

## **Summary of Decisions taken at a meeting of the Cabinet meeting that was held remotely on Tuesday 19 January 2021**

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 1 February 2021.

Published with effect from Tuesday 19 January 2021. Provided that a decision is not called-in by close of business on Friday 22 January, it can then be implemented.

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### **Present:**

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
Councillor D Finch	Leader of the Council (Chairman)
Councillor T Ball	Economic Development
Councillor S Barker	Customer, Communities, Culture and Corporate
Councillor K Bentley	Deputy Leader and Infrastructure
Councillor R Gooding	Education and Skills
Councillor L McKinlay	Children and Families
Councillor D Madden	Performance, Business Planning and Partnerships
Councillor J Spence	Health and Adult Social Care
Councillor S Walsh	Environment and Climate Change Action
Councillor C Whitbread	Finance

Councillors Mackrory, Durham, Goggin, Turrell, Hedley, Aldridge, Young, Scordis, Wagland, Buckley, Steptoe, Mitchell, Harris, Henderson, Jackson, Wood, Grundy and Pond (for agenda items 1-4 only) 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 to membership since the last meeting of Cabinet.
2. Apologies were received from Councillor Pond for agenda items 5-17. Councillor Henderson, for whom Councillor Scordis substituted.
3. There were no declarations of interest.

**2. Minutes: 15 December 2020**

The minutes of the meeting held on 15 December 2020 were agreed as a correct record and would be signed by the Chairman.

**3. Questions from the public**

One question from a member of the public was received in relation to agenda item no.10, Education Travel Contract Extensions and Awards 2021 (FP/893/11/20):

“We are sure members will appreciate that Bus and Coach Operators across the country have been subject to a huge downturn in income since March 2020. Many companies have already ceased trading and the majority that are still trading are still under severe pressure to stay solvent.

The members of CPT Essex would implore you to consider extending all existing home to school contracts for another year irrespective of their term length. This would give stability during the rest of the pandemic and ensure continuity of revenue for a further 12 months”.

The Cabinet Member for Education Skills responded to this question prior to his presentation of the report at item no.10 on the agenda.

**4. Beaulieu Park Railway Station Project: Commissioning of Network Rail GRIP Stage 4 – single option development including design (FP/840/10/20)**

The Cabinet considered a report advising that Essex County Council was in the process of working with Network Rail on the design and feasibility of the Beaulieu Park Station in accordance with a Memorandum of Understanding entered into in 2015. The report requested authority to enter into an agreement with Network Rail to develop a single option. It was advised that this next phase of work was known as ‘GRIP (Governance in Rail Investment Projects) stage 4’.

**Resolved:**

1. That ECC enters into the Development Services Agreement (DSA) with Network Rail for GRIP stage 4 to enable the Beaulieu Park Station Project to progress through GRIP Stage 4 for the sum of £5.903m.
2. That the Director, Highways and Transportation may:
  - 2.1 Undertake value engineering on the project to reduce the total scheme costs by £14m to bring it within budget provided it does not expose ECC to cost escalation funding risk; or
  - 2.2 Cancel the GRIP 4 agreement at the least possible cost to the Council if we cannot reach agreement with Homes England on the HIF funding agreement.

**5. A127/A130 Fairglen Interchange – Decision to acquire land by Compulsory Purchase (FP/875/11/20)**

The Cabinet received a report asking for agreement that a compulsory purchase order can be made if necessary, to progress the Fairglen Interchange project, and asking the Cabinet to agree that a Side Roads Order can be made and/or traffic regulation and speed limit orders if necessary, to progress the Fairglen Interchange project.

