



Essex County Council

## Cabinet

<b>10:00</b>	<b>Tuesday, 17 March 2020</b>	<b>Committee Room 1, County Hall, Chelmsford, CM1 1QH</b>
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**For information about the meeting please ask for:**

Emma Tombs, Democratic Services Manager

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		<b>Pages</b>
<b>1</b>	<b>Membership, apologies, substitutions and declarations of interest</b>	<b>4 - 4</b>
<b>2</b>	<b>Minutes: 25 February 2020</b>	<b>5 - 10</b>
<b>3</b>	<b>Questions from the public</b> A period of up to 15 minutes will be allowed for members of the public to ask questions or make representations on any item on the agenda for this meeting. No statement or question shall be longer than three minutes and speakers will be timed.  On arrival, and before the start of the meeting, please register with the Democratic Services Officer.	
<b>4</b>	<b>Relocation and Expansion of Harlowbury Primary School, Harlow (FP/580/12/19)</b> The Equality Impact Assessment is available <a href="#">online</a>	<b>11 - 17</b>
<b>5</b>	<b>Future of the Council's Corporate IT System (FP/575/11/19)</b> The Equality Impact Assessment is available <a href="#">online</a>	<b>18 - 28</b>

**6 Cabinet Decisions Report (FP/631/02/20) 29 - 30**

**7 Date of next meeting**

To note that the next meeting of the Cabinet will take place on Tuesday 21 April 2020 at 10.00am in Committee Room 1 at County Hall, Chelmsford, CM1 1QH.

**8 Urgent Business**

To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

**Exempt Items**

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

**That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.**

**9 Confidential Appendix: relocation and expansion of Harlowbury Primary School, Harlow (FP/580/12/19)**

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

**10 Urgent Exempt Business**

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

**Essex County Council and Committees Information**

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**Committee:** Cabinet

**Enquiries to:** Emma Tombs, Democratic Services Manager  
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**Membership, Apologies, Substitutions and Declarations of Interest**

**Recommendations:**

To note:

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

**Membership**

(Quorum: 3)

Councillor D Finch	Leader of the Council (Chairman)
Councillor K Bentley	Finance, Property and Housing
Councillor T Ball	Deputy Leader and Infrastructure (Vice-Chairman)
Councillor S Barker	Economic Development
Councillor R Gooding	Customer, Communities, Culture and Corporate
Councillor D Madden	Education and Skills
	Performance, Business Planning and Partnerships
Councillor L McKinlay	Children and Families
Councillor J Spence	Health and Adult Social Care
Councillor S Walsh	Environment and Climate Change Action

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## Minutes of a meeting of the Cabinet held in The Council Chamber, County Hall, Chelmsford, CM1 1QH on Tuesday, 25 January 2020

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### Present:

Councillor	Cabinet Member Responsibility
K Bentley	Deputy Leader and Infrastructure (Chairman)
T Ball	Economic Development
S Barker	Customer, Communities, Culture and Corporate
R Gooding	Education and Skills
D Madden	Performance, Business Planning and Partnerships
L McKinley	Children and Families
S Walsh	Environment and Climate Change Action

Councillors J Aldridge, M Buckley, G Butland, J Chandler, I Grundy, M Mackrory, M Maddocks, V Metcalfe, R Mitchell, J Moran, C Pond, R Pratt, M Steptoe, A Turrell and J Young 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 of membership since the last meeting of Cabinet.
2. Apologies for absence were received from Councillor D Finch (Leader of the Council) and Councillor John Spence (Cabinet Member for Health and Adult Social Care).
3. There were no declarations of interest.

### 2. Minutes: 21 January 2020

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

### 3. Questions from the public

There were no public questions.

### 4. Day opportunities and inclusive employment service (FP/597/01/20)

The Cabinet received a report seeking agreement to the Council direct awarding to its wholly owned subsidiary, ECL, a five plus two years contract for two main services; buildings based day opportunities for older people and

adults with disabilities; an inclusive employment service for adults with disabilities.

Councillor Bentley provided an answer to a question raised by Councillor Pond regarding the position for people who were unable to work; a fuller written response would additionally be provided. A written response would also be provided in response to a question from Councillor Turrell regarding the impact on outcomes for individuals and the position when a placement could not be achieved.

