

Summary of Decisions taken at a meeting of the Cabinet meeting that took place in the Council Chamber at County Hall on Tuesday 21 June 2022

Please note that this is a summary of decisions taken at the meeting only. A full account of proceedings will appear in the minutes of the meeting which will be published on the Council's website by Monday 4 July 2022.

Published with effect from Tuesday 21 June 2022. Provided that a decision is not called-in by close of business on Friday 25 June 2022, it can then be implemented.

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Present:

Councillor	Cabinet Member Responsibility
Councillor K Bentley	Leader of the Council (Chairman)
Councillor L McKinlay	Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance
Councillor T Ball	Cabinet Member for Education Excellence, Life-Long Learning and Employability
Councillor M Buckley	Waste Reduction and Recycling (attending remotely, via Zoom)
Councillor G Butland	Devolution, the Arts, Heritage and Culture
Councillor B Egan	Children's Services and Early Years
Councillor Lee Scott	Highways Maintenance and Sustainable Transport
Councillor J Spence	Health and Adult Social Care
Councillor L Wagland	Economic Renewal, Infrastructure and Planning
Councillor C Whitbread	Finance, Resources and Corporate Affairs

Councillors M Platt and P Schwier were also present. Councillor I Henderson, D King and C Pond 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 for absence had been received from Councillor Mike Mackrory, Leader of the Liberal Democrat Group, and Gavin Jones, Chief Executive, for whom Mark Ash, Executive Director, Climate, Environment and Customer Services, attended.
3. There were no declarations of interest.

2. Minutes of Previous Meeting

The Minutes of the meeting held on 24 May 2022 were approved as a true record and signed by the Chairman.

3. Questions from the public

None

4. Option Agreement in relation to land on the west side of Love Lane, Aveley (FP/365/04/22)

The Cabinet received a report proposing the grant of an Option Agreement on ECC-owned land at Love Lane, Aveley to the Buyer of adjacent land.

Resolved:

1. Agreed that the Option Agreement for the disposal of the Land may be entered into in a form agreed by the Head of Property after taking advice from the Council's property advisor and the Council's solicitors.

5. Essex Green Infrastructure Standards (FP/366/04/22)

The Cabinet received a report seeking approval to adopt the Essex Green Infrastructure Standards in order to guide the future protection, enhancement, management and expansion of green infrastructure within new developments and future decision-making in Greater Essex.

Resolved:

1. Agreed to adopt the proposed Essex Green Infrastructure Standards in the form appended to report FP/366/04/22
2. Formally requested that local planning authorities consider this when formulating their planning policies.

6. Publication of Compulsory Purchase Orders for Land required for the A120-A133 Link Road Scheme (FP/354/03/22)

The Cabinet received a report seeking approval for actions required to progress delivery of the A120-A133 Link Road Scheme.

Resolved:

1. Agreed to authorise the Director, Highways and Transportation to enter into agreements with National Highways Company Limited under which the Council can deliver the A120-A133 Link Road Scheme.
2. Agreed that if the Director, Highways and Transportation is satisfied that the Council is unable to acquire the land required to the scheme by agreement

on reasonable terms he may, after consulting with the Cabinet Member for Economic Renewal, Infrastructure and Planning and the Director, Legal and Assurance, authorise the making of Compulsory Purchase Orders to acquire the land shown on the plan at Appendix A to report FP/354/03/22) and to pursue the Orders to confirmation as well as any additional legal processes required as a result of publication of Side Road Orders and any arrangements with National Highways Company Limited.

3. Authorised the Director, Highways and Transportation to agree minor changes to the boundaries of the land to be acquired after consulting the Cabinet Member for Economic Renewal, Infrastructure and Planning and the Director, Legal and Assurance.

7. 2021/22 Provisional Outturn Report (FP/014/03/22)

Cabinet received a report which presented and provided commentary on the provisional outturn position for the financial year 2021/22 prior to formal closure of the accounts. Approval was sought for a number of actions intended to provide support for the challenges now being faced.

