

Report title: Essex Cares Limited – Shareholder Approval of Business Plan 2020/21	
Report to: Councillor David Finch – Leader of the Council	
Report author: Nicole Wood, Executive Director for Finance and Technology	
Date: 22 November 2019	For: Decision
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County Divisions affected: All Essex	

Confidential Appendix

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Purpose of Report

- 1.1 Essex Cares Limited (ECL) is a company wholly owned by Essex County Council (ECC). This report asks ECC, in its role as sole shareholder, to approve the ECL Business Plan for the 2020/21 year.

2. Recommendations

- 2.1 Approve the ECL Business Plan as set out in Appendix A for the 2020/21 financial year.

3. Summary of issue

ECL Business Plan for the 2020/21 financial year:

- 3.1 ECL's Articles of Association provide under that Article 3 that the Directors are to exercise all the powers of the company in accordance with a range of documents which have been approved by the Shareholder from time to time by ordinary resolution. The list includes the company's business plan(s).
- 3.2 The ECL Business Plan for the 2020/21 sets out the current vision and strategy, a business overview, an understanding of the strategic objectives for the planning period, an analysis of the market position relating to the current service offering, the financial plan, risks and assumptions.
- 3.3 Approval of the Business Plan for the 2020/21 financial year and its adoption by Essex Cares Limited is sought from the shareholder.
- 3.4 For the planning period beyond 2020/21, ECL will present a Medium-Term Business Plan. This plan will be subject to discussion by the ECL Board in

March 2019 and will be presented to the shareholder for approval in June 2020.

4. Issues for consideration

4.1 Financial implications

- 4.1.1 The commissioning budgets for ECL have been built into the proposed 2020/21 budget for ECC and there are no new financial implications for ECC arising from the proposals set out within this report.

4.2 Legal implications

- 4.2.1 Pursuant to Article 3 the directors are able to exercise all powers of the company but only in accordance with the listed documents that shall have been approved from time to time by ordinary resolution: the list includes the company's business plan(s). Pursuant to Article 3A an ordinary resolution is required to approve the business plan.
- 4.2.2 The decision by the Leader on behalf of the shareholder will be received in this report and is as effective as an ordinary resolution taken at a shareholder meeting of ECL.

5. Equality and Diversity implications

- 5.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 5.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 5.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

6. List of appendices

6.1 Confidential Appendix A – ECL Business Plan for 2020/21

6.2 Equality Impact Assessment

7. List of Background papers

7.1 None.

	Date
I approve the above recommendations set out above for the reasons set out in the report.	03.01.20
Councillor David Finch, Leader of the Council	

In consultation with:

Role	Date
Executive Director for Finance and Technology Services (S151 Officer)	18.12.19
Nicole Wood	
Monitoring Officer	18.12.19
Paul Turner	