**Resolved:**

To agree to the direct award to Essex Cares Limited a five year contract starting on 1 April 2020 on terms which allow for extension for a further two years which will include two elements:

- continuation of delivery of building based day services for adults with disabilities and older people, with revised service specifications to align with Meaningful Lives Matter and Transforming Community Care programmes.
- delivery of a new inclusive employment service to support adults with disabilities to get people job ready and increase employment. Allowing employees to move into employment and receive the necessary support to sustain their employment.

**5. Education Travel Contract Extensions and Awards 2020 (FP/579/12/19)**

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

Councillor Gooding provided answers to questions by Councillors Mackrory, Young and Pond in respect of the award of contracts based on price, the use of taxis for some journeys and the suitability of this for vulnerable people, the age and environmental impact of the buses used by some operators, and possible increased costs at the point of contract extension.

**Resolved:**

1. Agree that the Director, Highways and Transportation, is authorised to extend any education transport contracts which expire in July 2020 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. Agree 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. Agree that the Director, Highways and Transportation, is authorised to approve the entering into of such contracts following completion of the procurement process.

## **6. Proposed Essex-wide Bus Shelter Contract (FP/458/06/19)**

Cabinet received a report outlining the background to bus shelter provision across the County of Essex and detailing recommendations for a decision on the future management of the estate.

Councillor Bentley provided an answer to a question by Councillor Pond in respect of the impact of the proposals on, for example, the historic landscape, people with light sensitive conditions, and the use of telemetrics. Councillor Pond also commented on his expectation that the proposals would have been submitted to the appropriate scrutiny committee.

### **Resolved:**

1. To approve entering into a Collaboration Agreement with the twelve Borough, City and District councils in Essex.
2. To approve procurement of a concession contract for the maintenance, the supply of bus shelters and advertising on those shelters for a 10 year period, with a 5 year extension option, with an estimated value of £10m to £30m over its lifetime.
3. That approval to award the contract is delegated to Executive Director, Public Health and Place.
4. To adopt the proposed Advertising and Sponsorship Policy for the Highways and Transportation services in the form appended to this report.
5. To note that under these arrangements ECC will become owner of all local authority bus shelters in Essex (other than those owned by parishes).
6. Agree that the Director, Highways and Transportation may procure and maintain a dynamic purchasing system for the procurement of suppliers to install and sell non-bus shelter advertising as set out in paragraph 3.20 of this report.

## **7. Extension of the Essex Highways Partnership Contract with Ringway Jacobs (FP/479/07/19)**

Cabinet received a report making a recommendation to extend the existing Essex Highways Partnership contract with Ringway Jacobs for a period of 5 years commencing 1 April 2022.

Councillor Bentley gave answers to questions from Councillors Pond, Mackrory and Young in respect of the impact of the savings required, how the recommendations of the related Scrutiny Task and Finish group would be progressed, whether the criteria for assessing potholes would be reviewed and how the KPIs had evolved over the life of the current contract. A written answer, pending legal advice, would also be provided to a question from Councillor Pond as to the level of profit accrued by Ringway Jacobs over the life of the current contract and to a question from Councillor Young relating to the cost of the red claims as detailed in the report.

### **Resolved:**

1. To agree to the commitments for the Contract extension period set out in the confidential appendix and paragraphs 3.11 to of this report which include a change to the payment mechanism and agreeing a new process for Red Claims (“the Commitments”)
2. To agree, subject to the prior completion of the deeds identified in recommendation 2.3 and 2.4, to extend the Essex Highways Contract (the Contract) with Ringway Jacobs for a period of five years until 31 March 2027 with a break clause taking effect at the end of year thirteen of the contract by giving two year’s notice.
3. To delegate authority to the Director for Highways to enter into a Deed of Variation to the Contract to implement the Commitments, including changes to the payment Mechanism and implementing a revised process for Red claims, the terms of which shall be agreed in consultation with the Monitoring Officer. Completion of both red claims and payment mechanism changes are preconditions of the extension.
4. To agree to settlement of Red Claims which have been notified to or settled by ECC before 31 March 2019, with Ringway Jacobs on the terms and for the figure contained in the Confidential Appendix to this Report and to delegate authority to the Director for Highways to enter into a Settlement Agreement the terms of which shall be agreed in consultation with the Monitoring Officer.
5. To agree to draw down from the Transformation Reserve of £105,955 in 2020/21 and £60,000 in 2021/22 to the Deputy Leader and Infrastructure portfolio for Highways and Transportation and to note that future requests will come through over the contract duration that cover the remaining values as detailed in the confidential appendix.



