

## **Minutes of a meeting of the Cabinet that took place in the Council Chamber at County Hall on Tuesday 15 March 2022**

### **Present:**

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
Councillor K Bentley	Leader of the Council (Chairman)
Councillor M Buckley	Waste Reduction and Recycling
Councillor G Butland	Devolution, the Arts, Heritage and Culture
Councillor B Egan	Children's Services and Early Years
Councillor J Spence	Adult Social Care and Health
Councillor L Wagland	Economic Renewal, Infrastructure and Planning
Councillor C Whitbread	Finance, Resources and Corporate Affairs
Councillor L Scott	Highways Maintenance and Sustainable Transport (via Zoom)
Councillor McKinlay	Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance (via Zoom)

Councillors M Mackrory, D King, I Henderson, and M Platt were also present.  
Councillor P Schwier attended remotely, via Zoom.

### **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.
2. There were apologies for absence from Councillor Ball, Cabinet Member for Education Excellence, Life-Long Learning and Employability.
3. In relation to agenda item no. 4 (Army and Navy Sustainable Transport Package: Preferred Option for the junction improvement) Councillors Bentley and Butland declared code interests as Chairman and Board member respectively of Transport East and participated in full in the consideration of that item. In relation to agenda item no. 6 (Freeport East – Submission of the Full Business Case to HM Government) Councillor Henderson declared a code interest as a member of Tendring District Council's Freeport working party and participated in full in the consideration of the item.

### **2. Minutes of Previous Meeting**

The Minutes of the meeting held on 15 February 2022 were approved as a true record and were signed by the Chairman.

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

There were no questions from members of the public.

### **4. Army and Navy Sustainable Transport Package: Preferred Option for the junction improvement (FP/274/01/22)**

The Cabinet received a report containing matters related to the Army and Navy sustainable transport package: preferred option for the junction improvement for their consideration and approval.

The Cabinet Member for Economic Renewal, Infrastructure and Planning responded to a question from Councillor Mackrory in respect of the arrangements for utilising Community Infrastructure Levy monies.

#### **Resolved:**

1. Agreed that the Hamburger Roundabout option is taken forward as the preferred option for the junction improvements.
2. Agreed that the Director, Highways and Transportation, in consultation with the S151 Officer, should develop an Outline Business Case for this option and submit it to the Cabinet Member to approve for submission to the Department for Transport (DfT) for funding from Major Road Network (MRN) fund.

### **5. Essex Housing - Annual Delivery Plan 2022/23 (FP/156/09/21)**

The Cabinet received a report containing matters related to the Essex Housing – annual delivery plan 2022/23 for their consideration and approval.

The Cabinet Members for Economic Renewal, Infrastructure and Planning, and Adult Social Care and Health responded to a question from Councillor Henderson on the influence the Council would have to ensure specified services were provided in specialist housing units. The Cabinet Member for Economic Renewal, Infrastructure and Planning would also provide a written response to Councillor Henderson in relation to the target numbers for the provision of different types of housing unit.

#### **Resolved:**

1. Agreed the Essex Housing Annual Delivery Plan 2022/23 contained in the Confidential Appendix to the agenda report.
2. Noted that further formal decisions will need to be taken for each site for development, financing, and land disposal to Essex Housing Development LLP for 2022/23 as set out in paragraph 3.7 of the agenda report.

## **6. Freeport East – Submission of Full Business Case to HM Government (FP/282/01/21)**

The Cabinet received a report containing matters related to Freeport East – submission of full business case to HM Government for their consideration and approval.

The Cabinet Member for Economic Renewal, Infrastructure and Planning responded to questions from Councillors Henderson and King in relation to:

- How the current freeports differed from those seen in the 1980s;
- The governance of the company limited by guarantee and its voting arrangements;
- The allocation of funds from the three ‘pots’ containing retained business rates monies and the priority to be given to training and skills programmes;
- The level of confidence that the identified significant funding gap could be met;
- Analysis into whether the economic case for freeports had been established.

