

Minutes of a meeting of the Cabinet meeting that was held remotely on Tuesday 15 September 2020

Present:

Councillor	Cabinet Member Responsibility
Councillor T Ball	Economic Development
Councillor S Barker	Customer, Communities, Culture and Corporate
Councillor K Bentley	Deputy Leader and Infrastructure (Chairman)
Councillor R Gooding	Education and Skills
Councillor D Madden	Performance, Business Planning and Partnerships
Councillor L McKinley	Children and Families
Councillor J Spence	Health and Adult Social Care
Councillor C Whitbread	Finance

Councillors Mackrory, Henderson, Turrell, Mitchell and Steptoe 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 were no changes to membership since the last meeting of Cabinet.
2. Apologies for absence were received from Cllr D Finch (Leader of the Council), Cllr S Walsh (Cabinet Member for Environment and Climate Change Action) and Cllr C Pond.
3. There were no declarations of interest.

2. **Minutes: 21 July 2020**

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

3. **Questions from the public**

There were no questions from members of the public.

4. **Reopening of Framework for procurement of individual packages of support for children and young adults with special educational needs or a disability (FP/775/07/20)**

The Cabinet received a report seeking authority to draw down £13.2m from the high needs block of the Dedicated Schools Grant (DSG) and to reopen the Individual Packages of Educational Support (IPES) framework that was previously let by open procurement in 2018.

The Cabinet Member for Education and Skills responded to questions from Councillors Henderson and Mackrory relating to the importance of quality of service provision being equally as important as cost and the potential impact of Covid-19. A written reply would also be provided to both Councillors in respect of the capacity at Pupil Referral Units.

Resolved:

1. That the draw-down of an additional £13,200,000 from the high needs block within the Dedicated Schools Grant budget be approved.
2. That the Framework for individuals of packages of support to allow new providers to join and existing providers to refresh their existing pricing schedule and bid for additional lots that were currently in place be reopened.
3. That authority be delegated to the Cabinet Member for Skills and Education in consultation with the Director for Education to award contracts to any additional providers who joined the Framework following a successful procurement process.

5. Extension of contracts for local bus services (FP/688/04/20)

Cabinet received a report relating to contracts for 80 local bus services subsidised by ECC. One of these contracts was due to expire in March 2021 with the remaining 79 contracts due to expire in July 2021. The report asked the Cabinet Member for a decision to extend these 80 local bus contracts at the current rate until July 2022.

The Cabinet Member for Education and Skills responded to questions from Councillors Mackrory and Henderson relating to the importance of aligning with the priorities of the Essex Climate Action Commission, and the timing of ongoing consultation given the impact of possible local government reorganisation.

Resolved:

1. That, subject to agreement with the operator, that the Council will extend the 80 contracts set out in Appendix A until July 2022 with the current operator at current prices, at an annual cost of £7,475,201.85.
2. That, where extension of services cannot be agreed with an operator, to go out to the market to procure a contract for the services for the period to July 2022 on terms and conditions to be agreed by the Cabinet Member for Education and Skills.

6. Procurement of Programme Management for property-related capital works (FP/684/04/20)

Cabinet received a report advising that ECC had a contract with Mitie Ltd (Mitie) under which Facilities Management and Property Management services were provided. Part way through the contract, it was decided to buy additional services from Mitie relating to the provision of a Programme Management Office (PMO) to manage capital works to property. The agreement relating to the provision of these services was due to expire on 30 September 2020. In 2018 all other Mitie services were extended until 30 September 2026. The report asked Cabinet that Mitie Limited should provide the PMO until 30 September 2026. The report was a follow-on paper from the previous extension report that Cabinet approved in December 2018 in relation to the extension of the overarching main facilities / property management contract with Mitie.

The Cabinet Member for Customer, Communities, Culture and Corporate responded to a question from Councillor Mackrory regarding the quality of service provision that may be expected under the extended contract.

Resolved:

1. That the PMO element of the Mitie Contract for PMO services be extended from 1 October 2020 until 30 September 2026.
 2. That the current fee agreement with Mitie Limited for PMO services be extended from 1 October 2020 until 31 March 2021 on the current rates.
 3. To tender into a new fee agreement with Mitie Limited for PMO services commencing 1 April 2021 until 30 September 2026 on the revised rates set out in the confidential appendix.
7. **Council's Corporate IT Systems Programme - exit and implementation (FP/709/05/20)**

Cabinet received a report seeking funding for the ongoing programme costs to implement the first phase of Essex County Council's (ECC) new Oracle Fusion Cloud system which would be the IT system used as ECC's main financial and employee record.

Resolved:

1. To approve the drawdown from the Technology Solutions Reserve of £7.918m to fund the outstanding programme resource costs to implement the first phase of Oracle Fusion Cloud (Tranche 1) and the exit from the Fujitsu contract to be funded from reserves as follows:
 - £533,000 in 2020/21
 - £7.385m in 2021/22

2. To note that following planned due diligence, the full life estimated costs of the programme had increased by £450,000 to £13.59m including contingency of £500,000. The contingency was to be ringfenced within the Technology Solutions Reserve as required across 2020/21 and 2021/22 as was set out in section 4.1. Drawdown of the contingency from the reserve would be subject to separate governance.
 3. To note that there was an ongoing estimated additional cost of £679,000 per year from 2022/23 as a result of moving to Oracle Fusion Cloud. This related to the future support model required to manage Oracle Fusion Cloud and the costs for third-party subcontracts being replaced. Proposals to mitigate these costs were in development and unquantified, however, it was anticipated that these will offset the additional costs identified.
8. **Section 75 Agreement for the Provision of Adult Mental Health Services (FP/777/07/20)**

Cabinet received a report advising that the current Section 75 Partnership Agreement with the Essex Partnership University NHS Foundation Trust (EPUT) for the provision of adult mental health services would come to an end on 30 September 2020. The report sought approval to enter into a new Section 75 Partnership Agreement with EPUT for a two year period, with the possibility of extending it for a further six months.