**8. Approval to place 2020/21 contractual task orders with Ringway Jacobs for values over £2m (FP/607/01/20)**

Cabinet received a report seeking the approval of the issue of those task orders likely to exceed £2m to Ringway Jacobs for the 2020/21 financial year.

Councillor Bentley gave an answer to a question from Councillor Mackrory in respect of how specific schemes would be identified for progression, particularly those in the final year of the delivery programme.

**Resolved:**

1. Agree that the Director, Highways and Transportation may issue the task orders to Ringway Jacobs as outlined in Table 1, Appendix 1 after taking legal advice about the form and content of the task orders.
2. Agree that the Deputy Leader and Cabinet Member for Infrastructure may change the work to be undertaken under the task orders.

**9. Incorporation of South East Local Enterprise Partnership (FP/609/01/20)**

Cabinet received a report advising that the South East Local Enterprise Partnership existed to promote employment opportunities and distribute Government funding. All Local Enterprise Partnerships were now required by central Government to set up a company and the report explained how this was proposed to happen and asked Cabinet to take the necessary decisions to do so.

**Resolved:**

1. Agree that the Council will become a member of South East LEP Limited with articles of association as at appendix 1.
2. Agree to sign the framework agreement in the form at appendix 2.
3. Agree that the Leader will be the Council's initial member of the Board with the Deputy Leader as alternate director.
4. Agree that the Leader will be the Council's initial member of the Accountability Board with the Deputy Leader as principal substitute.
5. Agree that Essex County Council will continue as the Accountable Body for SELEP on incorporation of the company SELEP Ltd.

**10. Decisions taken by or in consultation with Cabinet Members (FP/606/01/20)**

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

**11. Date of Next Meeting**

It was noted that the next meeting of the Cabinet would take place on Tuesday 17 March 2020 at 10.00am in Committee Room 1 at County Hall, Chelmsford.

**12. 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).

**13. Proposed Essex-wide Bus Shelter Contract - Confidential Appendix (FP/458/06/19)**

(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/458/06/19 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 6 above refers).

It was agreed that Councillor Pond would write to Councillor Bentley setting out some matters in relation to bus shelters in Epping Forest, for his subsequent response.

**14. Extension of the Essex Highways Partnership Contract with Ringway Jacobs - Confidential Appendix (FP/479/07/19)**

(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/479/07/19 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 7 above refers).

**15. Urgent Exempt Business**

There was no urgent exempt business.

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

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**Chairman - 17 March 2020**

**Forward Plan reference number:** FP/580/12/19

<b>Report title:</b> Relocation and expansion of Harlowbury Primary School, Harlow	
<b>Report to:</b> Cabinet	
<b>Report author:</b> Paul Crick, Director, Capital Delivery	
<b>Date:</b> 17 March 2020	<b>For:</b> Decision
<b>Enquiries to:</b> Monica Bird, School Organisation Officer, email: <a href="mailto:monica.bird@essex.gov.uk">monica.bird@essex.gov.uk</a> or Emma Oni – Project Sponsor, email: <a href="mailto:emma.oni@essex.gov.uk">emma.oni@essex.gov.uk</a>	
<b>County Divisions affected:</b> Harlow East	

#### **NOT FOR PUBLICATION**

This report contains a confidential appendix which is exempt from publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

### **1. Purpose of Report**

- 1.1 This report asks the Cabinet to agree to approve the award of a contract to Morgan Sindall Group Plc to deliver a new 2FE (420 permanent pupil places) school on a site at Gilden Way in Harlow.

### **2. Recommendations**

- 2.1. Agree that the Director, Capital Delivery may award the contract for construction of the new school once he is satisfied that all the following apply:
  - The School has the necessary permission from the Department for Education to expand and relocate
  - A satisfactory planning permission for the new school has been granted
  - A suitable tender has been received which is within the available budget
  - The Academy Trust has either entered into an agreement for lease or has agreed heads of terms for the lease of the new site to them.
- 2.2. Agree to support the relocation and expansion of Harlowbury Primary School to the new school site.

### **3. Summary of issue**

- 3.1. Harlowbury Primary School is a single form of entry academy situated in Watlington Road, Harlow. For education planning purposes it is considered part of the Harlow East area. The new housing development at Gilden Way sits wholly within Harlowbury's catchment area. Due to the size of the housing on Gilden Way and size constraints within the existing school site it is not possible to expand Harlowbury Primary on its current site.