**Resolved:**

1. That if the Director, Performance, Investment and Delivery was unable to acquire the land shown in Appendix 2.1 of the report by agreement on reasonable terms he may, after consulting the Leader of the Council and the Director, Legal and Assurance, authorise:
  - a) the making of one or more compulsory purchase orders for the construction of the A127/A130 Fairglen Interchange project for the purposes set out in the schedule at Appendix 3 of the report and publicise the same
  - b) the undertaking of additional processes (Side Roads Orders and/or traffic regulation and speed limit orders) required for the changes of the existing road network as a result of the project, and
  - c) to pursue the Orders to confirmation.
2. To authorise the Director for Performance, Investment and Delivery to agree minor changes to the proposed CPO schedules (Appendix 2.1) and to the boundaries of the land to be acquired (Appendix 3) after consulting the Leader of the Council.
3. To agree an updated project budget of £32.3m. This is a net increase of £3.6m from the value previously approved in the Capital Programme, reasons for which are included at 6.1 of the report:
  - The £3.6m is profiled as follows: 2021/22 - £4.7m reduction; 2022/23 - £6.3m increase; 2023/24 - £2m increase
  - £500,000 is a transfer from existing budget allocation for Cycling Infrastructure in 2022/23

**6a. Organisation Plan and Budget 2021/22 – Part 1: Section 151 Officer Report (FP/696/05/20)**

The Cabinet received a report setting out the Section 151 (S151) Officer's statement on the adequacy of reserves, robustness of the 2021/22 revenue budget, as well as the Financial Strategy and the Capital and Treasury Management Strategy.

**Resolved:**

That the report was noted.

6b. **Organisation Plan and Budget 2021/22 – Part 2: Budget and Plan (FP/696/05/20)**

A report was received asking that the Cabinet makes a recommendation to the Council to adopt the Organisation Plan and Budget 2021/22 including the revenue budget, capital programme, financial strategy and capital strategy.

**Resolved:****Organisation Plan and Revenue Budget:****Cabinet made the following recommendations to Full Council:**

1. That the Organisation Plan be approved in the form appended to the report (Appendix A).
2. That the net cost of services to be set at £1,030.7million (m) for 2021/22 – Appendix A (page 37 of the report).
3. That the net revenue budget requirement to be set at £893m (net cost of services less general government grants) for 2021/22 – Appendix A (page 41 of the report).
4. That the total council tax funding requirement be set at £719.1m for 2021/22 – Appendix A (page 41 of the report).
5. That Essex County Council's element of the council tax be increased by 1.5% for the adult social care precept, using the flexibility set out by government to raise a precept of up to 3% for the 'adult social care precept'. Therefore the Essex County Council element of the council tax charge for a Band D property in 2021/22 will be £1,340.91. A full list of bands is as follows:

Council Tax Band	2020/21	2021/22
	£	£
<b>Band A</b>	880.74	893.94
<b>Band B</b>	1,027.53	1,042.93
<b>Band C</b>	1,174.32	1,191.92
<b>Band D</b>	<b>1,321.11</b>	<b>1,340.91</b>
<b>Band E</b>	1,614.69	1,638.89
<b>Band F</b>	1,908.27	1,936.87
<b>Band G</b>	2,201.85	2,234.85
<b>Band H</b>	2,642.22	2,681.82

6. That, subject to the funding position prevailing next year, the Council intends to raise council tax in 2022/23 to use the remaining 1.5% adult social care precept in 2022/23.
7. That the proposed total schools budget be set at £567.4m for 2021/22 which will be funded by the Dedicated Schools Grant, Universal Free School Meals Grant, Pupil Premium Grant, PE and Sports Premium Grant, Sixth Form Grant and the COVID-19 Catch-up Grant. The majority of this will be passed through to maintained schools.
8. That the underlying balance on the General Balance be set at £65.5m as at 1 April 2021 (Appendix A, Annex 1, page 68 of the report).
9. That the capital payments guideline be set at £290.3m for 2021/22 and that the Executive Director for Finance and Technology, in consultation with the Cabinet Member for Finance, be authorised to make adjustments to the phasing of payments between years (should that be necessary) as the capital programme is finalised, and to report any impact on the Prudential Indicators at the subsequent quarterly review to Cabinet in July 2021. Any requests to change the prudential borrowing indicators would be brought back before Full Council.

