

Minutes of a meeting of the Cabinet that was held remotely on Tuesday 15 December 2020

Present:

Councillor	Cabinet Member Responsibility
Councillor D Finch	Leader of the Council (Chairman)
Councillor T Ball	Economic Development
Councillor S Barker	Customer, Communities, Culture and Corporate
Councillor K Bentley	Deputy Leader and Infrastructure
Councillor R Gooding	Education and Skills
Councillor L McKinlay	Children and Families
Councillor D Madden	Performance, Business Planning and Partnerships
Councillor J Spence	Health and Adult Social Care
Councillor S Walsh	Environment and Climate Change Action
Councillor C Whitbread	Finance

Councillors Pond, Turrell, Mackrory, Scordis and Mitchell 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 to membership since the last meeting of Cabinet.
2. Apologies were received from Councillor Henderson, for whom Councillor Scordis substituted.
3. Declarations were made during the meeting as follows:
 - Councillor R Gooding declared a disclosable pecuniary interest in agenda item 8 (Optimisation of Essex Housing) in that he was Chairman of the LLP Board, and that he would withdraw for this item.
 - Councillor S Barker declared a Code interest in agenda item 5 (The Helena Romanes School, Great Dunmow – a new learning village including primary provision) in that the school was within her division.

2. Minutes: 24 November 2020

The minutes of the meeting held on 24 November 2020 were agreed as a correct record and would be signed by the Chairman.

3. **Questions from the public**

No questions from members of the public were received.

4. **SELEP Getting Building Fund: Shovel Ready Projects Approval (FP/828/10/20)**

The Cabinet considered a report seeking approval for the passporting of a grant of twenty six million, five hundred and eight thousand pounds, £26,508,000 of Getting Building Funding (GBF) from the South East Local Enterprise Partnership (SELEP) to grant recipients that were detailed in the report. Approval was also requested to proceed with the Harlow Library refurbishment project, which was one of the projects that ECC as a scheme promoter had been successful in bidding for grant funding for under the GBF.

The Cabinet Members for Customer, Communities, Culture and Corporate, and Education and Skills responded to questions from Councillor Pond in respect of the proportion of space at Harlow Library post refurbishment, and the future usage of the existing Adult Community Learning (ACL) site. The Cabinet Member for Education and Skills also responded to a question from Councillor Mackrory regarding levels of attendance at the ACL site and arrangements for funding across the different types of courses offered. Councillor Mackrory also noted the need to acknowledge and appreciate the partnership work that took place at District level.

Resolved:

1. It was agreed to enter into a service level agreement with SELEP Ltd to accept the grant funding of the Getting Building Fund for the projects listed in appendix A.
2. Subject to the release of the funding by SELEP, it was agreed to enter into grant agreements with the promoters of those schemes in appendix A which were not promoted by ECC.
3. It was agreed to add £9,078,376 into the 2020/21 Capital Programme for planned expenditure in the current financial year as was set out in section 6.1.
4. It was agreed to procure a contract for the refurbishment of Harlow Library and the relocation of Adult Community Learning (ACL) Harlow as was set out in paragraph 3.8 and to authorise the Head of Infrastructure Delivery to enter into a contract for the necessary works.
5. To note that funding for the Tendring Bike Scheme and Cycle Infrastructure Project will not be released until authorised by Cllr Kevin Bentley Deputy Leader, Cabinet Member for Infrastructure.

5. **The Helena Romanes School, Great Dunmow – a new learning village including primary provision (FP/779/08/20)**

Councillor S Barker declared a Code interest in this item – minute 1 above refers.

Cabinet received a report seeking approval of the expansion of The Helena Romanes School (“HRS”) to include 420 primary school places as part of a new learning village on a relocated site on Buttley’s Way in Great Dunmow, to meet growing demand for primary age places in the local area.

Resolved:

1. It was agreed that ECC supported the proposed expansion of Helena Romanes School, Great Dunmow to include 420 primary school places with effect from September 2021 and the relocation of the new primary provision to a new learning village site in Buttley’s Way in September 2022.
2. The capital budget for the construction and associated project fees for the primary element of the new learning village and associated temporary accommodation were agreed as profiled in the confidential annex.
 - Including to increase the Capital Programme budget for HRS Primary element from £7.886m to £9.626m as detailed in the confidential appendix with the increase applying to 2022/23 financial year and the increase to be funded by ECC borrowing.
 - Including to re-profile the existing budget as follows: 2020/21 £1.524m decrease; 2021/22 £3.257m decrease; 2022/23 £4.781m increase.
 - The incremental requirement on the Capital Programme for this proposal will be covered by offsetting reductions elsewhere in the Education Capital Programme.
3. It was agreed to authorise the Head of Infrastructure Delivery to enter into a funding agreement with Saffron Academy Trust to provide temporary accommodation for the new primary element at the current HRS site for the 2021/22 academic year.
4. It was agreed to authorise the Head of Infrastructure Delivery, in consultation with the S151 Officer, to enter into a funding agreement with Saffron Academy Trust to deliver the expansion project at a value no greater than that set out in paragraph 1.3 of the Confidential Appendix once satisfied that the following have been met:
 1. satisfactory planning permission has been granted;
 2. the construction costs for the primary element of the school are within the agreed budget, compliant with ECC’s benchmarking rates, and so represent value for money

3. the Academy is permitted to expand under the terms of its agreement with the Secretary of State for Education
4. the Academy has appropriate authority in place to dispose of its existing freehold, and
5. the Academy has funding to construct the new learning village; and
6. the Academy has attained approval from the Education and Skills Funding Agency (ESFA) to enter into any necessary borrowing arrangements.