- 3.2. There is significant pupil growth expected in the Harlow East planning group. The table below sets out the forecast deficit in primary school places across the Harlow East planning group (Church Langley Primary, Churchgate CE Primary, Fawbert and Barnard Primary, Harlowbury Primary, Henry Moore Primary, Newhall Primary and Potter Street Primary), as shown in ECC's *10 Year Plan – Meeting the demand for school places in Essex - 2019 to 2028* from 2019 onwards. This need is largely the result of new housing.

	ACADEMIC YEAR									
	2019/ 20	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29
Reception Place Forecast	-14	-23	-33	-42	-54	-61	-67	-73	-77	-81

- 3.3. As part of the S106 planning agreement for the Gilden Way development in Harlow, Essex County Council (ECC) has been given ownership of a new site for Educational use which is within the development. This has sufficient space to construct a 3FE primary school. The site is within 300m of the current site of Harlowbury Primary School.
- 3.4. Demand for additional school places already exists in Harlow East, and the relocation and expansion of Harlowbury Primary School would be part of a solution to add capacity within that group when growth requires it.
- 3.5. The proposal is to relocate the School onto a bigger school site on Gilden Way. Once the new school is complete, the old site will be closed and surplus to ECC's education estate. Accordingly ECC has been considering development opportunities for the old site which is subject to a separate decision. . The current school buildings are in poor condition and require a significant capital investment to improve them. Relocating the school into a modern learning environment would provide the School with a fit for purpose building.
- 3.6. Even with the relocation and expansion of Harlowbury Primary School, two additional forms of entry in this area may be needed in the longer term. It has not yet been determined how this need will be met but it could be met by expanding Harlowbury to 3FE or it could be met by expanding other schools. The relocation of Harlowbury enables ECC to address the condition of the current school buildings and is considered to be the most efficient way to meet the current need for school places.

### Consultation

- 3.7. Working in partnership with the Templefields Multi Academy Trust, ECC completed a formal consultation on its relocation and expansion proposals for Harlowbury Primary School. The consultation period ran from 2 October 2019 to 13 November 2019. Twenty-one (21) responses were received from the on-line survey, with 95% in favour and 5% against. The only individual who responded to say that they were opposed to the proposal did so on the grounds of being unaware that a consultation was taking place. However, an advert was

placed in a local newspaper at an appropriate time to announce the consultation, and that same advert text was displayed on the Academy's gate for at least a week before the public engagement sessions took place.

- 3.8. In parallel to the above, a consultation was also held in association with the proposed planning application. The consultation period ran from 14 to 28 October, with a public viewing of the proposals on the 16 October. Twenty-four (24) responses were received from both the public consultation and the online consultation, with 95% in favour and 5% against. The individual who responded against the school proposals did not provide a reason as to their objection.
- 3.9 The Project Delivery Timescales are as follows:

<b>Milestone Description</b>	<b>Target Date</b>
Planning Approval (target date)	27 March 2020
Contract Award (subject to conditions being met)	1 July 2020
Start on site (subject to conditions being met)	29 July 2020
Harlowbury Primary submits Business Plan to Regional Schools Commissioner to relocate and expand on new site	April – July 2020
Works complete	August 2021

## 4. Options

### 4.1 **Option 1 – Support the proposal to relocate Harlowbury Primary School to the school site secured on the Gilden Way housing development from September 2021 and support its concurrent expansion to 420 places (recommended option)**

- a. Pursuing the linked proposals described within this report is considered a good fit, as additional places are delivered for Harlow East in a way that addresses issues around the current condition of Harlowbury Primary School's buildings.
- b. The relocation and expansion of Harlowbury Primary School raises its profile with local parents and allows it to better 'compete' with the newly opened Newhall Primary Academy close by, both in terms of pupil and staff recruitment.
- c. The relocation and expansion of Harlowbury Primary School forms part of the education capital programme, which is part of ECC's Corporate Plan.
- d. Both the Academy's senior leadership team and the Templefields Multi Academy Trust strongly support these proposals, and it is agreed by the Academy and its Trust that they will lead on the detailed business case to

be submitted to the Regional Schools Commissioner, between April-July 2020.

- e. If the Regional Schools Commissioner agrees to the relocation and expansion, then this would release the original school site leaving it available for alternative use which is subject to a separate decision.

