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## Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Tuesday, 25 February 2020

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### Present:

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
K Bentley	Deputy Leader and Infrastructure (Chairman)
T Ball	Economic Development
S Barker	Customer, Communities, Culture and Corporate
R Gooding	Education and Skills
D Madden	Performance, Business Planning and Partnerships
L McKinley	Children and Families
S Walsh	Environment and Climate Change Action

Councillors J Aldridge, M Buckley, G Butland, J Chandler, I Grundy, M Mackrory, M Maddocks, V Metcalfe, R Mitchell, J Moran, C Pond, R Pratt, M Steptoe, A Turrell and J Young 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 meeting of Cabinet.
2. Apologies for absence were received from Councillor D Finch (Leader of the Council) and Councillor John Spence (Cabinet Member for Health and Adult Social Care).
3. There were no declarations of interest.

### 2. **Minutes: 21 January 2020**

The minutes of the meeting held on 21 January 2020 were agreed as a correct record and signed by the Chairman.

### 3. **Questions from the public**

There were no public questions.

### 4. **Day opportunities and inclusive employment service (FP/597/01/20)**

The Cabinet received a report seeking agreement to the Council direct awarding to its wholly owned subsidiary, ECL, a five plus two years contract for two main services; buildings based day opportunities for older people and

adults with disabilities; an inclusive employment service for adults with disabilities.

Councillor Bentley provided an answer to a question raised by Councillor Pond regarding the position for people who were unable to work; a fuller written response would additionally be provided. A written response would also be provided in response to a question from Councillor Turrell regarding the impact on outcomes for individuals and the position when a placement could not be achieved.

**Resolved:**

To agree to the direct award to Essex Cares Limited a five year contract starting on 1 April 2020 on terms which allow for extension for a further two years which will include two elements:

- continuation of delivery of building based day services for adults with disabilities and older people, with revised service specifications to align with Meaningful Lives Matter and Transforming Community Care programmes.
- delivery of a new inclusive employment service to support adults with disabilities to get people job ready and increase employment. Allowing employees to move into employment and receive the necessary support to sustain their employment.

**5. Education Travel Contract Extensions and Awards 2020 (FP/579/12/19)**

Cabinet received a report requesting the extension of existing contracts and the procurement of new education transport contracts including the provision of travel allowance, hired transport and public transport tickets to enable the Council to fulfil its statutory and policy-based obligations to provide transport to school for children meeting the eligibility criteria.

Councillor Gooding provided answers to questions by Councillors Mackrory, Young and Pond in respect of the award or contracts based on price, the use of taxis for some journeys and the suitability of this for vulnerable people, the age and environmental impact of the buses used by some operators, and possible increased costs at the point of contract extension.

**Resolved:**

1. Agree that the Director, Highways and Transportation, is authorised to extend any education transport contracts which expire in July 2020 for a one year period where extension is permitted under the terms of the contract and where he considers this to be in the Council's best interests.
2. Agree that the Director, Highways and Transportation, is authorised to procure new contracts via the Council's existing dynamic purchasing system where extension is not permitted or where extension is not considered to be in the Council's best interests, Any new such contract is

to be for a period determined by the Director, Highways and Transportation initially for a maximum of three years and on terms which give the Council the right to extend for up to a further 3 years.

3. Agree that the Director, Highways and Transportation, is authorised to approve the entering into of such contracts following completion of the procurement process.

## **6. Proposed Essex-wide Bus Shelter Contract (FP/458/06/19)**

Cabinet received a report outlining the background to bus shelter provision across the County of Essex and detailing recommendations for a decision on the future management of the estate.

Councillor Bentley provided an answer to a question by Councillor Pond in respect of the impact of the proposals on, for example, the historic landscape, people with light sensitive conditions, and the use of telemetrics. Councillor Pond also commented on his expectation that the proposals would have been submitted to the appropriate scrutiny committee.

### **Resolved:**

1. To approve entering into a Collaboration Agreement with the twelve Borough, City and District councils in Essex.
2. To approve procurement of a concession contract for the maintenance, the supply of bus shelters and advertising on those shelters for a 10 year period, with a 5 year extension option, with an estimated value of £10m to £30m over its lifetime.
3. That approval to award the contract is delegated to Executive Director, Public Health and Place.
4. To adopt the proposed Advertising and Sponsorship Policy for the Highways and Transportation services in the form appended to this report.
5. To note that under these arrangements ECC will become owner of all local authority bus shelters in Essex (other than those owned by parishes).
6. Agree that the Director, Highways and Transportation may procure and maintain a dynamic purchasing system for the procurement of suppliers to install and sell non-bus shelter advertising as set out in paragraph 3.20 of this report.

