

**Minutes of a meeting of the Cabinet that took place in the Council Chamber at County Hall at 10.15am on Tuesday 23 March 2023****Present:**

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
Cllr Louise McKinlay	Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance (Chairman)
Cllr Tony Ball	Education Excellence, Lifelong Learning and Employability
Cllr Malcolm Buckley	Waste Reduction and Recycling
Cllr Graham Butland	The Arts, Heritage and Culture
Cllr Beverley Egan	Children's Services and Early Years
Cllr Lee Scott	Highways Maintenance and Sustainable Transport
Cllr John Spence	Health and Adult Social Care
Cllr Lesley Wagland	Economic Renewal, Infrastructure and Planning
Cllr Chris Whitbread	Finance, Resources and Corporate Affairs

Cllrs Mark Durham, Ivan Henderson, David King, Mike Mackrory, Mark Platt, Peter Schwier, Laureen Shaw and Andy Wiles 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.
2. Apologies for absence had been received from Cllr Kevin Bentley, Leader of the Council, and Councillor Chris Pond, Leader of the Non-Aligned Group,
3. No declarations of interest were made under this agenda item. Councillor John Spence subsequently declared an interest in agenda item 8 (Public Health Accelerator Bids (PHAB) Grants Programme). Minute 8 below refers.

**2. Minutes: 21 February 2023**

The Minutes of the previous meeting, held on 21 February 2023, were approved as a correct record and signed by the Chairman.

**3. Questions from the public**

Two members of the public spoke in relation to agenda item 5 as shown in the published agenda (the agenda was subsequently reordered so that the matter

was considered as agenda item 4) - Recommissioning of Short Breaks Provision for Children with Disabilities. Mr Gary Knowles and Ms Lorraine Woodhouse asked the Cabinet to reconsider the recommendation to cease to use Lavender House in Colchester for overnight short night breaks. They advised that the facility had been of vital importance in supporting their families and others like them, and suggested that the alternative options as proposed within the report would not meet their needs or those of families using the service in the future.

The Chairman thanked Mr Knowles and Ms Woodhouse for attending and speaking at the meeting, and noted that the Cabinet Member for Children's Services and Early Years would respond to the points made in her presentation of the report.

#### **Variation in the Order of Business**

Upon the proposal of the Chairman, it was agreed to vary the order of the agenda to enable the following item to be considered as the next item of business.

#### **4. Recommissioning of Short Breaks Provision for Children with Disabilities (FP/573/11/22)**

The Cabinet received a report which set out the learning from the review of the current Overnight Short Breaks offer, providing recommendations to improve the offer.

The Cabinet Member for Children's Services and Early Years responded to points made by Councillors King, Henderson and Mackrory, which drew reference to a number of points made by the public speakers:

- The process that had been undertaken to reach the recommendations as set out in the report and the options available in respect of further review before a decision was taken;
- Whether the recommendations fulfilled the requirements of the Children Act (1989) with regard to providing choice when accessing services;
- The amount of savings achieved through the discontinuation of overnight short breaks at Lavender House;
- The relevance of comparing ECC services with those provided by other authorities;
- The impact of discontinuing overnight short breaks at Lavender House when there were already waiting lists to access the service;
- The longer term impact of the recommendation and whether future costs would be greater as a result.

The Cabinet Members for Education Excellence, Lifelong Learning and Employability, The Arts, Heritage and Culture, and Health and Adult Social Care noted their support for the recommendations and their confidence that the service to be provided would meet the needs of children and families. The

importance of continued communication and support being provided to the families that were affected was also noted.

**Resolved:**

1. Agreed to maintain a mixed economy of internal overnight provision, home-based provision, family based (delivered by ECC trained foster carers) and external provision for overnight short breaks for parents and carers of children and young people with special educational needs and/or disability which shall include:
  - i. Ceasing to use Lavender House in Colchester for overnight short night breaks with effect from 30 June 2023; and
  - ii. The extension of provision at the Maples in Harlow so that it operates with a minimum capacity of five beds and a maximum capacity of eight beds (dependent on the behavioural and social needs of the children staying) for seven nights of the week with effect from 30 June 2023.)
2. Noted that the Cabinet Member for Children's Services and Early Years will take a decision on the future use of Lavender House.

