

Minutes of a meeting of the Cabinet that took place in the Council Chamber at County Hall on Tuesday 24 May 2022

Present:

Councillor	Cabinet Member Responsibility
Councillor L McKinlay	Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance
Councillor T Ball	Education Excellence, Life-Long Learning and Employability
Councillor M Buckley	Waste Reduction and Recycling
Councillor B Egan	Children's Services and Early Years
Councillor L Wagland	Economic Renewal, Infrastructure and Planning
Councillor C Whitbread	Finance, Resources and Corporate Affairs

Councillors M Mackrory, C Pond, M Platt, T Cunningham, B Massey, M Durham, P Schwier were also present. Councillor A McGurran 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. There were apologies for absence from Councillor Bentley, Leader of the Council, Councillor Spence, Cabinet Member for Adult Social Care and Health, Councillor Scott, Cabinet Member for Highways Maintenance and Sustainable Transport, Cllr Butland, Devolution the Arts, Heritage and Culture, Cllr Henderson, Leader of the Labour group (for whom Councillor McGurran substituted) and Councillor King.
3. Councillor Whitbread declared a disclosable pecuniary interest in respect of agenda item no. 4 (Land for Development at Epping Forest) as the Leader of Epping Forest District Council who may therefore be a party to later discussions on this matter. Councillor Whitbread left the room for the duration of the debate, and for consideration of the associated confidential appendix.

2. **Minutes of Previous Meeting**

The Minutes of the meeting held on 19 April 2022 were approved as a true record and were signed by the Chairman.

3. **Questions from the public**

Councillor Playle, via Zoom, asked a question of the Cabinet Member for Waste Reduction and Recycling in respect of agenda item no. 9 (Residual Waste Services Procurement).

4. Land for Development in Epping Forest (FP/330/03/22)

The Cabinet received a report containing matters related to land for development in Epping Forest for their consideration and approval.

The Cabinet Member for Economic Renewal, Infrastructure and Planning responded to a question from Councillor Pond in relation to whether it would have been possible to retain the shell of the original building to prevent the discharge of CO₂. The Cabinet Member also agreed to provide a written response to Councillor Mackrory in relation to the use of long term leases and the likely duration of such.

Resolved:

1. Agreed the transfer of freehold ownership of the land shown edged red on the Plan appended to the report ('the Site') from the Council to Essex Housing Development LLP for the price shown in the Confidential Appendix.
2. Agreed to provide Essex Housing Development LLP with a development loan for the value shown in the Confidential Appendix as part of a development loan facility made by Essex County Council to Essex Housing Development LLP.
3. Agreed that Essex Housing Development LLP will develop 9 specialist units for adults with learning disabilities and one carer's apartment.
4. Agreed to delegate authority to the Cabinet Member for Economic Renewal, Infrastructure and Planning for the purchase of the carer's apartment from Essex Housing Development LLP when the specialist units are completed.
5. Agreed that the market price of the land payable by Essex Housing Development LLP shall be reduced by £157,564 to reflect subsidy for the provision of the nine specialist units for adults with learning disabilities.
6. Agreed to reimburse Essex Housing Development LLP up to £470,000 representing the costs it has incurred on site remediation and demolition before the date of this report.
7. Agreed that the Section 151 Officer may amend the period of the loan agreement and the repayment amounts and dates.
8. Agreed to the drawdown of £121,833 from the working capital fund (for marketing and professional fees that cannot be capitalised) as set out in the confidential appendix.

9. Agreed, in its role as a member of Essex Housing Development LLP, that:

9.1 Essex Housing Development LLP enters into an agreement with Essex County Council to take out a development loan for the value shown in the Confidential Appendix.

9.2 Essex Housing Development LLP enters into a design and build contract for the building of 26 units on the Site.

9.3 Essex Housing Development LLP is authorised to establish a management company for the management of communal areas of the Site and dispose of its interest in the Company to the buyers of the units.

5. Approval of Equality Objectives 2022-25 and Equality Policy Statement (FP/370/04/22)

The Cabinet received a report containing matters related to the Equality Objectives 2022-25 and Equality Policy Statement for their consideration and approval.

The Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance responded to questions from Councillors Mackrory and Buckley in relation to the measurability of the objectives and how future consultations could be made more proactive to encourage a higher response.

Resolved:

1. Agreed the draft Equality Objectives as at Appendix 1 of the report.
2. Agreed the Equality Policy Statement as at Appendix 3 of the report.

6. Adoption of the Corporate Parenting Strategy for Essex (2022 – 2027) (FP/272/01/21)

The Cabinet received a report containing matters related to the adoption of the Corporate Parenting Strategy for Essex (2022 – 2027) for their consideration and approval.

The Cabinet Member for Children's Services and Early Years responded to questions from Councillor McGurran in relation to how the life chances for those young people in care and leaving care could be improved, steps to mitigate the shortage of social housing, and the commitment received from the Leaders of Basildon Borough and Tendring District Councils to support the Strategy. The Cabinet Member also agreed to provide a written response to Councillor Mackrory in relation to the number of children and young people in residential and foster placements outside of the county.

Resolved:

Agreed to adopt the Corporate Parenting Strategy 2022-27 “Our Co-Parenting Strategy” as set out at Appendix 1 of the report.

7. Reconstruction of the Fairview Pupil Referral Unit Basildon (FP/328/03/22)

Cabinet received a report containing matters related to the reconstruction of the Fairview Pupil Referral Unit Basildon for their consideration and approval.

The Cabinet Member for Education Excellence, Life-Long Learning and Employability responded to questions from Councillors Mackrory, Pond and McGurran in relation to exclusion rates, the need to maintain existing buildings, ensuring that the type of qualifications offered were suitable and the number of places at the unit. The Cabinet Member also agreed to provide a written response to Councillor Mackrory in relation to the use of gas fired boilers within the unit.

Resolved:

1. Agreed that the Council will support the demolition and construction of an establishment of a new pupil referral unit with a capacity of up to 100 places on current site which will be managed by the Children’s Support Service (CSS).
2. Agreed to the procurement of the associated building works for Fairview through a two-stage design and build mini competition using the Essex Construction Framework Agreement.
3. Agreed that the Director of Capital Delivery and infrastructure is authorised to award the contract to the successful bidder when he is content that the following conditions have all been met:
 - a. All pre-construction planning conditions associated with planning permission CC-BAS-102-21 have been discharged
 - b. The construction costs are within the agreed budget and represent value for money.
4. Approved the capital budget for construction and associated project fees as per the profile stated in the Confidential Appendix.

8. New Provider Framework for Residential Care for Adults with Complex Learning Disabilities and/or Autism (FP/340/03/22)

Cabinet received a report containing matters related to the new Provider Framework for Residential Care for adults with complex learning disabilities and/or Autism for their consideration and approval.

On behalf of the Cabinet Member for Adult Social Care and Health, the Deputy Leader and Cabinet Member for Community, Equality, Partnerships

and Performance agreed that a written response would be provided to Councillor Mackrory regarding the impact of the framework on the need to use out of county placements.

Resolved:

1. Agreed to procure a four-year multi-supplier Complex Residential Care Framework (with an option to extend by up to two years) for providers of residential care services for adults with complex learning disabilities and/or autism using a single stage open process compliant with the light-touch regime.
2. Agreed that the Framework will have an expected expenditure of up to £112.4m over the four-year initial period for all complex residential placements of which £15.8m relates to new placements, based on forecast spend at current activity levels. This figure does not include any uplifts in future years as these will be considered on a discretionary basis in line with the existing approach taken across the market
3. Agreed that the procurement will use an evaluation model based on 30% price and 70% quality, where 10% of the quality score will relate to social value.
4. Agreed that the Executive Director for Adult Social Care is authorised to agree the detailed evaluation model for the procurement.
5. Agreed that the Cabinet Member for Adult Social Care and Health is authorised to award the contracts to the successful providers, following completion of the procurement.
6. Agreed that the Framework can be re-opened to enable new providers to bid for inclusion on the Framework up to three times a year to increase the availability of good-quality residential services for adults within Essex.
7. Agreed that the Director of Commissioning, Adult Social Care is authorised to agree to the re-opening of the Framework where this is proposed without any changes.
8. Agreed that the Director of Commissioning, Adult Social Care is authorised to permit new homes from providers already on the Framework to be added at any time during the Framework, provided such homes meet the Council's requirements for complex residential care set out in the original tender documents.
9. Agreed that the Director of Commissioning, Adult Social Care is authorised to approve the award of call-off contracts following completion of a mini-competition, subject to the on-going annual reviews and approval of the spend for such contracts.