#### **4.2 Option 2 – establish a 2FE Free School on the Gilden Way housing development and leave Harlowbury Primary School to operate at 1FE on its current Watlington Road site (not recommended)**

- a. ECC's School Organisation Team has explained to the Academy that should the Harlowbury relocation and expansion proposal not be approved by the Regional Schools Commissioner, ECC would need to run a presumption process to seek a new sponsor to operate the new School on Gilden Way.
- b. Depending on the opening size of the new School at Gilden Way this could damage the long term viability of Harlowbury School if parents opted to send their children to the new School rather than to Harlowbury Primary.
- c. The significant capital receipt or alternative investment opportunity from the sale of Harlowbury's Watlington Road site would be lost to ECC under this option, and the poor state of the Academy's current buildings would remain.

#### **4.3 Option 3 – do nothing (not recommended)**

- 4.3.1 Increasing pressure upon primary school places caused by both the Gilden Way and Newhall housing developments mean doing nothing is not an option. ECC has a statutory duty to provide school places, therefore option 3 is not recommended.

### **5. Issues for consideration**

#### **5.1 Financial implications**

##### **Capital**

- 5.1.1. Please see the confidential financial appendix for capital financial information.

##### **Revenue**

- 5.1.2. Furniture and equipment of £53,400 will be funded from within the existing furniture and equipment revenue budget funded via the Dedicated Schools Grant.
- 5.1.3. It is not currently considered that this scheme will increase Home to School transport costs as it fulfils the demand needs in its local area.

## **5.2. Legal implications**

- 5.2.1. ECC has a statutory duty to secure sufficient school provision under section 14 of the Education Act 1996.
- 5.2.2. ECC is responsible for funding the 'basic need' provision of additional school places in Essex at all schools, including academies.
- 5.2.3. Since the School will not be a party to the construction contract it will be necessary for the contractor to provide collateral warranties to the School as the user of the building and the School will need to enter into an agreement with ECC to secure access to premises.
- 5.2.4. ECC has a duty, during the design and construction of the new school, to take such steps as reasonable to avoid substantial disadvantage to a disabled person. The duty to make reasonable adjustment is triggered when there is a substantial disadvantage. The duty requires the School, once in occupation, to take positive steps to ensure that disabled pupils can fully participate in the education provided by the School. The duty is an anticipatory one, owed to pupils in general. Thought should be given in advance of what disabled pupils may require and what adjustments may need to be made for them.
- 5.2.5. A mini competition was undertaken using the Essex Construction Framework, a framework agreement set up by ECC with principal contractors appointed to the framework to carry out design and construction related works. ECC sought bids under a two-stage mini competition for a contractor to design and build the new 420-place primary school on the Gilden Way Educational Site.
- 5.2.6. The first stage of the mini competition was evaluated on 50% Price and 50% Quality split. ECC received 3 responses to the mini competition. Morgan Sindall Construction & Infrastructure Ltd (Morgan Sindall) scored the highest with 86.6%. The second highest scoring bid scored 79.8% and the third contractor scored 77.4%. As Morgan Sindall scored the highest and meets ECC's requirements they entered into a Pre-Construction Agreement with ECC to develop the design and achieve planning permission, this will result in the submission of their Final Tender.
- 5.2.7. The Final Tender submission will be assessed and will be recommended for approval by ECC, subject to the project being within budget, quality criteria being satisfactorily met, and having achieved planning approval. It will then be proposed that ECC enters into the final contract with Morgan Sindall Construction through the usual ECC governance procedures.

## **6. Equality and Diversity implications**

- 6.1. The Public Sector Equality Duty applies to ECC when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful;
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 6.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 6.3. The equality impact assessment which has been carried out indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **7. Highways Issues**

### **Impact of Construction Traffic**

- 7.1. There are a number of significant highways schemes ongoing and planned in Harlow. The additional construction traffic associated with the relocation and expansion of Harlowbury Primary School must be considered and planned in a way to minimise traffic congestion.
- 7.2. In this case, the current works on Edinburgh Way and the planned works on Junction 7A of the M11 have been considered as they are local to the new school location.
- 7.3. Construction works for the new school are planned to commence in July 2020.
- 7.4. The Edinburgh Way works are to be completed by July 2020, and therefore the construction traffic for the new school will commence after a significant reduction in congestion in that area of Harlow as road restrictions are removed from Edinburgh Way.
- 7.5. The Junction 7A works are due to commence in July 2020 and would be local to the proposed school development. Initial Junction 7A works are going to be low impact and would not see significant levels of construction traffic or traffic restrictions in place during the period the new school is built until August 2021.
- 7.6. The impact of construction of the new school buildings on the local highways network will not be disproportionate or conflated with the impact of the works to the local highway network. The construction traffic associated with the new



school will be managed in accordance with planning requirements, and to minimise the impact on the road network where practical.