## **7. Extension of the Essex Highways Partnership Contract with Ringway Jacobs (FP/479/07/19)**

Cabinet received a report making a recommendation to extend the existing Essex Highways Partnership contract with Ringway Jacobs for a period of 5 years commencing 1 April 2022.

Councillor Bentley gave answers to questions from Councillors Pond, Mackrory and Young in respect of the impact of the savings required, how the recommendations of the related Scrutiny Task and Finish group would be progressed, whether the criteria for assessing potholes would be reviewed and how the KPIs had evolved over the life of the current contract. A written answer, pending legal advice, would also be provided to a question from Councillor Pond as to the level of profit accrued by Ringway Jacobs over the life of the current contract and to a question from Councillor Young relating to the cost of the red claims as detailed in the report.

**Resolved:**

1. To agree to the commitments for the Contract extension period set out in the confidential appendix and paragraphs 3.11 to of this report which include a change to the payment mechanism and agreeing a new process for Red Claims (“the Commitments”)
  2. To agree, subject to the prior completion of the deeds identified in recommendation 2.3 and 2.4, to extend the Essex Highways Contract (the Contract) with Ringway Jacobs for a period of five years until 31 March 2027 with a break clause taking effect at the end of year thirteen of the contract by giving two year’s notice.
  3. To delegate authority to the Director for Highways to enter into a Deed of Variation to the Contract to implement the Commitments, including changes to the payment Mechanism and implementing a revised process for Red claims, the terms of which shall be agreed in consultation with the Monitoring Officer. Completion of both red claims and payment mechanism changes are preconditions of the extension.
  4. To agree to settlement of Red Claims which have been notified to or settled by ECC before 31 March 2019, with Ringway Jacobs on the terms and for the figure contained in the Confidential Appendix to this Report and to delegate authority to the Director for Highways to enter into a Settlement Agreement the terms of which shall be agreed in consultation with the Monitoring Officer.
  5. To agree to draw down from the Transformation Reserve of £105,955 in 2020/21 and £60,000 in 2021/22 to the Deputy Leader and Infrastructure portfolio for Highways and Transportation and to note that future requests will come through over the contract duration that cover the remaining values as detailed in the confidential appendix.
- 8. Approval to place 2020/21 contractual task orders with Ringway Jacobs for values over £2m (FP/607/01/20)**

Cabinet received a report seeking the approval of the issue of those task orders likely to exceed £2m to Ringway Jacobs for the 2020/21 financial year.

Councillor Bentley gave an answer to a question from Councillor Mackrory in respect of how specific schemes would be identified for progression, particularly those in the final year of the delivery programme.

**Resolved:**

1. Agree that the Director, Highways and Transportation may issue the task orders to Ringway Jacobs as outlined in Table 1, Appendix 1 after taking legal advice about the form and content of the task orders.
2. Agree that the Deputy Leader and Cabinet Member for Infrastructure may change the work to be undertaken under the task orders.

**9. Incorporation of South East Local Enterprise Partnership (FP/609/01/20)**

Cabinet received a report advising that the South East Local Enterprise Partnership existed to promote employment opportunities and distribute Government funding. All Local Enterprise Partnerships were now required by central Government to set up a company and the report explained how this was proposed to happen and asked Cabinet to take the necessary decisions to do so.

**Resolved:**

1. Agree that the Council will become a member of South East LEP Limited with articles of association as at appendix 1.
2. Agree to sign the framework agreement in the form at appendix 2.
3. Agree that the Leader will be the Council's initial member of the Board with the Deputy Leader as alternate director.
4. Agree that the Leader will be the Council's initial member of the Accountability Board with the Deputy Leader as principal substitute.
5. Agree that Essex County Council will continue as the Accountable Body for SELEP on incorporation of the company SELEP Ltd.

**10. Decisions taken by or in consultation with Cabinet Members (FP/606/01/20)**

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 17 March 2020 at 10.00am in Committee Room 1 at County Hall, Chelmsford.

## **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. Proposed Essex-wide Bus Shelter Contract - Confidential Appendix (FP/458/06/19)**

(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/458/06/19 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 6 above refers).

It was agreed that Councillor Pond would write to Councillor Bentley setting out some matters in relation to bus shelters in Epping Forest, for his subsequent response.

## **14. Extension of the Essex Highways Partnership Contract with Ringway Jacobs - Confidential Appendix (FP/479/07/19)**

(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/479/07/19 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 7 above refers).

## **15. Urgent Exempt Business**

There was no urgent exempt business.

There being no further business, the meeting closed at 10.44am.