**Cabinet agreed the following:**

10. That the Cabinet Member for Finance, in consultation with the Executive Director for Finance and Technology, may adjust the recommendations to Full Council upon receipt of:
  - (a) the final tax base and forecast business rates receipts for 2021/22 from the billing authorities (due by 31 January 2021)
  - (b) the final settlement from Government (expected early February 2021)

11. That the report by the Executive Director for Finance and Technology (S151 officer) on the robustness of the estimates, reserves and capital strategy be noted (as per the separate item on the agenda).

**Capital Strategy:**

**Cabinet made the following recommendations to Full Council:**

12. That the 2021/22 to 2024/25 Prudential Indicators and limits, together with updated limits for 2020/21 as set out in Annexes 3A and 3B of the Capital Strategy (Appendix A) be approved.
13. That the Treasury Management Strategy for 2021/22 be approved, comprising:
  - a. Borrowing strategy, as set out in Annex 3 of the Capital Strategy (Appendix A, Annex 3, page 79 of the report).
  - b. Treasury management investments strategy, as set out in Annex 3 and Annex 3D of the Capital Strategy (Appendix A, Annex 3, page 86 of the report).
  - c. Indicative strategy for commercial investment activities, as set out in Annex 3 of the Capital Strategy (Appendix A, Annex 3, page 89 of the report).
14. That the policy for making a prudent level of revenue provision for the repayment of debt, (the Minimum Revenue Provision policy) as set out in Annex 3C of the Capital Strategy (Appendix A, Annex 3, page 97 of the report), be approved.

**Pay Policy Statement:**

**Cabinet made the following recommendation to Full Council:**

15. To recommend that the Council adopts the Pay Policy Statement for 2021/22 as set out in Appendix C.

**Flexible Use of Capital Receipts Strategy 2021/22:**

**Cabinet are requested to make the following recommendation to Full Council:**

16. To recommend that the Council approves the Flexible Use of Capital Receipt Strategy for 2021/22 (Appendix E), using the short term discretion from government to use £1.3m of capital receipts to fund transformation projects that save money or reduce costs.

**Cabinet noted:**

17. That the medium term (2022/23 to 2024/25) revenue issues facing the Council as set out in the report (Appendix A, page 31 of the report); at present we do not have a balanced budget from 2022/23 and further action will be necessary to identify plans and savings to ensure financial sustainability. The position is based on the best intelligence available

today including future funding, price rises and demand. However, in the absence of a government settlement beyond 2021/22 and the inherent uncertainty notably given the pressures arising as the pandemic recedes, the financial outlook is volatile.

18. That the recommendations in this report present a balanced budget for 2021/22. The Council's plans for 2022/23 to 2024/25 are not sufficiently firm as to allow for a balanced budget to be set. Further opportunities for improving income and funding, plus greater efficiencies, will need to be secured in the medium term which will be achieved by a focus on outcomes based commissioning and transformation.
19. That the above figures are based on a Band D equivalent tax base of 536,304 properties (see Appendix A, page 41 of the report).
20. That the Capital Strategy, which is presented as Annex 3 in Appendix A, sets out the long-term context in which capital expenditure and treasury management investment decisions are made by the Council and gives due consideration to both risk and reward and impact on the achievement of priority outcomes. It comprises a number of distinct, but inter-related, elements as follows:
  - Capital expenditure – this provides an overview of the governance process for approval and monitoring of capital expenditure, including the Council's policies on capitalisation, and an overview of its capital expenditure and financing plans.
  - Capital financing and borrowing – this provides a projection of the Council's capital financing requirement, how this will be funded and repaid, sets out the Council's borrowing strategy and explains how the Council will discharge its duty to make prudent revenue provision for the repayment of debt.
  - Treasury management investments – this explains the Council's approach to treasury management investment activities, including the criteria for determining how and where funds will be invested to ensure that the principal sums are safeguarded from loss and that sufficient liquidity is maintained to ensure that funds are available when needed.
  - Other investments – this provides an overview of the Council's intended approach to investment activities, including processes, due diligence and defines the Council's risk appetite in respect of these, including proportionality in respect of overall resources.