- 7.7. The Planning application for Harlowbury Primary School relocation is currently under consideration by the county planning authority. The application contains details of the construction access plan to ensure that construction related movements are carefully controlled. The amount of construction traffic for a school building of 2000m<sup>2</sup> is broadly equivalent in scale to the construction of 20 family sized homes (at 100-120m<sup>2</sup> each). In comparison, the Gilden way development will comprise over 1,1000 homes being built at over 100 homes per year.

### **Travel to School**

- 7.8. The proposed setting and need for the new school on the Gilden Way development was included as part of the master plan for the development, in the context of the highways network which would support the development and travel to and from the school.
- 7.9. On this particular development, the developer has proposed foot and cycle links from the south and west (to the new and existing housing developments) to ensure that there is the ability for parents to access the school without using a car.
- 7.10. ECC has noted the design of the estate, with the proposed network of paths through the development, and have identified how this could be enhanced by a pedestrian access at the south west corner of the school, connecting to the local network of paths. The sum of £20,000 is included in the budget for this project to deliver these works in addition to the standard school accommodation brief, which will ensure good linkage to the wider pedestrian and cycle network.
- 7.11. The school has developed a school travel plan to demonstrate how they will be positively encouraging sustainable methods of travel to and from school. As is the case of all new schools built by ECC, cycle and scooter storage are being provided to enable maximum car free travel to school.

## **8. List of appendices**

- 8.1. Appendix A – Equality Impact Assessment  
8.2. Confidential Appendix

## **9. List of Background papers**

Harlowbury consultation document.

**Forward Plan reference number:** FP575/11/19

<b>Report title:</b> Future of the Council's Corporate IT System	
<b>Report to:</b> Cabinet	
<b>Report author:</b> Nicole Wood – Executive Director, Finance and Technology	
<b>Date:</b> 17 March 2020	<b>For:</b> Decision
<b>Enquiries to:</b> Nicole Wood, Executive Director, Finance & Technology, <a href="mailto:Nicole.Wood@essex.gov.uk">Nicole.Wood@essex.gov.uk</a>	
<b>County Divisions affected:</b> All Essex	

## **1. Purpose of Report**

- 1.1 To seek approval and funding for the replacement of Essex County Council's (ECC) existing Oracle Enterprise Resource Planning (ERP) tool, which is the IT system used as the Council's main financial and employee record.

## **2. Recommendations**

- 2.1 To agree that the Council should move its Enterprise Resource Planning tool (this incorporates core HR, Payroll, Finance) to an Oracle Cloud based system.
- 2.2 To agree to run a mini competition and call off from the Healthtrust Europe framework to procure Oracle Cloud licences and agree that the Executive Director, Finance and Technology can award the contract for a period of 5 years with the possibility of extension for up to a further five years.
- 2.3 To agree to use the current Fujitsu contract to provide the transitional services required to move from the current system to the new system subject to the prior completion of a deed of variation relating to subcontracting of services.
- 2.4 To delegate to the Executive Director, Finance and Technology in consultation with the Cabinet Member for Finance, Property and Housing, and the Monitoring Officer to agree to the terms of a deed of variation to the current contract with Fujitsu.
- 2.5 To approve the drawdown from reserves of £90,600 in 2019/20; £4.08m in 2020/21 and £1.00m in 2021/22. This will fund the programme resource costs to September 2020; the implementation of the Oracle Cloud & fund the systems implementor to be funded as follows:
- £90,600 in 2019/20 from the Transformation Reserve
  - £1.08m in 2020/21 from the Transformation Reserve
  - £3.00m in 2020/21 from the Technology Solutions Reserve
  - £1.00m in 2021/22 from the Technology Solutions Reserve.

- 2.6 To note the full life estimated costs of the programme of £13.1m as set out in section 5 of the report (including contingency) and a further Cabinet decision relating to funding is planned for July 2020.

