

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

Present:

Councillor	Cabinet Member Responsibility
Councillor K Bentley	Leader of the Council (Chairman)
Councillor T Ball	Education Excellence, Life-Long Learning and Employability
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 L Scott	Highways Maintenance and Sustainable Transport
Councillor J Spence	Adult Social Care and Health
Councillor L Wagland	Economic Renewal, Infrastructure and Planning
Councillor C Whitbread	Finance, Resources and Corporate Affairs

Councillors M Mackrory, D King, P Schwier, M Platt, and M Durham were also present. Councillors C Pond and D Harris 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. Apologies were received from Councillor McKinlay, Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance, and Councillor Henderson, Leader of the Labour Group, for whom Councillor Harris substituted.
3. There were no declarations of interest.

2. Minutes of Previous Meeting

The Minutes of the meeting held on 18 January 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. Approval to place 2022/23 contractual task orders with Ringway Jacobs for values of £2m and over (FP/235/11/21)

The Cabinet received a report containing matters related to the submission of business cases for the delivery of Essex Councils projects as part of the Colchester Town Deal programme for their consideration and approval.

The Cabinet Member for Highways Maintenance and Sustainable Transport responded to questions from Councillors Mackrory, Pond, and Harris in respect of the ordering and priority afforded to the various works, funding for cycleways, assurance around the quality of the work delivered, and how efficiencies may be identified and delivered in relation to Task Order 21.

Written responses would also be provided to:

Councillor Pond in relation to Task Order 28 and how the local overheads were determined, and the total breakdown of spend across a number of task orders related to footways, cycleways and highways;

Councillor King providing statistics on the number of times repairs to works were required and confirmation that these were delivered at no further cost;

Councillor Harris in respect of the position on liability for claims as referenced at paragraph 3.7 in the report.

Resolved:

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

5. Integrated Residential Nursing (IRN) Framework Annual Refresh and Placement Price Uplifts for 2022 (FP/262/12/21)

The Cabinet received a report containing matters related to the Integrated Residential Nursing (IRN) Framework Annual Refresh and Placement Price Uplifts for 2022 for their consideration and approval.

The Cabinet Member for Adult Social Care and Health responded to questions from Councillors Mackrory, King and Pond in respect of the checks undertaken for new providers, whether gap analysis and lobbying to government regarding further relaxation of immigration rules in this area would be of benefit and assurances in relation to the supply of care to rural areas. A written response would also be provided to Councillor Harris regarding what the 6.1% and 6.4% increases in the price bands for residential care and residential care with nursing meant in monetary terms and whether testing on the impact this may have on the industry had taken place.

Resolved:

1. Agreed to vary the price matrix in the IRN Framework Agreement with effect from 1 June 2022 so that each price band is increased by:
 - 6.1% for residential care as set out in Appendix A

- 6.4% for residential care with nursing as set out in Appendix A.
2. Agreed to undertake the annual Preferred Supplier Ranked List Review Process in accordance with the processes set out within the IRN Framework Agreement, to allow new providers on to the IRN Framework and existing IRN Framework providers to resubmit prices that will apply to new placements from 1 June 2022.
 3. That subject to the Executive Director, Adult Social Care being satisfied that it is lawful in each case to do so, to increase the weekly rate of all existing care home placements in place on 31 March 2022 and delivered via the IRN Framework Agreement by 6.1% for Residential and 6.4% for Nursing, capped at £685.72 per week for residential and £835.03 per week for nursing placements, with effect from 1 April 2022.
 4. Agreed to vary the IRN Framework Agreement to permit the changes set out in recommendation 2.3 above.
 5. That subject to the Executive Director, Adult Social Care being satisfied that it is lawful in each case to do so, agree to increase the weekly rate of all existing care home placements in place in the administrative area of the Council on 31 March 2022 commissioned by the Council pursuant to a spot purchase contract by 6.1% for Residential and 6.4% for Nursing, capped at £685.72 per week for residential and £835.03 per week for nursing placements, with effect from 1 April 2022.
 6. Agreed that the Executive Director, Adult Social Care is authorised, following the conclusion of the annual Preferred Supplier Ranked List Review Process set out in 2.2, to:
 - agree the terms of the variation to the IRN Framework Agreement referred to in paragraphs 2.1 and 2.4 above.
 - award IRN Framework Agreements to new providers;
 - award new providers on the IRN Framework an IRN Call Off Contract;
 - to agree the terms of the contract variations required for existing contracts referred to in paragraphs 2.3 and 2.5 above; and
 - re-rank providers in accordance with the published criteria in the IRN Framework Agreement.
6. **Live at Home Framework Agreement Pricing Refresh and Pricing Increase for Domiciliary Care Placements (FP/261/12/21)**

The Cabinet received a report containing matters related to the Live at Home Framework Agreement pricing refresh and pricing increase for Domiciliary Care Placements for their consideration and approval.