Resolved:

That it be agreed as follows:

1. To create a new General Risk Reserve to support against inflationary risk for future years.
2. To appropriate the net under spend **£15.622m** into earmarked revenue reserves as follows:
 - **£10.022m** to a new General Risk Reserve to support mitigation of the cost pressures we face.
 - **£2.6m** to the Everyone's Essex Reserve to support delivery of Everyone's Essex priorities.
 - **£2m** to the Commercial Investment in Essex Places Reserve given increased activity in this area with the Essex Renewal Fund.
 - **£1m** to the Technology and Digitisation Reserve for the heightened cyber risks currently faced as a result of the Ukraine war.
3. To allocate under spends between portfolios as set out within the 'Transfers of under / overspends between Portfolios' column of Appendix A.
4. To appropriate the following amounts to / from restricted and other revenue reserves:

Restricted Funds

- Private Finance Initiative (PFI) Reserves

- Building Schools for the Future - **£128,000** contribution (Appendix D 8iii)

- Clacton Secondary Schools - **£343,000** contribution (Appendix D8iii)
- Debden School - **£1.307m** contribution (Appendix D 8iii)
- A130 Road - **£988,000** contribution (Appendix D 10iii)
- **Waste Reserve – £4.513m** net contribution comprising:
 - Contribution of £4.894m, to replenish the Reserve as a consequence of previously using it to meet Covid related pressure in 2021/22 and a contribution to return balances not needed as tonnages were lower than anticipated (Appendix D 12iii)
 - Withdrawal of £381,000 to fund waste related projects (Appendix D 12iii)
- **Schools - £5.611m** net contribution to the Schools' reserve, following under spends against schools' budgets in 2021/22 (Appendix D 7i)
- **Partnership Reserves**
 - Youth Offending Service Partnership Reserve - **£547,000** contribution (Appendix D 3iii)
 - Public Sector Reform Partnership Reserve - **£42,000** contribution (Appendix D 3iii)
 - Essex Safeguarding Children's Board Partnership Reserve - **£25,000** withdrawal (Appendix D 3iii)
 - Public Law Partnership Reserve - **£25,000** contribution (Appendix D 13iii)
 - Adults Safeguarding Board Partnership Reserve - **£23,000** contribution (Appendix D 1vi)

Capital funding

- **Capital funding - £141,000** net withdrawal to transfer capital financing resources to revenue in respect of:
 - Essex Housing - **£1.708m** withdrawal for a technical adjustment relating to expenditure on the Essex County Hospital project, which cannot be capitalised following transfer of part of the site to the Essex Housing LLP (Appendix D 6iii)
 - To support Highways fleet purchase in 2022/23 - **£817,000** contribution (Appendix D 10iii)
 - Capital expenditure relating to improvements to Library and Registrations rooms - **£500,000** contribution (Appendix D 4iii)
 - Capital works relating to Adults Residential Homes - **£250,000** contribution (Appendix D 1vi)

Other reserves

- **Carry Forwards - £14.209m** contribution, in respect of revenue budget under spends that it is proposed are carried forward for use in 2022/23. The proposals for utilising this Reserve in 2022/23 are set out in **Appendix C** of this report
- **Adults Digital Programme** - £247,000 contribution to continue with projects within the programme, the funding will be withdrawn for use in 2022/23. (Appendix D 1vi)