### **3. Summary of issue**

#### **The current Enterprise Resource Planning system**

- 3.1 An Enterprise Resource Planning system (ERP) is a system of integrated applications that allows an organisation to manage the business and automate many back-office functions related to technology, financial services, payroll and human resources. It also maintains financial and employee records.
- 3.2 ECC currently use an Oracle based ERP system which is referred to informally as 'the Corporate System (TCS)' for the provision of core business processes e.g. paying suppliers, paying employees and general ledger. The decision to purchase this system was taken in 2014 and was based on the need to address issues with the storage of data and have better integration of our key systems. It has 500 professional users and c.7,600 front line users.
- 3.3 An ERP system has allowed us to have more robust financial controls in place, have a single version of our finances, introduce a single point of access for employees who had previously been required to log onto multiple systems, update technology in a number of areas and increase self-serve capabilities. However, the current technology is not intuitive to a non-professional user, has many local modifications and does not support effective working through mobile devices. TCS has also been heavily customised to meet ECC's needs which has limited its agility as a system and makes implementing changes to meet evolving complex business requirements expensive.
- 3.4 We have been in contract with Fujitsu for service management of the current ERP system (including hosting, maintenance and managing system changes) since 2014 (the Contract). The initial contract with Fujitsu was for five years; in 2019, it was agreed to extend the Fujitsu contract by two years; it expires in July 2021. The current version of the ERP solution will no longer be supported by Oracle after 2021 and even if we are to continue using it until then we need to spend around £3m updating it. These costs will be avoided if ECC took the decision to move to Oracle Cloud.
- 3.5 We have carried out an options appraisal (section 3.9) to determine the next steps with our corporate technology, given the above.

#### **The case for change**

- 3.6 There is no sensible 'do nothing' option: we cannot extend existing contractual arrangements given the commercial and contractual position outlined in 3.4. Critically in the intervening years since sourcing TCS in 2014, technology has

advanced considerably and so have the Council's ambitions. This programme will enable ECC to deliver on its ambition to transform the Council to achieve more with less, modernising the tools available to our workforce.

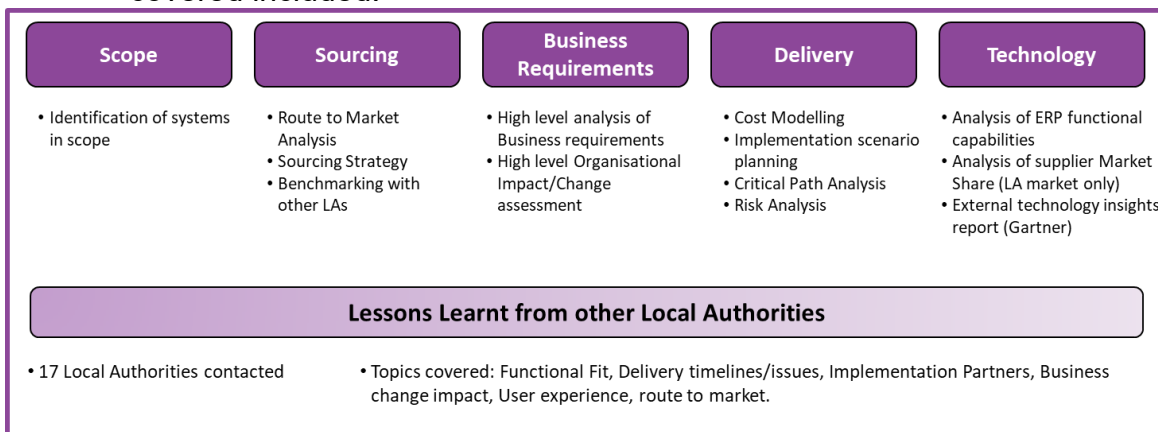
3.7 Critical success factors that have driven the options appraisal include:

- Ensuring we choose a solution that receives frequent supplier-led updates, rather than needing to buy and maintain technology
- Allowing employees to work in a mobile and flexible way on both corporate and non-corporate devices
- Securing a solution that maintains the financial integrity of the organisation
- Supporting great user experience; and
- Enabling us to improve our business processes and supports simplified decision making.

3.8 A cloud-based ERP will align with our technology strategy to move to 'Software as a Service' (SaaS). This is where software applications are centrally hosted by a third-party supplier and accessed over the Internet, which improves resilience. It will also be 'Evergreen' which means that it will be regularly updated by the supplier, removing the need for large expensive upgrades with high levels of business change. Furthermore, indications are that cloud technology has a reduced carbon footprint versus hosted solutions, supporting the climate action ambitions.