**5. Proposed Extension of Contract – Essex Child and Family Wellbeing Services (FP/555/11/22)**

The Cabinet received a report seeking approval to extend the current Essex Child and Family Wellbeing Service (ECFWS) contract for the maximum three years allowed.

The Cabinet Member for Children's Services and Early Years responded to questions from Councillors Mackrory and Henderson in relation to assurance that refugees of all ethnicities could access the service and the impact of closing sure start centres on demand for these services.

**Resolved:**

1. Agreed to extend the pre-birth to 19 contract with HCRG Care Limited by three years from 1 April 2024 to 30 April 2027.
2. Agreed to implement a three-year extension and vary the contract to allow for an increased contract price of £95.943m, to provide additional capacity in the service to deal with unforeseeable impacts of demand created by the number of refugees in Essex and the impact of the pandemic upon some young children.
3. Noted that although this increase does not affect the budget for 2023-24, it will exceed the indicative budget figures included in the Council's Medium Term Resource Strategy by £.256m over this period, therefore increasing the overall budget gap, and that the Children and Families Service will

seek to find funding to address the budget pressure created by this decision to bring overall budgets back in line with the MTRS.

**6. Essex Adult Social Care Market Sustainability Plan (FP/014/01/23)**

The Cabinet received a report seeking approval for the strategic priorities for the future of the Essex care market in the Essex Care Market Strategy and the Market Sustainability Plan.

The Cabinet Member for Health and Adult Social Care responded to questions from Councillors Henderson and Mackrory in relation to the possible impact on affordability of changes to charging thresholds, the level of overseas recruitment, and assurances regarding funding given the likely increase in the number of assessments needed.

**Resolved:**

1. Agreed to approve the Essex Market Shaping Strategy 2023-30 in the form appended to report FP/14/01/23.
2. Agreed to approve the Market Sustainability Plan for submission to Government by 27 March 2023 in the form appended to report FP/014/01.23.

**7. Working Age and Older Adults Care and Support Provision Uplifts (FP/024/01/23)**

The Cabinet considered a report which set out uplifts for care providers that operate supported living and extra care settings, and for those that work with working age adults with disabilities and mental health support needs.

The Cabinet Member for Health and Adult Social Care responded to a question from Councillor Mackrory regarding why an automatic uplift would not be applied for placements outside of the county.

**Resolved:**

**Adults with Disabilities Supported Living Services:**

1. Agreed to uplift fees by 11.1% from 1 April 2023 for all existing and new packages of care and support for Adults with Disabilities (AWD) residing in Supported Living accommodation, for providers within the administrative county of Essex, to £19.16 per hour for non-complex placements and £21.04 per hour for complex needs placements.

**Adults with Disabilities Residential Services:**

2. Agreed to uplift fees by 8% from 1 April 2023 for providers who have completed the Care Cubed assessment tool and provided the results to the Council; no uplift will be applied to a provider until they have engaged in this assessment process.
3. Agreed to uplift of core and 1:1 rate for new and existing placements on the Complex Residential Framework by a maximum of 8% from April 2023.

**Mental Health Accommodation Services:**

4. Agreed to uplift of fees by a maximum of 7.7% for all existing and new packages from April 2023 for services delivered under the new Mental Health Accommodation Pathway, and Supported to Independence, Intensive Enablement, and Intensive Enablement Plus services, with a capped rate of £19.16 per hour for non-complex packages and a capped rate of £21.04 per hour for complex needs packages

**Mental Health Residential Services:**

5. Agreed to uplift of fees by 8% for existing and new providers from April 2023.

**Extra Care Services:**

6. Agreed to uplift fees by up to 11.1% on average for all existing care and support plans for those older adults living within extra care accommodation, which equates to a fixed rate increase of £2.12 per hour from April 2023.
7. Agreed to give a new maximum rate of £21.04 per hour and minimum rate of £16.72 per hour, used for the placement of adults into Extra Care Schemes with effect from 2 April 2023.