### **Resolved:**

1. Agreed that the Leader of the Council can sign a letter of support to accompany the Final Business Case (“Final Business Case”) for Freeport East to HM Government, providing provisional support for the Freeport East programme, making it clear that our support is subject to it providing benefits to Essex.
2. Agreed that the County Council is in principle prepared to participate in a company limited by guarantee.
3. Agreed that the Cabinet Member for Economic Renewal, Infrastructure and Planning may make the final decision on participation in the Company as a member or by the appointment of a director or both, if she is satisfied that:
  - (a) Participating in the Company does not expose us to disproportionate risk of cost or to the council’s reputation.
  - (b) The Company has a governance model which is considered likely to deliver economic benefits to Essex by the distribution of income.
  - (c) The Freeport is likely to result in the delivery of the green energy hub at Bathside Bay.

## **7. Enhanced Partnership Plan and Scheme (FP/226/11/21)**

Cabinet received a report containing matters related to the Enhanced Partnership plan and scheme for their consideration and approval.

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

- The importance of the reliability of buses when seeking to encourage usage;
- Contingencies should funding from central Government not be received;
- The ability to strengthen commitments from bus operators around environmental considerations and whether this could include contractual stipulations;
- The level of government funding necessary to complete the projects set out in Appendix A of the report;
- Whether the number of passengers currently seen was felt to be viable.

**Resolved:**

Agreed that the Enhanced Partnership Plan and Scheme at Appendix A is made and takes effect from 31 March 2022.

**8. Better Care Fund Plan and arrangements – 2022/23 (FP/286/01/22)**

Cabinet received a report containing matters related to the Better Care Fund Plan and arrangements for their consideration and approval.

The Cabinet Member for Adult Social Care and Health took the opportunity to advise those present that it was World Social Work Day, and noted his thanks and appreciation to all involved in this vital work.

**Resolved:**

1. Agreed that the BCF Plan for Essex, approved by NHS England and NHS Improvement (NHSEI) on 12 January 2022 for the financial year 2021/22, continues to be implemented in the financial year until new arrangements are able to be agreed following the publication of BCF Policy Framework for 2022/22.
2. Agreed to vary the six section 75 agreements relating to the BCF entered into by the Council with the five Essex Clinical Commissioning Groups to ensure that the CCGs' funding commitments to the BCF Pooled Fund continues at the same level as approved by NHSEI for the financial year 2021/22 into the financial year 2022/23 and until such time as NHSEI publishes the 2022/23 BCF allocations for Essex.
3. Agreed that the Cabinet Member for Adult Social Care and Health is Authorised to agree subsequent variations to the six BCF section 75 agreements if required to reflect the BCF Policy Framework for 2022/23.
4. Agreed that the Executive Director for Adult Social Care is authorised to Agree the terms of the deeds of variation required to vary the six BCF section 75 agreements pursuant to paragraphs 2.2 and 2.3 above.

**9. Procurement of accommodation-based support for people with mental health needs (FP/285/01/22)**

Cabinet received a report containing matters related to the procurement of accommodation-based support for people with mental health needs for their consideration and approval.

The Cabinet Member for Adult Social Care and Health responded to a question from Councillor King regarding the pace of change and the consistency of care that could be expected by those using the service during that period.

**Resolved:**

1. Agreed to undertake a competitive procurement process using the open procedure to procure providers of Mental Health Supported Accommodation Services in four lots across North-East and West Essex as follows and as set out in paragraph 3.27 of the report. Volumes have been determined via historical referral data as per paragraph 3.28:
  - Intensive Assessment Beds (6 units in North-East Essex)
  - Complex needs (six units in North-East Essex and six in West Essex)
  - Medium and Low North-East Essex (70 units) Medium and Low West Essex (45 units)
2. Agreed that the new contracts will commence in October 2022 with a duration of five years within a budget envelope of £17.4m split between ECC and Health Partners.
3. Agreed to award a 12-month contract starting on 1 October 2022 to existing providers in Mid and South Essex for new placements whilst further work is undertaken to move towards extending the new model across Mid and South Essex.
4. Agreed that the Cabinet Member for Health and Adult Social Care, in consultation with the Executive Director for Adult Social Care, may award the contracts following completion of the competitive process once the necessary funding is in place.
5. Agreed to enter into s75 Agreements with Clinical Commissioning Groups or, once they are established, Integrated Care Boards, to delegate the necessary health functions to the Council for the purposes of commissioning Mental Health Supported Accommodation services.