9. Residual Waste Services Procurement (FP/377/04/22)

Cabinet received a report containing matters related to the residual waste services procurement for their consideration and approval.

The Cabinet Member for Waste Reduction and Recycling responded to questions from Councillors Mackrory, Schwier and McGurran in relation to increasing recycling rates and possible linkages with the Rivenhall facility, the options for cross party working in developing the Waste Strategy, the benefits to businesses from carbon offsetting, and the need for a review of the former MBT facility in Basildon.

Resolved:

1. Agreed to procure contract(s) for the treatment and disposal of Essex's residual waste at an estimated first contract year value of £45m and an estimated total value of £340m over the initial seven-year contract term.
2. Agreed that the contract(s) will commence no earlier than 1 October 2023 and no later than 1 April 2024, with an initial term of seven years expiring on 31 March 2031, with an option to extend in any number of periods not exceeding a total of a further seven years.
3. Agreed to use the Competitive Procedure with Negotiation and agree that the following award criteria is applied: 55% price: 45% quality, of which 5% of the quality score will assess social value.
4. Agreed that the services will be procured in three lots accommodating a total of 350,000 tonnes capacity per annum. The total required capacity will be divided into three tonnage lots of 200,000, 100,000 and 50,000 tonnes per annum, each with a guaranteed minimum tonnage ("GMT") of up to 80% of their respective lot size.
5. Agreed that the lots and associated contracts contain provision for the award of additional tonnage of up to 20% of the total tonnage.
6. Agreed that the Cabinet Member for Waste Reduction and Recycling, in consultation with the Cabinet Member for Finance, Resources and Corporate Affairs, is authorised to award the contract(s) to the successful bidder(s) following completion of the procurement process, subject to the outcome being within budget.

10. Procurement of an Integrated Sexual Health Service (FP/356/03/22)

Cabinet received a report containing matters related to the procurement of an integrated sexual health service for their consideration and approval.

Resolved:

1. Agreed to launch a competitive procurement using the open procedure to procure a provider to deliver an Essex-wide sexual health service at a maximum total value of £65.3m over the 7 year contract period, profiled as set out in the confidential appendix. The estimated cost in year 1 is £8.8m
2. Agreed that the contract length will be 7 years with an option to extend for three years.
3. Agreed that the following award criteria is applied in the procurement: 30% price: 70% quality (of which 10% of the quality score will assess social value)
4. Agreed that the Cabinet Member for Health and Adult Social Care is authorised to award the contract to the winning bidder following completion of the procurement process.

11. Decisions taken by or in consultation with Cabinet Members (FP368/04/22)

The report was noted.

12. Date of the next meeting

The next meeting of the Cabinet would take place on Tuesday 21 June 2022, at County Hall, Chelmsford, CM1 1QH.

13. Dates of Future Meetings:

It was noted that meetings of the Cabinet would take place on the following dates in 2023:

17 January, 21 February, 21 March, 18 April 23 May, 20 June, 18 July, 12 September, 17 October, 14 November, 12 or 19 December (tbc, depending on the date of Full Council).

14. Urgent Business

There was no urgent business.

15. Confidential Appendix: Land for Development in Epping Forest (FP330/03/22)

The confidential appendix to report FP/330/03/22, to which minute 4, above, refers was agreed.

16. Confidential Appendix: Reconstruction of Fairview Pupil Referral Unit Basildon (FP/328/03/22)

The confidential appendix to report FP/328/03/22, to which minute 7, above, refers was agreed.

17. Confidential Appendix: Procurement of an Integrated Sexual Health Service (FP356/03/22)

The confidential appendix to report FP/356/03/22, to which minute 10, above, refers was agreed.

18. Urgent exempt business

There was no urgent exempt business.

There being no further business, the meeting closed at 11.35am.