
**Minutes of the meeting of the Cabinet, held in Committee Room 1
County Hall, Chelmsford, CM1 1QH on Tuesday, 19 September 2017****Present:**

| Councillor | Cabinet Member Responsibility |
|-------------------|--------------------------------------|
| David Finch | Leader of the Council (Chairman) |
| Susan Barker | Culture, Communities and Customer |
| Ray Gooding | Education |
| Ian Grundy | Highways |
| Sue Lissimore | Housing, Property and Planning |
| Louise McKinlay | Resources |
| Dick Madden | Children and Families |
| Simon Walsh | Environment and Waste |

Councillors T Ball, J Beavis, A Brown, T Hedley, J Lumley, M Maddocks, G Mohindra, C Pond and J Young also attended.

1 Apologies for Absence

Apologies for absence were received from Councillor Kevin Bentley (Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and Digital Economy), Councillor Ivan Henderson (Leader of the Labour Group, for whom Councillor Julie Young substituted) and Councillor Mike Mackrory (Leader of the Liberal Democrat Group, for whom Councillor Anne Turrell substituted).

2 Minutes: 18 July 2017

The minutes of the meeting held on 18 July 2017 were agreed as a correct record and signed by the Chairman.

Arising from consideration of minute 9 (Procurement of Commercial Vehicles and Associated Maintenance), the Leader of the Council undertook to arrange for Councillor Pond to receive a reply to his question concerning diesel vehicles. He apologised for the delay.

3 Declarations of Interest

Councillors S Barker and G Mohindra declared Code interests in agenda item 7 (Superfast Essex Phase 4 'Last Phase' delivery programme) in that they hold Cabinet portfolios at Uttlesford and Epping Forest District Councils respectively, which are contributing to the Superfast Essex programme - minute 7 below refers.

Councillor J Lumley declared a Code interest in agenda item 8 (Young Carers Service Re-design) in that she is a volunteer Director and Chair of Trustees of Supporting Carers and Families Together, which delivers young carer services in Rochford District - minute 8 below refers.

4 Questions from the Public

The Chairman welcomed Mr James Clarke, Chief Executive Officer of Action for Family Carers (AFC), who had registered to speak on agenda item 8 (Young Carers Service Re-design).

Question

Mr Clarke referred to the statement he had sent to Members prior to the meeting, which set out in detail the issues identified by Action for Family Carers (AFC) in response to the Council's proposals for the re-design of the young carers' service. He had received a response late the previous day in relation to a few of the concerns mentioned, notably the Charity's concerns regarding the lack of consultation.

While acknowledging that he had attended forums at which young carers' support had been discussed, at no point had there been a formal consultation on the four options identified in the report to be considered at the meeting (FP/902/07/17). Had there been an opportunity to participate in such an exercise, AFC would have indicated its agreement with the Council that the identification of and support for young carers and young adult carers was of paramount importance, and that the provision of additional funding would enable greater reach and lead to improvements in the support available to this vulnerable group. However, the Charity would have disagreed that the provision of the service in-house solely by the Local Authority was either the only viable or the best value option.

Mr Clarke stated that AFC was a well-established, trusted and respected organisation with years of experience and expertise in delivering high-quality, county-wide services to young carers and young adult carers. It was willing and able to maximise the impact from any additional resources, both from the Council and elsewhere, and was experienced in leveraging funding from donations, fundraising, grants and the use of volunteers. He again emphasised the Charity's view that Option 3 did not represent the only viable or best value option, and, referring to Option 4, he suggested that the Council itself recognised that it could not provide a quality service within the existing budget. Mr Clarke urged the Cabinet to postpone taking a decision at this meeting but rather to consider a fifth option, whereby the Council would work with AFC to build on the existing, quality, provision with a view to achieving improved outcomes at lower additional cost.

In closing, Mr Clarke expressed the hope that AFC could continue to work with the Council to achieve the best possible outcome for young people. He again called for a pause in the decision-making process, and for the Cabinet to request further investigation and collaboration.

Response

The Cabinet Member for Education undertook to respond to Mr Clarke's question during his presentation of the associated report (minute 8 below

refers).

5 New Contractual Arrangements for the Provision of Day Opportunities (FP/802/04/17)

The Cabinet was asked to approve the award of a two year contract to Essex Cares Ltd (ECL) to deliver services that support vulnerable adults to improve their employability, maintain and develop skills and reduce social isolation (Day Opportunities).