## **7. 2020/21 Financial Overview as at the Third Quarter Stage (FP/695/05/20)**

The Cabinet received a report setting out the forecast financial position of Essex County Council's (ECC) revenue and capital budgets as at the third quarter stage of the 2020/21 financial year.

**Resolved:**

1. To draw down funds from reserves as follows:
  - i. £1.2m from the COVID Equalisation Reserve to the Customer, Communities, Culture and Corporate portfolio relating to Libraries and Registrars income losses not covered as part of the Government Income Loss Guarantee. (section 5.2.iii)
  - ii. £772,000 from the COVID Equalisation Reserve to the Health and Adult Social Care portfolio for additional costs relating to COVID-19 (section 5.9.iv)
  - iii. £142,000 from the Reserve for Future Capital Funding to the Deputy Leader and Infrastructure portfolio relating to the creation of a provision for potential Part 1 compensation claims from property owners where the completion of major highways schemes has resulted in a negative impact to the value of their property due to factors such as noise or light pollution (section 5.3.iii)
  - iv. £96,000 from the Recovery Reserve to the Leader RSSS portfolio relating to COVID-19 pandemic work undertaken by Communications and Marketing (section 5.15.ii)
  - v. £49,000 from the COVID Equalisation Reserve to the Customer, Communities, Culture and Corporate RSSS portfolio relating to additional staffing resources required in response to COVID-19 for the Wellbeing Team and the Service Centre (section 5.13.iii)
  - vi. £133,000 from the Transformation Reserve to the Customer, Communities, Culture and Corporate RSSS portfolio for redundancy costs associated with the new Occupational Health contract and a Union Representative (section 5.13.iii)
  - vii. £27,000 from the Transformation Reserve to the Economic Development portfolio relating to organisational design pension strain costs in Culture and Green Spaces (section 5.4.ii)
  - viii. £7,000 from the Transformation Reserve to Economic Development portfolio to fund a post for Viability Transformation. (sections 5.4.ii)
  - ix. £5,000 from the Community Initiatives Reserve to the Leader portfolio to fund Challenge Prize costs to date (section 5.10.ii)
2. To appropriate funds to reserves as follows:
  - i. £11.1m to the Carry Forward Reserve from the following portfolios:
    - Health and Adult Social Care: £4.5m



- Customer, Communities, Culture and Corporate Recharged Strategic Support Service (RSSS): £2.2m • Finance RSSS: £2m
- Children and Families: £1.9m
- Other Operating costs: £200,000
- Performance, Business Planning and Partnerships RSSS: £94,000
- Leader: £50,000
- Customer, Communities, Culture and Corporate: £103,000
- Leader RSSS: £47,000

to support delivery of the 2021/22 budget. Specific detail can be found in section 5.

- ii. £10.2m to the COVID Equalisation Reserve from the Health and Adult Social Care portfolio due to lower demand levels than originally anticipated for COVID-19 funding originally approved in relation to alternative day care provision, funding recovered from Health for their COVID-19 cost liabilities and loss of income now lower than anticipated (section 5.9.iv)
- iii. £2.6m to the Collection Fund Risk Reserve from the Finance RSSS portfolio towards mitigating the forecast decrease in funding from council tax and business rates in future years (section 5.14.ii)
- iv. £1.3m to the Technology Solutions Reserves from the Customer, Communities, Culture and Corporate RSSS portfolio to support the Corporate Services Programme (CSP) and device information technology in future years (section 5.13.iii)
- v. £457,000 to the Transformation Reserve from the Health and Adult Social Care portfolio relating to the Adult Sustainability Programme and for use in 2021/22 (section 5.9.iv) vi. £200,000 to the Transformation Reserve from the Children and Families portfolio to return placements under spend for use in future years (section 5.1.iii)

