
Minutes of a meeting of the Cabinet held in The Council Chamber, County Hall, Chelmsford, CM1 1QH on Tuesday, 22 October 2019

Present:

Councillor	Cabinet Member Responsibility
D Finch	Leader of the Council (Chairman)
T Ball	Economic Development
S Barker	Customer, Communities, Culture and Corporate
L McKinlay	Children and Families
G Mohindra	Finance, Property and Housing
J Spence	Health and Adult Social Care
S Walsh	Environment and Climate Change Action

Councillors Turrell, Mackrory, Durham, Chandler and Hedley 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 in membership since the last meeting.
2. Apologies for absence were received from Councillor Madden (Cabinet Member for Performance, Business Planning and Partnerships), Councillor Gooding (Cabinet Member for Education and Skills) and Councillor Bentley (Deputy Leader and Cabinet Member for Infrastructure).
3. There were no declarations of interest.

2. Minutes: 17 September 2019

The minutes of the meeting held on 17 September 2019 were agreed as a correct record and signed by the Chairman.

3. Questions from the public

There were no public questions.

4. Procurement of a new care technology service for adult social care (FP/494/08/19)

Cabinet received a report advising that there was an increasing range of technology available which could support people to live independent lives and improve outcomes. The Council had commissioned several initiatives to test the impact and better understand these opportunities. The report asked

Cabinet to agree to procure a new county-wide service to deploy care technology.

Councillor Spence, Cabinet Member for Health and Adult Social Care provided answers to questions from Councillors Turrell and Mackrory in respect of the need to keep up to date with the latest technological developments, whether the savings made reflected reductions in staffing numbers and would therefore impact on the service to clients, the number of people affected and the provision of support to clients to assist with paperwork if necessary.

Resolved:

1. Agree to invite tenders for a framework agreement to deliver an end-to-end care technology service, including a monitoring and response service component.
2. That the framework agreement be awarded for 4 years with the call-off contracts being awarded for an initial 3 years with the option to extend for up to a maximum of a further four years, on a 2 + 2 basis at the sole discretion of the Authority.
3. Agree that the procurement be undertaken via an open tendering procedure complying with the Public Contracts Regulations 2015 using evaluation criteria as set out in paragraph 6.10 of the report.
4. Authorise the Executive Director for Adult Social Care to award the framework contracts and call-off contracts following the completion of the procurement process.
5. Agree that the contract will be funded from the adult social care budget through cost avoidance and benefits realisation (see section 8)

5. Passenger Transport Dynamic Purchasing Framework Agreement (FP/497/08/19)

A report was received advising that Essex County Council (ECC) had to provide transport services for a variety of reasons. In order to do this, the Council had to purchase transport services in the open market. In recent years the Council had bought many services via a dynamic purchasing system (DPS) under which transport operators joined a framework agreement and could submit bids for particular work. This enabled the Council to buy quickly and flexibly at competitive prices in a way which complies with the law.

The current arrangement expires on 21 January 2020 and the report asked the Cabinet to agree to create a replacement framework.

Councillor Finch, Leader of the Council provided answers to questions from Councillor Mackrory in respect of the need to progress the provision of special

education units as this impacted on the amount of journeys required, and the environmental standards for school buses.

Resolved:

1. Agree to procure a Passenger Transport Dynamic Purchasing Framework for the lots set out in paragraph 3.5 for a period of two years with the option to extend on a yearly basis up to a maximum of two further years (4 years maximum).
2. Agree that the Director, Highways and Transportation may appoint operators to the DPF that meet the required standards that are set out in the DPS accreditation and enrolment process.
3. Agree that any contract for transport requirements which can be met via the DPS may be procured using the DPS in a way which complies with the DPS.
4. Agree that the decision to procure and award individual contracts for transport services will be subject to approval in the usual way in accordance with the constitution.

6. 2019/20 Financial Overview as at the Half Year Stage (FP/384/03/19)

A report was received setting out the forecast financial position of Essex County Council's (ECC) revenue and capital budgets as at the half year stage of the 2019/20 financial year. On revenue, there was a forecast full year over spend of £2.6m (0.3%) against a net budget of £940.1m. This was an adverse movement since the Quarter 1 report of £7.2m and assumed full commitment of the Emergency Contingency (£4m). Whilst there was a forecast over spend, there were risks and opportunities which were likely to change this forecast position. The capital programme was forecast to under spend by £28.8m (11.3%) against the current budget of £254.4m. After taking account of the budget change requests in the report there was a forecast under spend of £437,000.

Councillor Mohindra, Cabinet Member for Finance, Property and Housing provided answers to questions from Councillor Mackrory in respect of the underspend in relation to special education, the impact of Department of Education delays and costs in relation to St. Peter's College. Councillor Spence, Cabinet Member for Health and Adult Social Care clarified that he had not been a governor at St. Peter's College, and noted the impact of a significant increase in the amount of pupils being assessed with special educational needs.