Resolved:

1. That Essex County Council (ECC) transition the purchasing arrangements for the provision of Day Opportunities to procurement via a quality framework of providers from 1 October 2018, in line with the previous decisions taken.
2. That a two year contract be awarded to ECL for the provision of Day Opportunities services, commencing on 1 October 2017.
3. That the first year of the contract be paid on a block basis meaning that ECC will be liable to pay ECL the sum of £11.1m regardless of whether sufficient referrals are made to the service to fully utilise all spaces.
4. That the second year of the contract will be capped at a maximum spend of £11.1m but paid on the basis of a sessional rate and the number of sessions used by individuals referred to the service by ECC, meaning ECC only pays for the number of sessions used.
5. That the contract be awarded on the basis that the Cabinet Member for Health and Adult Social Care determine the sessional rates to be applied in the second year of the contract, by no later than September 2018. Officers are currently working closely with ECL to agree the sessional rates.

6 Update on the North Essex Garden Communities Project (FP/921/08/17)

The Cabinet received an update on progress made and the current position regarding the Garden Communities project.

The Leader of the Council provided the following information in response to questions by Councillors Pond and Turrell:

- The Cabinet believed the approach being adopted in relation to the North Essex Garden Communities to be preferable to the alternatives. It was likely to form the basis for development of any future such communities, adapted as appropriate in the light of experience.
- Decisions on the use of compulsory purchase powers would be key decisions taken either by the Cabinet or by individual Cabinet Members.
- Cabinet Members were clear supporters of the Garden Communities

project, though mindful of a number of outstanding issues of detail which remained subject to resolution.

Resolved:

1. That the progress made in respect of the North Essex Garden Communities project be noted, and the work of NEGC Ltd endorsed.
2. That the updated position on the control of land be noted, and support given to the continued work by the Local Delivery Vehicle (LDV) Directors to achieve control of the land for each Community by way of voluntary agreements with the current land owners in accordance with the LDV structure.
3. That support be given to the approach proposed by NEGC Ltd that Directors actively engage with Government to promote the positioning of the NEGC Ltd as a 'responsible body' for the establishment of a single new locally-controlled New Town Development Corporation across all three of the proposed North Essex Garden Communities - subject to final consideration of this approach by Members after the publication of the Regulations.
4. That support be given to the signing of a letter (attached as Appendix A to report FP/921/08/17 to be sent by the Leaders of all four of the Councils together with NEGC Ltd to the relevant Secretary of State to support the promotion of regulations which enable the formation of a New Town Development Corporation with a locally accountable body in a timely and effective way.
5. That the principle of using compulsory purchase powers (either as individual Councils or potentially through a new Development Corporation) be supported to secure control of the land if voluntary land agreements cannot be achieved in a reasonable time.
6. That the detailed work being undertaken by NEGC Ltd to assess the financial and legal implications and requirements relating to the use of Compulsory Purchase Orders (CPO) to enable future decisions to be taken by the respective Councils / Development Corporation be noted.
7. That a further contribution of £250,000 in 2017/18 be agreed to fund the work of NEGC Ltd in the development of the project, to be funded by a withdrawal from the transformation reserve.

7 Superfast Essex Phase 4 'Last Phase' delivery programme (FP/881/07/17)

Councillors S Barker and G Mohindra declared Code interests in the item (minute 3 above refers).

Cabinet was asked to agree to create a £29.3m capital project, using existing project savings, subsidy clawback and external funding, to complete the rollout of Superfast broadband in Essex.

In response to a question by Councillor Turrell, the Leader of the Council advised that, in the event that the application for grant-funding of the

project was unsuccessful, consideration would be given to utilising the Council's own funds.

Resolved:

1. That the creation of 'Superfast Essex Phase 4' be authorised as a new capital scheme at an overall value of £29.3m over four years (2018/19 to 2021/22) to be funded by:
 - a. £6.8m of project savings and subsidy clawback relating to Phases 1 and 2
 - b. £4.5m of new match funding from Essex districts as outlined in paragraph 3.8 to report FP/881/07/17 and associated BDUK grant (subject to confirmation with the relevant Essex districts and BDUK).
 - c. £18m from new central government grants (subject to successful grant applications for the Department of Culture, Media and Sport (DCMS) Local Full Fibre Networks (LFFN) and the Department for the Environment and Rural Affairs (DEFRA) Rural Development Programme for England (RDPF) business connectivity fund).
2. That the target for Phase 4 be that 99% of premises in Essex have access to 30Mbs Broadband by the end of 2021 at the latest.
3. That procurement of suitable delivery partners to deliver Superfast Essex Phase 4 be authorised through a competitive OJEU procurement process divided into geographical Lots, and conducted via two successive Tranches (Option 3) with resulting contracts having a term of ten years.
4. That the Director Digital and CIO be authorised to:
 - a. Determine, in consultation with BDUK and the contributing district councils as listed in paragraph 3.8 to report FP/881/07/17, the evaluation criteria for the award of the contracts ; and
 - b. Award the contracts for the delivery of Phase 4, once the procurement is complete and he is satisfied that the formal evaluation and due diligence shows that the proposed contract(s) represent value for money.
5. That the drawdown of £993,000 revenue from the Transformation Reserve be authorised for Superfast Essex Phase 4, to be profiled over six years (2017/18 to 2022/23, as per the table in paragraph 5.1.6 of report FP/881/07/17) to maintain the Superfast Essex project team for the duration of the new deployments and secure appropriate procurement and commercial support for the programme.

