

Minutes of a meeting of the Cabinet that took place in the Council Chamber at County Hall at 10.15am on Tuesday 18 April 2023

Present:

Councillor	Cabinet Member Responsibility
Cllr Kevin Bentley	Leader of the Council (Chairman)
Cllr Tony Ball	Education Excellence, Lifelong Learning and Employability
Cllr Malcolm Buckley	Cabinet Member for Waste Reduction and Recycling
Cllr Graham Butland	Cabinet Member for Devolution, 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	Cabinet Member for Economic Renewal, Infrastructure and Planning
Cllr Chris Whitbread	Finance, Resources and Corporate Affairs

Cllrs Susan Barker, Mark Durham, Carlo Guglielmi, Aidan McGurran, Bob Massey, Mark Platt, Laureen Shaw and Holly Whitbread were also present. Attending remotely via Zoom were Cllrs David King, Mike Mackrory and Chris Pond (for agenda items 1-3).

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 Cllrs Louise McKinlay, Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance, Peter Schwier, Climate Czar and Ivan Henderson, Leader of the Labour Group (for whom Cllr Aidan McGurran substituted)
3. Cllr Chris Whitbread declared an interest in agenda item 7 (Essex Housing LLP – consent to dispose of land in Epping Forest) in that he is the Leader of Epping Forest District Council. He remained present during consideration of the item and took part in the voting thereon. Minutes 7 and 11 below refer.

2. Minutes: 21 March 2023

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

3. Questions from the public

None.

4. Adoption of 'Meaningful Lives Matter – Our plan for a more inclusive Essex' (FP/574/11/22)

The Cabinet received a report which presented for approval a new document, 'Meaningful Lives Matter – our plan for a more inclusive Essex' with the aim of enabling people with disabilities to live the best lives they can.

The Cabinet Member for Health and Adult Social Care responded to questions by Cllrs Mike Mackrory, Aidan McGurran and David King concerning the following:

- funding availability, the importance of support for the transition from children's to adult services, the scope of the document to include people with autism where they experience it to be disabling, the challenges of employing greater numbers of social workers, the varying abilities of service users to experience progress and numbers of out of county placements.
- efforts made during the public consultation process to engage with those who are harder to reach and the Council's commitment to continue working with other organisations to ease barriers to receiving and accessing financial and other support.
- the importance of protecting people with disabilities from exploitation by ensuring that they are appropriately paid when undertaking work where remuneration would usually be expected.
- the need for the Anchor Network to act on its commitment to provide employment for people with disabilities and to evidence progress.

The Cabinet Member also highlighted the importance for the documents forming the Adult Social Care Strategic Framework to align with each other, as well as the intention to continue improving the lives of those with disabilities through improved care technology as it became available.

Resolved:

1. Agreed to adopt 'Meaningful Lives Matter, our plan for a more inclusive Essex' in the form appended to report FP/574/11/22:
2. Noted that officers are working on a plan for implementation and a funding request which they intend to present to the Cabinet Member for Adult Social Care and health and the Cabinet Member for Finance, Resources and Corporate Affairs for formal approval.

5. Re-procurement of the on-site care and support services at four extra care schemes (FP/054/02/22)

The Cabinet received a report seeking approval to procure and award contracts to the successful bidder/s for the on-site care and support service within four existing extra care schemes and agreement as to how the 24/7 on-site support provided at these schemes will be funded.

Responding to questions by Cllrs Aidan McGurran and Mike Mackrory, the Cabinet Member for Health and Adult Social Care stated that, based on professional advice, he was confident that sufficient bidders would come forward for the on-site care and support contracts. To ease concerns, he undertook to share the results of the procurement exercise in due course. The existing contracts were due to expire in September 2023 and there was a need to ensure a smooth transition to the new arrangements. These were not being proposed as a means of saving money, although minimal savings were likely due to economies of scale.

Resolved:

1. Agreed to undertake a single-stage competitive tender for the award of five-year contracts for the on-site care and support services at four extra care schemes being Cornell Court, Uttlesford, Montbazon Court, Brentwood, Poplar House, Basildon and Freeman Court, Chelmsford, within the Medium-Term Resource Strategy Budget of £6.7m across the five years of the contracts.
2. Agreed to the early termination of the current on-site care and support contract at Montbazon Court for the reasons set out in paragraph 3.10 of report FP/054/02/23.
3. Agreed that the procurement shall be structured with individual Lots for each scheme, using a single-stage tender process which complies with the 'light-touch' regime in The Public Contract Regulations 2015.
4. Agreed that the high-level evaluation criteria for the award of the contracts will have a Price: Quality split of 60:40 with 10% of the quality score assessing Social Value.
5. Agreed to the Council using its market-shaping powers under the Care Act 2014 to secure the 24-hour, 7 day (24/7) on-site support required for a scheme to be designated extra care, by block-booking 84 support hours per week at each scheme.
6. Noted that the cost of the core 24/7 on-site support in these four extra care schemes falls outside the current Adult Social Care charging arrangements and therefore adults will not be required to pay for this aspect of care provision but will be assessed for a contribution for any chargeable care needs.