- **Adult Risk - £4.132m** net contribution comprising:
 - £4.170m contribution to allow for the potential risk professional deputyship fees are an allowable disability related expense (Appendix D 1vi)
 - £38,000 withdrawal to fund works in relation to Market Shaping expenditure (Appendix D 1vi)
 - **Adults Transformation - £4.718m** contribution to support the Adult Social Care budget for various programmes, with £973,000 to be withdrawn in 2022/23 (Appendix D 1vi)
- **Ambition Fund - £3.772m** net contribution comprising:
 - £3.898m of contributions, due in the main to unspent project funding, of which £2.397m is required for use in the next financial year and therefore will be withdrawn in 2022/23 (Appendix D 1vi, 4iii, 5iii, 6iii, 8iii, 10iii, 11iii, 13iii)
 - £126,000 withdrawal to fund expenditure for Environment and Climate Action works. (Appendix 6iii, 11iii)
- **Bequests - £27,000** contribution for funds bequeathed to the Essex Records Office during the year (Appendix D 5iii)
- **Bursary for Trainee Carers Reserve - £59,000** withdrawal relating to the Nightingale Health and Care Bursary Programme (Appendix D 8iii)
- **Capital Receipts Pump Priming Reserve - £170,000** withdrawal relating to legal costs incurred from the sale of ECC properties (Appendix D 14iii)
- **Children's Transformation Reserve - £467,000** net contribution comprising:
 - £500,000 contribution to replenish the reserve to support transformation capacity to deliver the Children's Transformation Programme and therefore will be withdrawn in 2022/23 (Appendix D 3iii)
 - £33,000 withdrawal to fund the Tendring Multidisciplinary Team (Appendix D 3iii)
- **Collection Fund Investment Risk Reserve - £573,000** contribution to support potential funding pressures in future years (Appendix D 9iii)
- **Commercial Investment in Essex Places - £2m** contribution given increased activity in this area with the Essex Renewal Fund (Section 2.2)
- **Community Initiatives Reserve - £282,000** withdrawal to support expenditure incurred on community projects during 2021/22 (Appendix D 4iii)
- **COVID Equalisation Reserve - £8.107m** net withdrawals comprising:

- £3.681m contribution to return Covid funding where actual expenditure or income losses were lower than previously forecast, or expenditure that has now been covered by other specific grants. (Appendix D 1vi, 8iii, 13iii, 15iii & 16iii)
- £11.788m withdrawals to help cover Community Resilience, equipment demand and staffing pressures in Adult Social Care and Health, and Children Service and Early Years, and to replenish the Waste Reserve by **£2.906m** for tonnage pressures as a result of behaviour changes linked to Covid originally funded through the Waste Reserve (Appendix D 1vi, 3iii, 8iii & 15iii)
- **Emergency Reserve - £1m** contribution to cover potential increases in fuel across the transport service (Appendix D 10iii)
- **Essex Climate Change Commission - £53,000** contribution relating to Climate Change for use in 2022/23. (Appendix D 4iii & 11iii)
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- **Everyone's Essex Reserve - £323,000** withdrawal to fund expenditure in relation to Arts and Heritage, and Climate Action. This is in addition to the contribution to this reserve proposed in recommendation 2.2 above (Appendix D 5iii, 11iii & Section 2.2)
- **General Risk Reserve - £3.836m** contribution to partially mitigate the inflationary risk faced in 2022/23 and beyond. This is in addition to the contribution proposed in paragraph 2.2 above, and will bring the total contribution to £13.858m (Appendix D 8iii, 10iii, 15iii & 17ii & Section 2.2)
- **Health and Safety Reserve - £55,000** net contribution comprising:
 - £541,000 contribution relating to unspent funds for King Edmund's school demolition costs. (Appendix D 8iii)
 - £486,000 withdrawal to cover demolition costs for Edith Borthwick and Country Park expenditure. (Appendix D 5iii & 8iii)
- **Quadrennial elections Reserve - £176,000** withdrawal for costs incurred for the May 2021 elections (Appendix D 4iii)
- **Recovery Reserve - £273,000** contribution due to unspent funds being returned to reserves for use in 2022/23 (Appendix D 6iii)
- **Technology and Digitalisation Reserve - £2.034m** contribution related to unspent funding allocated for the Corporate System Project and for Technology Service Projects and Print Savings. This is in addition to the contribution of **£1m** that is proposed in paragraph 2.2 above for the heightened cyber risks and will bring the total contribution to this reserve to £3.034m (Appendix D 15iii & Section 2.2)
- **Transformation Reserve - £823,000** net withdrawal comprising:
 - £58,000 contribution due to unspent project funding which is now required for use in 2022/23 and therefore will be withdrawn in 2022/23 (Appendix D 4iii)