Resolved:

1. To draw down funds from reserves as follows:

- i. £966,000 from the Private Finance Initiatives (PFI) Equalisation reserves to the Education and Skills portfolio in relation to Debden School PFI (£469,000) and Clacton Secondary schools' PFI (£497,000).
 - ii. £78,000 from the Transformation reserve to the Reserve for Future Capital Funding (via the Children and Families portfolio) in relation to Children's capital projects (section 5.1.v).
 - iii. £38,000 from the Carbon Reduction reserve to the Environment and Waste portfolio) to fund the first year of the Essex Forest Initiative (section 3.7).
 - iv. £27,000 from the Quadrennial Elections reserve to the Leader portfolio to fund by-election costs in Clacton (section 5.10.ii)
 - v. £26,000 from the Community Initiatives Fund reserve to the Customer, Communities, Culture and Corporate Services portfolio to support expenditure incurred to date in relation to local projects and grants to third parties for community improvements (section 5.2.ii).
2. To appropriate funds to reserves as follows:
 - i. £5.5m to the Carry Forward reserve from Finance, Property and Housing Recharged Strategic Support Services (RSSS) portfolio (£2.5m), Other Operating Costs (£2.1m) and Performance, Business Planning and Partnerships RSSS portfolio (£881,000) to support the 2020/21 budget (sections 5.14.ii, 5.11.iii and 5.16.ii)
 - ii. £3.2m to the Reserve for Future Capital Funding from Other Operating Costs relating to the Minimum Revenue Provision (MRP) (section 5.11.ii)
 - iii. £1.7m to the Adults Digital Programme reserve from Health and Adult Social care portfolio to fund schemes in 2020/21 (section 5.8.iii)
 - iv. £342,000 to the PFI Equalisation reserve from the Education and Skills portfolio in relation to Building Schools for the Future.
3. To approve the following adjustments:
 - i. Vire £881,000 from Customer, Communities, Culture and Corporate RSSS portfolio to Performance, Business Planning and Partnerships RSSS portfolio due to under spends within Technology services which is to be used to support the 2020/21 budget (section 2.2.i and 5.13.ii)
 - ii. Vire £236,000 from the Economic Development portfolio to the Education and Skills portfolio relating to the move of the Education Skills team (section 5.3.ii)

- iii. Vire £95,000 from Performance, Business Planning and Partnerships RSSS portfolio to Customer, Communities, Culture and Corporate RSSS portfolio for the transfer of a Head of Service post. (section 5.16.ii)
- iv. Vire £90,000 from Finance, Property and Housing RSSS portfolio to Customer, Communities, Culture and Corporate RSSS portfolio in respect of staff transfers from Customer Communities Optimisation to Payroll (section 5.14.ii)
- v. Add £87,500 to the Leader portfolio following the announcement of additional general government grant funding towards preparations for Brexit (section 3.5)
- vi. Vire £42,000 from Health and Adult Social Care portfolio to Customer, Communities, Culture and Corporate RSSS portfolio relating to surplus properties (section 5.8.iii).
- vii. Vire £4,000 from the Customer, Communities, Culture and Corporate RSSS portfolio to the Deputy Leader and Infrastructure portfolio to transfer the residual Broadband UK (BDUK) budget to where this now sits (section 5.13.ii).
- viii. To create a new reserve for Commercial Investment in Essex Places, that aligns to the Council's housing growth and town centre agendas (section 9.2).
- ix. To create a new reserve of £250,000 for the Essex Climate Change Commission to reduce carbon emissions and promote green infrastructure initiatives. This is to be funded from the Service Improvement Reserve (section 3.6).
- x. To amend the capital budget as shown in Appendices C (i) and C (ii) which allows for capital slippage of £31.4m, capital budget additions of £3.9m, capital budget reductions of £5.4m and advanced works of £4.6m (see section 7.2).

7. Concessionary Fares Scheme 2020/21 (FP/517/09/19)

A report was received by Cabinet advising that the English National Concessionary Travel Scheme legislation required each Concessionary Travel Authority to have a concessionary bus pass scheme in place by 1 March before the start of each financial year. Given the scale and scope of the concessionary fare agreement, authority to negotiate and agree a scheme with bus operators was required from Cabinet.

The report outlined the options for negotiating a scheme of reimbursement including any legal challenges that might arise and requested that the Cabinet Member for Education and Skills in association with the Director, Highways and Transportation was given authority by Cabinet to issue a default scheme

on 1 December 2019 and negotiate and agree a final scheme within the parameters that were set out in the report.

Councillor Finch, Leader of the Council provided an answers to a question from Councillor Turrell in respect of the process for further contract negotiations, should these prove necessary. A written response would be provided to Councillor Mackrory regarding whether or not the government grant provided had kept up with current costs.

Resolved:

1. Authorise the Director for Highways and Transportation to negotiate on behalf of Essex County Council over the 2020/21 English National Concessionary Travel Scheme within the parameters laid out in option 3 set out in the confidential appendix to this report.
2. Authorise the Cabinet Member for Education and Skills to approve and publish the final scheme, provided any settlement falls within the upper limit as set out in option 3 of the confidential appendix.
3. If it is not possible to achieve the outcome set out in 2.2 then a further report to Cabinet be brought back on the future of the scheme, based on the issues identified in the confidential appendix.
4. Authorise the Director, Highways and Transportation to publish a default scheme based on the DfT Calculator Scheme on or before 1 December 2019.

8. Decisions taken by or in consultation with Cabinet Members (FP/515/09/19)

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

9. Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Tuesday 26 November 2019 at 10.00am in Committee Room 1 at County Hall, Chelmsford.

10. Urgent Business

There was no urgent business for consideration.

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).

11. Concessionary Fares Scheme 2020/21 (FP/517/09/19) – CONFIDENTIAL APPENDIX

(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/517/09/19 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 7 above refers).

12. Urgent Exempt Business

There was no urgent exempt business.

There being no further business, the meeting closed at 10.25pm.

Chairman
26 November 2019