### 3. To approve the following adjustments:

- i. Vire £1.2m to Customer Services within the Customer, Communities, Culture and Corporate RSSS portfolio from the following portfolios:
  - Customer, Communities, Culture and Corporate: £568,000
  - Health and Adult Social Care: £168,000
  - Customer, Communities, Culture and Corporate RSSS (other policy lines): £151,000 • Finance RSSS: £141,000
  - Leader: £62,000
  - Performance, Business Planning and Partnerships RSSS: £40,000
  - Leader RSSS: £28,000

relating to the realigning of under spends within the Corporate and Customer function. (sections 5.2.iii, 5.9.iv, 5.13.iii, 5.14.ii, 5.10.ii, 5.16.ii & 5.15.ii)

- ii. Vire £70,000 from the Customer, Communities, Culture and Corporate portfolio to the Customer, Communities, Culture and Corporate RSSS portfolio (£48,000) and the Health and Adult Social Care portfolio (£22,000) to fund a webchat team. (sections 5.2.iii & 5.9.iv)
- iii. Vire £1.2m from the Customer, Communities, Culture and Corporate RSSS portfolio to the Finance portfolio to mitigate the unachievable income target for the Commercial programme due to the economic climate. (section 5.8.ii & 5.13.iii)
- iv. Vire £33,000 from Customer, Communities, Culture and Corporate portfolio to Leader portfolio relating to funding of a Trading Standards post. (section 5.2.iii & 5.10.ii)
- v. Adjust the profile of spend of the Future Library Services Strategy 2019-2024 as originally set out and approved in FP/461/06/19 to £1.5m in 2021/22 and £1.2m in 2022/23 in order to reflect the current anticipated spend.
- vi. To create a new COVID Equalisation Reserve to set aside funding received from government for exceptional one-off costs related to the COVID-19 pandemic. Funding will be placed here until decisions are made on its utilisation. This reserve will also be used for where funding is returned to reserves where COVID-19 costs have been lower than originally anticipated for decisions taken (section 9.3)
- vii. To create a new Children's Transformation Reserve to set aside resources to support transformation capacity to deliver the Children's Sustainability programme. (section 9.3)
- viii. To create a new Adults Transformation Reserve to set aside resources to support transformation capacity to deliver ongoing future sustainability work. (section 9.3)
- ix. To create a new Adults Risk Reserve to set aside resources to help manage commercial price pressures that may arise from meeting cost of care. (section 9.3)
- x. To close the Highways Reserve and transfer the residual balance of £5m to the Service Improvement Reserve (section 9.4)
- xi. Transfer £16.4m, consisting of part of the third tranche (£4.7m) and all of the fourth tranche (£11.8m) of COVID emergency funding, to the COVID Equalisation Reserve (see 2.3.vi above) in order to support the Council's ongoing response to and recovery from the COVID-19 impact
- xii. To return supplementary funding of £2.2m for supporting businesses to the General Balance, following the receipt of Contain Outbreak Management Funding specific grant which can now be applied to provide this support instead.

- xiii. To amend the capital budget as shown in Appendices C (i) and C (ii) which allows for capital slippage of £19.5m, capital budget additions of £2.2m, capital budget reductions of £2.5m and advanced works of £3m (see section 7.2).

8. **Semi-Independent Accommodation and Support: Decision to Recommission a Framework from October 2021 (FP/842/10/20)**

The Cabinet received a report setting out a recommendation to commission a framework agreement to provide Semi-Independent Accommodation to defined cohorts of young people and families, commencing in October 2021 for a period of 4 years, including the opportunity to re-open the framework to new entrants after a period of 2 years.