**Out of County Placements:**

8. Agreed to increase by an individually agreed amount not exceeding the 'host' authority uplift across all services if (a) the provider requests this and provides supporting evidence and (b) in the case of residential care, only where the Council is satisfied that the provider has completed the Care Cubed toolkit and the results demonstrate appropriate value for money.

**8. Public Health Accelerator Bids (PHAB) Grants Programme (FP/573/11/22)**

The Cabinet considered a report which set out the case for a new public health programme for Essex to accelerate the implementation of the four themes of Everyone's Essex and the priorities outlined in the new Essex

County Council Wellbeing, Public Health and Communities business plan (2022-25).

The Cabinet Member for Health and Adult Social Care responded to questions from Councillors Mackrory and King regarding the inability to use funding for existing schemes and assurance around the ease of the application process. In making his responses the Cabinet Member for Health and Adult Social Care (Councillor John Spence) declared an other registrable interest in that he is a life Vice President of Essex Community Foundation. This organisation would be engaged with regarding the application process together with other relevant organisations.

**Resolved:**

1. Agreed to the use of up to £8m of the existing Public Health Reserve balance, within the Grant Equalisation Reserve, to fund a new Essex Public Health Accelerator Bids (PHAB) Programme for three years (2023/24, 2024/25 and 2025/26).
2. Agreed that the rules for the operation of the scheme are as set out in report FP/573/11/22, subject to modification for each funding round by the Director, Public Health and Wellbeing.
3. Agreed that no grants are to be made other than on terms and conditions approved by the Monitoring Officer or his nominee.
4. Noted that any draw-down from reserves will need to be approved in accordance with the Council's Financial Regulations and that the decisions requested in report FP/573/11/22 do not agree to the draw-down of any funding.

**9. Update to the Social Value Policy – amendment to the ECC Themes and Outcomes (TOMS) (FP/040/02/23)**

The Cabinet received a report which recommended changes to the Essex Themes and Outcomes (TOMS) contained within the Social Value Policy.

The Cabinet Member for Finance, Resources and Corporate Affairs responded to a question from Councillor King regarding the level of assurance that the outcomes could be delivered.

**Resolved:**

1. Agreed to amend the Social Value Policy and the ECC Themes and Outcomes (TOMS) to:
  - a. Remove the multipliers from the social value scoring process.
  - b. Include the new social value measures set out in Table A of Appendix 3 to report FP/040/02/23.

- c. Include the specific measurers set out in Appendix B of Appendix 3 to report FP/040/02/23 for use in construction contracts.
- d. Amend the existing social value measures and financial proxies set out in Table C of Appendix 3 to report FP/040/02/23.

**10. Essex Housing Development LLP Annual Delivery Plan 2023/24 (FP/590/12/22)**

A confidential appendix was considered in conjunction with this report (minute 15, below, refers).

The Cabinet received a report seeking approval of Annual Delivery Plan 2023/24 for Essex Housing Development LLP.

The Cabinet Member for Economic Renewal, Infrastructure and Planning

**Resolved:**

1. Agreed to approve the Essex Housing Annual Delivery Plan 2023/24 contained in the Confidential Appendix to report FP/590/12/22).
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 2023/24 as set out in paragraph 3.10 of report FP/590/12/22).

**11. Decisions taken by or in consultation with Cabinet Members (FP/045/02/23)**

The report was noted.

**12. Date of the next meeting**

Noted that the next meeting of the Cabinet would take place at 10.15am on Tuesday 18 April 2023 in the Council Chamber at County Hall, Chelmsford, CM1 1QH.

**13. 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).

**14. Confidential Appendix: Essex Housing Annual Delivery Plan (FP/590/12/22)**

The confidential appendix to report FP/590/12/22, to which minute 11, above, refers, was agreed.

**15. Urgent Exempt Business**

There was no urgent exempt business.

There being no further business, the meeting closed at 11.36am.