7. Agreed that the Executive Director, Adult Social Care, is authorised to award the on-site care and support services contracts for the four schemes if he is satisfied that the contracts represent best value and are within budget when costed at expected volumes,

6. Procurement of a Four-Year Framework Agreement for Construction Projects (FP/063/03/23)

The Cabinet considered a report which sought approval to procure a four-year framework agreement for construction services to replace the existing Essex County Council construction framework which expires in early 2024. The framework will provide design and construction services for education and other capital construction and major maintenance projects and will be available to other contracting authorities

Responding to questions by Cllrs David King and Mike Mackrory, the Cabinet Member for Economic Renewal, Infrastructure and Planning commented on the criteria for companies to be admitted to the Framework and the effect of these in assuring quality throughout the call down process. She undertook to provide examples of any similar price/quality/social value splits to Cllr King if available.

Emphasising the Council's ambition with regard to net zero, the Cabinet Member explained that the 'aim' for new buildings to be net zero design (rather than an absolute requirement) reflected the need for flexibility in certain circumstances.

The Cabinet Member for Education Excellence, Lifelong Learning and Employability commented on the proposals and the benefits of net zero from the perspective of his portfolio.

Resolved:

1. Agreed to procure a four-year, multi-supplier Framework Agreement for the provision of design and build services and construction only services using the restricted procedure with three Lots as follows:

Lot 1: £0 - £750,000 (a maximum of 8 Contractors)

Lot 2: £500,000 - £4.5m (a maximum of 6 Contractors)

Lot 3: Over £4m (a maximum of 6 Contractors)

2. Agreed that the high-level evaluation criteria for appointing Contractors to the Framework Agreement will be based on 30% price: 70% quality, with 10% of the quality score for Lots 1 and 2 assessing Social Value. For Lot 3, social value can be assessed during the mini-competition process.

3. Agreed that the Cabinet Member for Finance, Resources and Corporate Affairs is authorised to award framework agreement to the successful bidders following completion of the procurement process.
4. Agreed that an Advanced Payment Rebate System may only be included in the contract documents if the Director, Legal and Assurance agrees.
5. Noted that the Executive Director, Corporate Services will use her delegated powers to agree the terms on which the framework may be made available to other contracting authorities and that she will seek to ensure that such terms are in broad alignment with the Council's Fees and Charges Policy and recover the Council's contract management costs for non-ECC call-offs.

7. Essex Housing LLP – consent to dispose of land in Epping Forest (FP/050/02/23)

Cllr Chris Whitbread declared an interest in this item – minute 1 above refers.

The Cabinet considered a report which sought approval to procure a four-year framework agreement for construction services to replace the existing Essex County Council construction framework which expires in early 2024. The framework would provide design and construction services for education and other capital construction and major maintenance projects and would be available to other contracting authorities.

Resolved:

1. Subject to the prior grant of the lease of the carer's accommodation as set out in Resolution 2 below and the nomination agreement as set out in Resolution 3 below, agreed to the disposal by the LLP of the freehold ownership of the land shown edged red on the Plan appended to report FP/050/02/23 ('the Site') to Chelmer Housing Partnership, as set out in the Confidential appendix to the report.
2. Agreed to dispose of the long leasehold ownership of the single carer's apartment to Essex County Council (ECC) by the LLP and for ECC to acquire the leasehold ownership of this apartment from the LLP for the price shown in the Confidential Appendix to report FP/050/02/23, as previously agreed by the Cabinet at its meeting in May 2022 (report FP/330/03/22).
3. Agreed that ECC will enter into a nomination agreement with the purchaser giving it nomination rights to the nine specialist units for a period of 250 years from the date of the transfer.

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

The report was noted.

9. Date of the next meeting

Noted that the Cabinet will next meet at 10.15am on Tuesday 23 May 2023 in the Council Chamber at County Hall, Chelmsford, CM1 1QH.

10. 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).

11. Confidential Appendix: Essex Housing LLP – consent to dispose of land in Epping Forest (FP/050/02/23)

Cllr Chris Whitbread declared an interest in this item – minute 1 above refers.

The confidential appendix to report FP/050/02/23, to which minute 7, above, refers, was agreed.

12. Urgent Exempt Business

There was no urgent exempt business.

There being no further business, the meeting closed at 11.15am.

Chairman
23 May 2023