8

Young Carers Service Re-design (FP/902/02/17)

Councillor J Lumley declared a Code interest in this item (minute 3 above refers).

The Cabinet's approval was sought for the creation of a new Young Carers

Service, to be delivered in-house by ECC from 1 April 2018.

Responding to the question posed by Mr James Clarke (minute 4 above refers), the Cabinet Member for Education thanked Mr Clarke for his statement and acknowledged the good work undertaken by Action for Family Carers (AFC). He was pleased that the Charity agreed with the general intent behind the service re-design, but did not believe that the fifth option outlined by Mr Clarke was either necessary or suitable. The proposal to fund the new scheme, thereby providing additional funding to the service in general, was a positive development. Referring to AFC's concerns regarding the lack of consultation, Councillor Gooding stated that Mr Clarke had been part of the consultation process throughout, which he hoped would have answered a lot of his questions.

Councillor Gooding provided the following information in response to questions by Councillors Young, Turrell and Pond:

- He was satisfied that the consultation process had been sufficiently robust, and was reluctant to delay implementation of the redesigned service because young carers were in need of help and support, and any uncertainty was likely to be detrimental to their wellbeing. Cllr Gooding undertook to ensure that, once established, the service would be referred to the relevant Policy and Scrutiny Committee to check that it was working properly and as intended.
- A written response would be provided to Cllr Turrell regarding the proposal to recruit to the redesigned service from within existing staff, and the likely impact of this on the services currently being delivered by those staff.
- The Key Worker model involved the provision of a single named contact for each young carer receiving support.

Resolved:

1. That the Young Carer Service be brought in-house with effect from 1 April 2018 with a new countywide package of support for Young Carers via a Key Worker model, including periodic targeted Young Carers Group sessions, as set out in report FP/902/07/17, from 1 April 2018.
2. That, as part of the budget setting process for 2018/19, additional funding should be provided to the Education portfolio of £276,000 in 2018/19, beyond the existing resources (and £191,000 from 2021/22) to meet our ambition.
That the new service be reviewed after two years.

9 Support for Creation of an Essex 'Local Authority' Multi-Academy Trust (FP/735/02/17)

The Cabinet was asked to agree that the Council should support the creation of a multi-academy trust (MAT) in which ECC will participate by

being a member of the trust and having the right to appoint a director.

The Cabinet Member for Education provided the following information in response to questions and comments by Councillors Young and Turrell:

- Although the initial pilot would involve a small group of schools currently rated by Ofsted as good or outstanding, the long term plan was for membership of the MAT to be open to all Essex schools, subject to their meeting the criteria.
- The top-sliced element of each Academy's budget would be retained within the MAT.

Resolved:

1. That the Council support the creation of a multi-academy trust which any Essex school can join subject to meeting the agreed criteria.
2. That the Director, Education be authorised to apply to become a member of a multi academy trust on terms which allow the Council to appoint one director, provided that the constitution of the trust is approved by the Director, Legal and Assurance.

10 Decisions taken by or in consultation with Cabinet Members (FP/880/07/17)

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

11 Dates of Future Meetings 2017 - 2019

It was noted that future meetings of the Cabinet would take place at 10.00am on the following dates:

2017

Tuesday 17 October

Tuesday 19 December

Thursday 23 November

2018

Tuesday 23 January

Tuesday 17 July

Tuesday 20 February

Tuesday 18 September

Tuesday 20 March

Tuesday 16 October

Tuesday 17 April

Thursday 22 November

Tuesday 22 May

Tuesday 18 December

Tuesday 19 June

2019

Tuesday 22 January

Tuesday 16 April

Tuesday 19 February

Tuesday 21 May

Tuesday 19 March

**Chairman
17 October 2017**