- £881,000 withdrawal mainly for work on the Ways of Working and Workforce strategy projects (Appendix D 6iii, 10iii, 11iii & 15iii)
- 5. That the financing of capital payments in 2021/22 is approved on the basis set out within **Appendix G** to this report.
- 6. Capital payment approvals, and associated capital financing, of **£17.341m** are re-profiled into subsequent financial years, in respect of slippage in schemes (as shown in the 'Slippage' column of Appendix H).
- 7. Capital payment approvals, and associated capital financing, of £4.676m are brought forward in respect of schemes that have progressed ahead of schedule (as shown in the 'Advanced works' column of Appendix H).
- 8. That 2021/22 capital payment approvals are reduced by a total of £23.259m (as shown in the 'Reductions' column of Appendix H), with increases of £21.381m to other schemes (as shown in the 'Additions' column of Appendix H), to reflect achieved activity in 2021/22.

To approve the following in relation to the 2022/23 budget:

- 9. To agree to delegate authority to the Executive Director for Corporate Services (S151 officer), in consultation with the Cabinet Member for Finance, Resources and Corporate Affairs, to apply the total of **£24.744m** from the Carry Forwards Reserve in 2022/23 for the purposes detailed in Appendix C of this report for amounts that have been requested at year end, plus amounts previously approved by Cabinet to be carried into the Reserve during 2021/22. The Section 151 Officer will advise the Cabinet Member for Finance, Resources and Corporate Affairs if, after consultation with the relevant Executive Director, the amount of any carry forward should be reduced
- 8. **Adoption of the ECC Procurement Strategy 2022/23 to 2024/25 (FP/350/03/22)**

The Cabinet received a report seeking approval for an updated Procurement Strategy, designed to bring it in line with the Everyone's Essex priorities.

Resolved:

- 1. Agreed to adopt the Council's Procurement Strategy 2022/23 to 2024/25 as appended to report FP/350/03/22)
- 2. Agreed that implementation of the Strategy will commence on 1 July 2022.
- 3. Agreed that the Cabinet Member for Finance, Resources and Corporate Affairs is authorised to agree any changes at the light touch annual review points in April 2023 and April 2024 prior to the full refresh of the Strategy in April 2025.

9. Framework for External Fostering Placements (FP/308/02/22)

Cabinet received a report seeking approval to procure a new framework for the provision of external fostering placements, to replace the current framework following its expiry on 20 November 2022.

Resolved:

1. Agreed to undertake an open competitive procedure to procure a 4-year Framework Agreement for External Fostering Placements.
2. Agreed that the procurement will be structured so that the Framework Agreement is available for Southend City Council to use. The estimated value of the Framework Agreement to ECC over the 4-year period is £24.1m. Southend City Council is estimated to spend a further £10m.
3. Agreed to enter into an Access Agreement with Southend City Council to enable Southend City Council to access and call-off placements from the Framework Agreement.
4. Agreed that the Framework Agreement shall be procured in four needs-based lots:
 - **Lot one - Standard Support** Where the child or young person has a low to medium level of need with no ongoing challenging behaviours
 - **Lot Two – Enhanced Support** Where the child or young person has a medium to high level of need e.g., history of placement breakdowns, mental health needs, mild to moderate disabilities.
 - **Lot Three - Intensive Support** Where the child or young person has significant levels of need, e.g., complex health needs or disabilities, excluded from school, significant substance misuse.
 - **Lot Four - Parent and Child Placements** Where the placement is for an under 18 parent and their children including cases where there is a need for continuing assessment and on-going support.
5. Agreed that the evaluation model for the procurement of the Framework Agreement will be based on a weighting of 70% quality (of which 10% will assess Social Value) and 30% price.
6. Agreed that the evaluation criteria applied to placements from the Framework Agreement will be based on a weighting of 80% quality and 20% price. The quality aspect of the call off will be used to assess how suitable the placement is to meet the child's individual needs against matching criteria provided by the placement team detailing the child's requirements.
7. Agreed that the Framework Agreement will include an annual refresh process which will enable existing providers to review their pricing and permit new providers to join the Framework

