwier, as Climate Change Czar, responded to a question from Councillor King in relation to the carbon reduction methods that may be deployed, beyond the photovoltaic cells referenced in the report.

Resolved:

1. To support the expansion of New Rickstones Academy by increasing capacity from 6 forms of entry to 8 forms of entry with effect from September 2022.
 2. To support the expansion of Southview SEN School by adding 24 sixth form places and residential provision for ten children.
 3. To the procurement of the associated building works for New Rickstones Academy and Southview SEN School through a two-stage design and build mini competition using the Essex Construction Framework 2.
 4. That the Head of Infrastructure Delivery is authorised to award the contract to the successful bidder, when he is content that the following conditions have been met:
 - a. A satisfactory planning permission has been granted; and
 - b. The construction costs are within the agreed budget and represent value for money.
 5. To approve the capital budget for construction and associated project fees, as per the profile stated in the confidential financial appendix, including a re-profiling of budget in relation to Southview School of £80,000 from 2021/22 to 2022/23.
8. **Adoption of the Essex County Council Walking Strategy (FP/073/05/21)**

The Cabinet received a report asking that the Essex County Council (ECC) Walking Strategy 2021 which outlined the actions the Council would take to achieve its strategic priorities around active and more sustainable travel be adopted.

The Cabinet Member for Highways Maintenance and Sustainable Transport responded to questions from Councillors King, Pond, Aspinell, Butland, Barker and Henderson in relation to:

- The clarity of the language used in the Strategy and how this could be improved;

- The need to be realistic about the timescales required to achieve the priorities set out in the Strategy and the necessary financial investment;
- The priority given to school streets;
- The need to encourage the levels of activity and exercise seen during the first lockdown in March 2020;
- The helpfulness to walkers of the old ‘fingerpost’ signage as opposed to their replacements;
- The links between the Strategy and the promotion of tourism, and the importance of the public rights of way network;
- Whether the “Highways Panels” should be renamed to better reflect that walking fell within their remits;
- The low priority given to making a currently flooded right of way accessible;
- The need to encourage walkers to feel safe, particularly in relation to speed limits and lighting, and the need for clear way finding signs.

Resolved:

To adopt the proposed ECC Waking Strategy in the form appended to the agenda report.

9. **Decisions taken by or in consultation with Cabinet Members (FP/081/05/21)**

The report was noted.

10. **Date of the next meeting**

The next meeting of the Cabinet would take place on the morning 29 July 2021, with the venue and time to be confirmed.

11. **Urgent Business**

There was no urgent business.

12. **Confidential Appendix: Procurement of the Essex Community Wellbeing Service (FP/054/04/21) (Public and press excluded)**

The confidential appendix to report FP/054/04/21, to which minute 5., above, refers was agreed.

13. **Confidential Appendix: Expansion of New Rickstones Academy, Witham and Southview SEN School with residential provision (FP/033/03/21) (Public and press excluded)**

The confidential appendix to report FP/033/03/21, to which minute 7., above, refers was agreed.

14. **Urgent exempt business (Public and press excluded)**

There was no urgent exempt business.

There being no further business, the meeting closed at 11.31am.