Resolved:

1. Agreed to vary the Live at Home Framework Agreement by increasing the hourly rates by 7.1% for all care types excluding target supply area rates,

as set out in Appendix B of the report, with such change taking effect from 3 April 2022.

2. Agreed to commence the Annual Review Process in the Live at Home Framework Agreement to allow existing providers to amend their framework prices with such price increases to be effective from 3 April 2022 until the next pricing refresh.
3. That subject to the Executive Director, Adult Social Care being satisfied that it is lawful in each case to do so, to increase the hourly rate as set out below for all existing placements in place on 2 April 2022 delivered via the Live at Home Framework Agreement with such price increase coming into effect from 3 April 2022 until the end of such placement:
 - a. an increase of £1.44 per hour for personal care (including carer's support, carer's break and night awake) placements;
 - b. an increase of £0.92 per hour for night sleeping placements; and
 - c. an increase of £0.92 per hour for 24-hour live-in care placements.
4. Agree to vary the Live at Home Framework Agreement to permit the changes set out in 3. above.
5. Subject to the Executive Director, Adult Social Care being satisfied that it is lawful in each case to do so, to increase the hourly rate as set out below for all existing placements commissioned by the Council in the administrative area of the Council for domiciliary care, in place on 2 April 2022, delivered via spot purchase contracts with such price increase coming into effect from effect from 3 April 2022 until the end of such placement:
 - a. an increase of £1.44 per hour for personal care (including carer's support, carer's break and night awake) placements;
 - b. an increase of £0.92p per hour for night sleeping placements; and
 - c. an increase of £0.92p per hour for 24-hour live-in care placements.
6. Agree that the Executive Director, Adult Social Care is authorised:
 - a. to agree the terms of the variation to the Live at Home Framework Agreement referred to in 1. and 4. above
 - b. following the conclusion of the Annual Review Process set out in 1., to re-rank providers in accordance with the published criteria set out in the Live at Home Framework Agreement; and
 - c. to agree the terms of the contract variations required for existing placements referred to in 3. and 4. above.

7. Replacement of temporary accommodation and enhancement of provision at Cedar Hall School, Benfleet (FP/278/01/22)

Cabinet received a report containing matters related to the replacement of temporary accommodation and enhancement of provision at Cedar Hall School, Benfleet, for their consideration and approval.

The Cabinet Member for Education Excellence, Life-Long Learning and Employability responded to questions from Councillor Mackrory regarding the proportions of the price / quality split, and the condition and standard of the site whilst the works were underway.

Resolved:

1. Agreed to replace temporary classrooms, and provide additional new accommodation in a new, permanent building, to be net-zero in operation, at Cedar Hall School, Benfleet.
2. Agreed to enter into a Pre-Construction Agreement with the successful contractor following completion of the first stage tender process in the Essex Construction Framework.
3. Agreed that the Head of Infrastructure Delivery is authorised to agree the terms of the Pre-Construction Agreement.
4. Agreed that the Head of Infrastructure Delivery is authorised to award a construction contract to the successful contractor, following the completion of the second stage tender process in the Essex Construction Framework, when he is content that the following conditions have been met:
 - 4.1. A satisfactory planning permission has been granted; and
 - 4.2. The construction costs are within the agreed budget and represent value for money.
5. Approve the capital budget for construction and associated project fees, as per the profile stated in the Confidential Appendix.

8. Decisions taken by or in consultation with Cabinet Members (FP/270/01/22)

The report was noted.

9. Date of the next meeting

The next meeting of the Cabinet would take place on Tuesday 15 March 2022, and was expected to be held in the Council Chamber at County Hall, Chelmsford.

10. Urgent Business

There was no urgent business.

11. Confidential Appendix: Replacement of temporary accommodation and enhancement of provision at Cedar Hall School, Benfleet (FP/278/01/22) (Public and press excluded)

The confidential appendix to report FP/278/01/22, to which minute 7, above, refers was agreed.

12. Urgent exempt business (Public and press excluded)

There was no urgent exempt business.

There being no further business, the meeting closed at 10.46am.