**10. Procurement of a new Integrated Community Equipment Service contract for 2023-2028 (FP/237/11/21)**

Cabinet received a report containing matters related to the procurement of a new integrated community equipment service contract for 2023-2028 for their consideration and approval.

**Resolved:**

1. Agreed that the community equipment contract between the Council and Essex Cares Limited will terminate on the contract expiry date of 31 March 2023.
2. Agreed to terminate the contract between the Council and The Mayor and Burgess of the London Borough of Croydon known as The Integrated Procurement Hub (Croydon) for the provision of community equipment with effect from 31 March 2023.
3. Agreed to procure a contract for the Council, Thurrock Council, Castle Point and Rochford Clinical Commissioning Group, Basildon and Brentwood Clinical Commissioning Group, Thurrock Clinical Commissioning Group, Essex Partnership University Trust, Mid Essex Clinical Commissioning Group, Mid Essex Hospital Trust and East Suffolk and North Essex NHS Foundation Trust for the provision of an Integrated Community Equipment Service for Essex residents, to support them to live safely and/or independently in the community, for a five year contract term commencing in April 2023, with an option to extend for up to a further two years.
4. Agreed that the new contract will have an expected expenditure of up to £83m over the five-year contract period (£57m for the Council and £26m for the Health and Local Authority Partners), based on forecast spend at current activity levels, which will be managed by the Council under a pooled fund arrangement with additional contributions from the partners if there is any over-spend.
5. Agreed that the contract will be procured using the competitive procedure with negotiation as outlined in section 3 of this report.
6. Agreed that the services will be procured using an evaluation model based on 30% price, 50% quality and 20% social value and climate action.
7. Agreed to purchase up to a maximum of £1.1m of equipment owned by Essex Cares Limited which can be reused at the expiry of the current contract, which will be purchased by the successful bidder if they are not the incumbent.
8. Agreed to enter into a section 75/101 partnership agreement with Thurrock Council, Castle Point and Rochford Clinical Commissioning Group, Basildon and Brentwood Clinical Commissioning Group, Thurrock Clinical Commissioning Group, Essex Partnership University Trust, Mid Essex Clinical Commissioning Group, Mid Essex Hospital Trust and East Suffolk and North Essex NHS Foundation Trust under section 75 of the National Health Service Act 2006 and section 101 of the Local Government Act 1972 (respectively) under which the Council

procures and purchases and manages the community equipment services and manages a pooled fund on behalf of such partners.

9. Agreed that the Executive Director, Adult Social Care, in consultation with the Cabinet Member for Health and Adult Social Care, is authorised to agree the detailed evaluation model for the procurement.
10. Agreed that the Executive Director, Adult Social Care, in consultation with the Cabinet Member for Health and Adult Social Care, is authorised to approve the final terms of the partnership agreement and service contract.
11. Agreed that the Cabinet Member for Health and Adult Social Care is authorised to award the contract to the successful bidder following completion of the procurement process.

**11. Decisions taken by or in consultation with Cabinet Members (FP/292/02/22)**

The report was noted.

**12. Date of the next meeting**

The next meeting of the Cabinet would take place on Tuesday 19 April 2022, at County Hall, Chelmsford, CM1 1QH.

**13. Urgent Business**

There was no urgent business.

**14. Confidential Appendix: Essex Housing Annual Delivery Plan 2022/23 (FP/156/09/21) (Public and press excluded)**

The confidential appendix to report FP/156/09/21, to which minute 5, above, refers was agreed.

**15. Confidential Appendix: Procurement of a new Integrated Community Equipment Service contract for 2023-2028 (FP/237/11/21) (Public and press excluded)**

The confidential appendix to report FP/237/11/21, to which minute 10, above, refers was agreed.

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

There was no urgent exempt business.

There being no further business, the meeting closed at 10.45am.