The Cabinet Member for Health and Adult Social Care responded to questions from Councillors Henderson and Mackrory regarding measures to ensure there was no increase in waiting times and how any additional demand would be met. The Cabinet Member would refer a request from Councillor Henderson for a further report in respect of waiting times for both adults and young people to officers for response.

Resolved:

1. To enter into a new Section 75 Partnership Agreement with EPUT from 1 October 2020 for a period of two years with the right for the council to extend for a further six months.
 2. That the Executive Director for Adult Social Care be authorised to approve the terms of the proposed new Section 75 Agreement.
9. **Procurement of a Framework for Live at Home (LAH) Domiciliary Support (FP/778/08/20)**

Cabinet received a report requesting approval of a new Live at Home framework for the provision of long-term domiciliary care and support services, to commence in February 2021.

Resolved:

1. To invite tenders to establish a new Live at Home framework for the provision of Domiciliary Care Services across Essex, for a period of 4 years on the basis set out in paragraphs 4.2-4.8 and section 5 of the report.
 2. Subject to any change required by paragraph 2.3, the pricing matrices for the first 12 months would be based on the pricing matrices set out in Appendix C with an annual price review thereafter.
 3. To uplift the minimum hourly rate for standard domiciliary services delivered via the Live at Home Framework and spot purchasing arrangements from £16.56 to £18.04 for all new and existing packages, with the exception of 24 hour / live in care and night sleeping services, with effect from 4 April 2021.
 4. That tenders would be evaluated using the following ratios for price and quality of 60:40 with some of the quality evaluation questions focusing on social value e.g. employment of local workforce.
 5. That the Cabinet Member for Health and Adult Social Care would:
 - (i) authorise the amended pricing matrices for each year of the framework period and any increases required to the rates paid for spot placements to correlate with the minimum price points on the matrices for the framework;
 - (ii) agree whether or not to open the Framework to New Entrants and undertake a full refresh of the Framework at the end of Year 2 of the framework period in the districts where (on average over the preceding 12 month period) in excess of 30% of the packages offered through the framework are being placed with providers outside of the Live at Home Framework (indicating the need for additional framework capacity); and
 - (iii) award the contracts to the successful providers upon completion of the procurement process and any refresh processes undertaken at the end of Year 2 of the framework period, including any changes to districts which have not been opened to New Entrants.
 6. That the Executive Director for Adult Social Care, in consultation with the Cabinet Member for Health and Adult Social Care, be authorised to extend the current framework agreement by a period of up to 6 months and to review the interim price arrangements, should the Covid-19 pandemic impact on the market's ability to respond to the tender or delay the procurement process.
10. **Transforming Community Care (FP/776/07/20)**

Cabinet received a report in relation to improving the effectiveness of community care services and improving outcomes for frail elderly Essex

residents to help them to live as independently as possible and to help them recover from illness or setbacks. The report asked the Cabinet to agree to award a contract to Newton Europe Limited, to provide consultancy services to support ECC in the design and implementation of the Transforming Community Care Programme.

The Cabinet Member for Health and Adult Social Care responded to a question from Councillor Turrell regarding the controls that were in place to ensure effective delivery under the contract.

Resolved:

1. To award a contract to Newton Europe, via the Bloom Consultancy Solutions framework, for up to 2 years at a value of up to £9m to support ECC in its Design and Implementation Phase of the Transforming Community Care Programme and to support health partners in the wider programme scope, subject to agreement of terms and conditions by the Monitoring Officer, in consultation with the s151 officer.
2. That the contract awarded to Newton Europe shall permit work to be undertaken for Essex CCGs and NHS Trusts operating in Essex.
3. That the Cabinet Member for Health and Adult Social Care may agree the terms on which any work for NHS bodies was undertaken.
4. That £2.3m was drawn down from the Transformation Reserve in 2021/22 in order to fund the element of the programme implementation cost to ECC falling in that financial year.

11. Decisions taken by or in consultation with Cabinet Members (FP/757/07/20)

The report of decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet was noted. The report included details of decisions exempted from call in in response to the Covid-19 pandemic.

12. Dates of Future Meetings

It was noted that the next meeting of the Cabinet would take place on Tuesday 20 October 2020 at 10.00am. The meeting was expected to be held online.

The following future meetings, to take place at 10am were also noted:

2020 - 24 November and 15 December

2021 - 19 January, 23 February, 16 March, 20 April, 25 May, 22 June, 20 July, 21 September, 19 October, 23 November and 21 December

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: Procurement of Programme Management for property-related capital works (FP/684/04/20)**
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/684/04/20 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 6 above refers).

15. **Confidential appendix: Council's Corporate IT Systems Programme - exit and implementation (FP/709/05/20)**
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/709/05/20 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 7 above refers).

16. **Urgent Exempt Business**

There was no urgent exempt business.

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