8. Agreed that the Cabinet Member for Children's Services and Early Years is authorised to award framework agreements to the successful bidders following completion of the procurement process.
9. Agreed that the Cabinet Member for Children's Services and Early Years is authorised to award framework agreements to new providers as part of the annual refresh process.
10. Agreed that the Cabinet Member for Children's Services and Early Years is authorised to vary framework agreements following a pricing refresh if the likely financial consequences of such variation are within the budget available.

10. Health and Care Act 2022 - Implementation of Integrated Care Partnerships in Essex, Hertfordshire and South and West Suffolk (FP/399/05/22)

The Cabinet received a report seeking approval for a range of measures related to the implementation in Essex of Integrated Care Partnerships, as specified within the Health and Care Act 2022.

In introducing the report, the Cabinet Member for Health and Adult Social Care highlighted issues with the numbering of the report's recommendations as printed in the agenda.

Resolved:

1. Agreed that Essex County Council makes arrangements to become members of three new statutory joint committees (to be known as Integrated Care Partnerships, or ICPs) between NHS integrated care boards and the relevant upper tier authorities in the areas affecting Essex, specifically:
 - i. Mid and South Essex (covering Basildon, Braintree, Brentwood, Castle Point, Chelmsford, Maldon and Rochford), plus the unitary authorities of Southend and Thurrock
 - ii. Hertfordshire and West Essex (covering Epping Forest, Harlow and Uttlesford) plus the County of Hertfordshire (excluding the town of Royston)
 - iii. Suffolk and North East Essex (covering Colchester and Tendring and the County of Suffolk except the former district of Waveney)
2. Agreed to approve the terms of reference for each joint committee as appended to this report and authorise the Director, Legal and Assurance as Monitoring Officer, in consultation with the Leader of Essex County Council, to agree any further changes which may be required by partners in each integrated care system.

3. Agreed that the Chairman of the Essex Health and Wellbeing Board will initially be the statutory nominee of Essex County Council on each of the Integrated Care Partnerships)
4. Agreed that the Leader will nominate further elected member and senior officer representatives for the joint committees to fulfil the Council's allocation of places on each joint committee.
5. Agreed that the Chief Executive in consultation with the Leader will nominate senior officer representatives to sit on each of the three new NHS Integrated Care Boards (one per board) and will work with other authorities to agree joint nominations where possible.
6. Agreed that the Essex Health and Wellbeing Board will update and refresh its membership to reflect changes to NHS organisations and structures.
7. Agreed that the Executive Director for Adult Social Care, in consultation with the Executive Director for Corporate Services and the Director, Legal and Assurance, may update, amend, transfer or replace existing section 75 arrangements between the Council and Essex clinical commissioning groups to the new NHS integrated care boards

11. Establishment of a new 420-place primary school and co-located 56 place Early Years and Childcare provision at the Limebrook Way housing development, Maldon (FP/323/03/22)

The Cabinet received a report seeking approval for the establishment of new 420-place primary school and 56 place Early Years and Childcare provision to serve Maldon from September 2024, in order to accommodate population growth at the Limebrook Way housing development.