6. Re-procurement of bus services at Park and Ride Sites (FP/836/10/20)

Cabinet received a report requesting approval for supporting the continuation of the current service model for the park and ride bus services and the re-procurement of bus services for all three sites.

The Cabinet Members for Infrastructure, and Education and Skills provided responses to questions from Councillor Pond in respect of the need to build eco-friendly requirements into the service model.

Resolved:

1. That the procurement of the bus services for the three Park and Ride Sites for a four-year period from 25 September 2021 with the option of extending each contract for up to a further three-year period in one-year extensions was agreed on the basis set out in paragraph 3.7 of the report.
2. It was agreed that the Director, Highways and Transportation was authorised to approve the terms of the new contracts and the entering into such contracts following completion of the procurement process.
3. It was agreed to extend the agency agreement that was currently in place with Chelmsford City Council for the management of the two Chelmsford Park and Ride Sites for a further two-year period from September 2023 to September 2025.

7. Land for development in Colchester (FP/853/10/20)

A report was received asking the Cabinet to agree that the next phase of work should be undertaken to develop Essex County Hospital, Colchester for the development of 120 homes.

Resolved:

1. It was agreed to undertake a procurement process and to enter into a design and build contract for the first of the three construction phases as set out in paragraph 3.4 of the report with the award of contract to be delegated to the Director of Performance, Investment and Delivery.

2. It was agreed to undertake a procurement process for a demolition contractor via the Mitie Facilities Management contract with the award of contract to be delegated to the Head of Essex Housing.
3. It was noted that it was proposed to transfer the site to Essex Housing LLP and that this was the subject of a separate report to the meeting.

8. **Optimisation of Essex Housing – Contract Novation and Loan Agreements (FP/820/09/20)**

Councillor R Gooding declared a disclosable pecuniary interest in this item – minute 1 above refers.

The Cabinet received a report advising that in July 2020, Cabinet had agreed to the establishment of a limited liability partnership, Essex Housing Development LLP (the Development LLP). The Development LLP would be used to undertake all Essex Housing development activity in accordance with its delivery plan. Cabinet were now asked to approve the novation of the necessary contracts and provide loans to the Development LLP for each site to undertake these obligations.

Resolved:

1. The novation of all contracts set out in Appendix A to Essex Housing Development LLP were agreed.
2. It was agreed to provide Essex Housing Development LLP with a credit facility for each site up to the amount listed in the Confidential Appendix, with repayment terms to be set in accordance with paragraph 2.3.
3. It was agreed that interest rates would be set by the Section 151 Officer at the lowest benchmarked rate but that if it was not possible to benchmark then at the prevailing Public Works Loans Board (PWLB) rate at the time plus the applicable EU reference rate.
4. The disposal of Rocheway and Essex County Hospital to Essex Housing Development LLP following valuations at the point of disposal at a price to be approved by the Cabinet Member for Economic Development in accordance with paragraph 3.8 of the report was authorised.

9. **Award of Bio-Waste Service Orders (FP/850/10/20)**

The Cabinet received a report seeking approval to award eight service orders to multiple bio-waste treatment and transport providers following a mini-competition conducted pursuant to the Bio-Waste Disposal Framework Agreement (0554).

The Cabinet Member for Environment and Climate Change Action responded to questions from Councillors Mackrory and Pond regarding the cost

implications of distances travelled by lorries and the possible impact of the Environment Bill.

Resolved:

It was agreed to award service orders to the bio-waste service providers identified in paragraph 3.6 for the amounts and sites listed in the table.

10. Decisions taken by or in consultation with Cabinet Members (FP/831/10/20)

The report of decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet was noted. It was also noted that decision FP/901/12/20 (Appointment and Re-Appointment of School Governors by Essex LA - Schedule 359) fell within the portfolio of the Cabinet Member for Education and Skills rather than the Cabinet Member for Children and Families as set out within the report.

11. Date of Next Meeting

It was noted that:

1. The next meeting of the Cabinet would take place via Zoom at 10.00am on Tuesday 19 January 2021.
2. The meeting of the Cabinet originally scheduled for Tuesday 23 February 2021 would now take place one week earlier, on **Tuesday 16 February 2021** in order to accommodate a change in the date for Full Council which would now meet on 23 February.

In addition, and following previous notification of meeting dates for 2021, dates for the early part of 2022 were confirmed as:

18 January, 15 February, 15 March, 19 April and 24 May.

12. Urgent Business

There was no urgent business.

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. **Confidential Appendix: The Helena Romanes School, Great Dunmow – a new learning village including primary provision (FP/779/08/20)**
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/779/08/20 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 5 above refers).

14. **Confidential Appendix: Land for Development in Colchester (FP/853/10/20)**
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/853/10/20 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 7 above refers).

15. **Confidential Appendix: Optimisation of Essex Housing – Contract Novations and Loan Agreements (FP/820/09/20)**
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/820/09/20 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 8 above refers).

16. **Confidential Appendix: Award of Bio-Waste Service Orders (FP/850/10/20)**
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/850/10/20 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 9 above refers).

17. **Urgent Exempt Business**

There was no urgent exempt business.

There being no further business, the meeting closed at 10.43am.

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Chairman

19 January 2020