**Resolved:**

1. That the Council procures a framework agreement for the provision of SIA in four Lots for the following cohorts:
  - Lot A - SIA and support for eligible and relevant young people aged 16 and 17.
  - Lot B - SIA and support for Unaccompanied Asylum-Seeking Children (UASC) aged 16 and 17, including initial age assessment where required.
  - Lot C - Accommodation for families and young people 18+ with no recourse to public funds (NRPF) where the Council has a duty to provide them with accommodation.
  - Lot D - SIA and support for eligible and relevant young people aged 16 and 17, who have complex needs that require extended, intensive support and supervision.
2. That the procurement is carried out using a single-stage, open tender process via the Council's e-sourcing portal.
3. That the high-level evaluation criteria for the procurement will be 60% for quality and 40% for price and agree that the Executive Director, Children and Families is authorised to approve the detailed evaluation criteria sitting below this.

9. **Recommissioning of the Emotional Wellbeing and Mental Health Services for children and young people (FP/852/10/20)**

Cabinet received a report advising that the provision of services for Children and Young People's Emotional Wellbeing and Mental Health was a joint responsibility of local authorities and the NHS. Since 2015, the Emotional Wellbeing and Mental Health Service (EWMHS) had been commissioned collaboratively by Essex County Council, Southend-on-Sea Borough Council, Thurrock Council and NHS partners as an integrated service. The report

proposed that ECC continued to work in a collaborative way to commission an integrated service when the existing contract expires in January 2022.

**Resolved:**

1. To work with Southend-on-Sea Borough Council, Thurrock Council and the seven Clinical Commissioning Groups in Greater Essex (the Collaborative) to scope and re-procure an integrated service for child and adolescent mental health services in Essex.
2. To participate in a procurement exercise, led by West Essex CCG, to determine the successful provider for the child and adolescent mental health service for an integrated model from 2022.
3. To agree that the Cabinet Member for Health and Social Care in consultation with the Cabinet Member for Children and Families is authorised to:
  1. Agree the procurement process to be followed including the evaluation criteria to be applied;
  2. Agree the terms of the contract with the successful provider following completion of the procurement process; and
  3. Agree to the terms of the collaboration agreement with the Collaborative.

**10. Education Travel Contract Extensions and Awards 2021 (FP/893/11/20)**

Cabinet received a report seeking the extension of existing contracts and the procurement of new education transport contracts which along with the provision of travel allowance, hired transport and public transport tickets enabled the Council to fulfil its statutory and policy-based obligations to provide transport to school for children meeting the eligibility criteria.

**Resolved:**

1. That the Director, Highways and Transportation, is authorised to extend any education transport contracts which expire in July 2021 for a one year period where extension is permitted under the terms of the contract and where he considers this to be in the Council's best interests.
2. That the Director, Highways and Transportation, is authorised to procure new contracts via the Council's existing dynamic purchasing system where extension is not permitted or where extension is not considered to be in the Council's best interests. Any new such contract is to be for a period determined by the Director, Highways and Transportation initially for a maximum of three years and on terms which give the Council the right to extend for up to a further 3 years.

3. That the Director, Highways and Transportation, is authorised to approve the entering into of such contracts following completion of the procurement process subject to sufficient funding being available.

**11. Award of Residual Waste Service Orders (FP/851/10/20)**

Cabinet received a report seeking approval to award sixteen service orders to five waste disposal providers following a mini-competition conducted pursuant to the Residual Waste Disposal Framework (0538).

**Resolved:**

To award service orders to the waste disposal providers detailed in paragraph 3.5 of the report for a period of 18 months commencing on 1 April 2021.

**12. Decisions taken by or in consultation with Cabinet Members (FP/906/12/20)**

The decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet were noted.

**13. Date of next meeting**

It was noted that the next meeting of the Cabinet would take place online at 10am on Tuesday 16 February 2021.

**14. 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).

**15. Confidential Appendix: A127/A130 Fairglen Interchange - Decision to acquire land by Compulsory Purchase (FP/875/11/20)**  
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/875/11/20 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 5 above refers).

16. **Confidential Appendix: Award of Residual Waste Service Orders (FP/851/10/20)**  
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/851/10/20 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 11 above refers).

17. **Urgent Exempt Business**

There was no urgent exempt business.

There being no further business, the meeting closed at 11.30am.