Resolved:

1. Agreed that a 420-place primary school and 56 place Early Years and Childcare provision should be established to serve Maldon from September 2024, in order to accommodate population growth at the Limebrook Way housing development.
2. Agreed that the Director, Education issues a specification seeking proposals to establish a free school in the area.
3. Agreed that the Council publicises the fact that it is seeking proposals by sending them to operators of schools in Essex, and by public notice.
4. Agreed that if proposals received do not include the early years provision, Essex County Council will implement an application process to identify an independent early years provider, to deliver the services detailed in the specification from this site and then bring a report to the Cabinet Member to agree the terms of the lease.

5. Agreed to approve the capital budget for construction and associated project fees as profiled in the Confidential Appendix to report FP/323/03/22).
6. Agreed to the procurement of the associated building works through a two-stage design and build mini competition using the Essex Construction Framework.
7. 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 Agreement.
8. Agreed that the Head of Infrastructure Delivery is authorised to agree the terms of the Pre-Construction Agreement.
10. 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 satisfied that:
 - a. planning permission has been granted;
 - b. the construction costs are within the agreed budget and represent value for money, and
 - c. Arrangements are in place for the end user(s) of the building (including the early years provision) to be provided with collateral warranties by the principal contractors.
12. **Establishment of a new 420-place Primary School and co-located 56 place Early Years and Childcare provision at the Dry Street housing development, Basildon (FP/347/03/22)**

The Cabinet received a report seeking approval for the establishment of new 420-place primary school and 56 place Early Years and Childcare provision to serve Basildon from September 2024, in order to accommodate population growth at the Dry Street housing development.

Resolved:

1. Agreed that a 420-place primary school and 56 place Early Years and Childcare provision should be established to serve Maldon from September 2024, in order to accommodate population growth at the Dry Street housing development.
2. Agreed that the Director, Education issues a specification seeking proposals to establish a free school and early years provision in the area.
3. Agreed that the Council publicises the fact that it is seeking proposals by sending them to operators of schools in Essex, and by public notice.

4. Agreed that if proposals received are not inclusive of the early years provision, Essex County Council will implement an application process to identify an independent early years provider, to deliver the services detailed in the specification from this site and a further report will be taken to the Cabinet Member on the successful provider and on the terms of the lease.
5. Agreed to approve the capital budget for construction and associated project fees as profiled in the Confidential Appendix to report FP/347/03/22).
6. Agreed to the procurement of the associated building works through a two-stage design and build mini competition using the Essex Construction Framework.
7. 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 Agreement.
8. Agreed that the Head of Infrastructure Delivery is authorised to agree the terms of the Pre-Construction Agreement.
9. Agreed that the Head of Infrastructure Delivery is authorised to award the construction contract to the successful contractor for the School and Early Years and Childcare provision when he is satisfied that:
 - a. planning permission has been granted;
 - b. the construction costs are within the agreed budget and represent value for money, and
 - c. the contract provides for collateral warranties to be provided to any tenant/end user of the building (including any operator of the early years provision).

13. Decisions taken by or in consultation with Cabinet Members (FP410/05/22)

The report was noted.

14. Date of the next meeting

The next meeting of the Cabinet would take place at 10.15am on Tuesday 19 July 2022 at County Hall, Chelmsford, CM1 1QH.

15. 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).

16. Confidential Appendix: Option Agreement in relation to land on the west side of Love Lane, Aveley (FP/365/04/22)

The confidential appendix to report FP/365/04/22, to which minute 4, above, refers was agreed.

17. Confidential Appendix: Confidential Appendix: Establishment of a new 420- place Primary School and co-located 56 place Early Years and Childcare provision at the Limebrook Way housing development, Maldon (FP/323/03/22)

The confidential appendix to report FP/323/03/22, to which minute 11, above, refers was agreed.

18. Confidential Appendix: Establishment of a new 420- place Primary School and co-located 56 place Early Years and Childcare provision at the Dry Street housing development, Basildon (FP/347/03/22)

The confidential appendix to report FP/347/03/22, to which minute 12, above, refers was agreed.

19. Urgent exempt business

There was no urgent exempt business.

There being no further business, the meeting closed at 11.52am.