### Options Appraisal

3.9 An options appraisal was completed using a structured methodology which included research and investigation into the options available to ECC for a future ERP. It included market engagement with leading providers, provider demonstrations of technology, reference site research with other Local Authorities and independent expert advice from SOCITM and Gartner. Areas covered included:



3.10 Following the options appraisal, the recommendation is that we implement an Oracle business system called Oracle Cloud.

- 3.11 Option 1: **Oracle Cloud (Recommended Option)**. This is a cloud-based ERP solution which will deliver computing services (and associated support and infrastructure) – over the Internet (“the cloud”) to offer faster innovation, flexible resources and economies of scale.

Pros	Cons
Avoids the requirement to fund mandatory upgrades scheduled up to December 2021 (c. £3m)	We need to commit to a contract based on the employee base of the organisation and we recommend we do so for period of 5 years; this limits the flexibility to reduce the annual Oracle costs (of £1.3m) over this contract period if there are reductions in the size and shape of the workforce.
Quickest route to solution delivery placing least stress on resources and delivering improvement to the user community more quickly	Research from other local authorities that pioneered the early releases, suggests that Oracle Cloud Payroll and HR solutions were not at that point mature enough to meet all requirements, although we believe the new releases planned for 2020 will meet the key requirements and the service will evolve over time.
ECC will have limited customisation ability for process flow meaning that the system will not be able to be compromised through over configuration	Based on known information it will inhibit ability to deliver previously anticipated savings in the Organisation Development and People service savings predicated on having a dedicated HR/payroll system.
Removes the risk of existing Oracle based systems dropping out of support so provides business and operational service assurance	It is anticipated that price certainty for licence costs will be limited to 5 years if purchased through a framework, with an option to extend up to a further 5 years. This would be subject to negotiation with Oracle.
Reduces the integration and data migration effort compared to a suite of functionally specific systems, however this is still a substantial task	
Oracle Cloud is a market leading product so ECC would not be pioneering new technology and could learn from the experience of other Authorities on Oracle Cloud	
Moving to Oracle Cloud will remove the need for a third party to manage the system on behalf of ECC. This system would also be regularly updated (quarterly) by Oracle, avoiding the need to manage and pay for costly and complex sporadic upgrades & providing clearer accountability.	

- 3.12 Option 2: **Complete the Oracle upgrades of the current system scheduled up to December 2021 and procure an alternative ERP**. The alternative ERP would also be a SaaS solution, but couldn't be implemented prior to our current version of Oracle going out of support.

Pros	Cons
Allows all providers of all systems to submit a detailed proposition, although we have already undertaken extensive market investigation and	Upgrade costs cannot be mitigated as a solution will not be procured and implemented by December 2021 leading to significant abortive costs (c. £3m)

consider that Oracle Cloud is the best solution for our requirements given our current position	
Would benefit from the use of ECC defined Terms and Conditions which could explicitly allow flexible approach for the future system	The required upgrade in December 2021 will require significant change investment in itself and will be followed quickly after by a second wave of change as the organisation then moves to the procured solution
Reduces the integration and data migration effort compared to procuring a suite of functionally specific systems	The cost of this approach is significantly higher than Option 1
ECC will have limited customisation ability for process flow meaning that the system will not be able to be compromised through over configuration	This approach could present a reputational risk to the organisation as the outcome from procurement could still be the Oracle Cloud solution (but having incurred more expense and taking longer to implement)

- 3.13 **Option 3: Complete the Oracle upgrades and replace TCS with different individual systems specific to each service.** For example, there could be one system for finance, with separate systems for HR and payroll. It would not be possible to implement prior to the current version of Oracle going out of support in December 2021. The systems that would make up the solution would require integration and would be procured as SaaS solutions.

Pros	Cons
Allows all providers of all systems to submit a detailed proposition, although we have already undertaken extensive market investigation and consider that Oracle Cloud is the best solution for our requirements given our current position.	Upgrade costs cannot be mitigated as a solution will not be procured and implemented by December 2021 leading to significant abortive costs (c. £3m). Although solutions could be implemented prior to December 2021 the cost associated with upgrades would still be incurred.
Use of ECC defined Terms and Conditions which could explicitly allow a more flexible approach for the future systems	A negotiated contract variation will be required with Fujitsu beyond July 2021 due to the duration required to procure and implement a solution.
This would enable diversity of systems which could lead to more innovation compared to a single supplier solution	The required upgrade in December 2021 will require significant change investment in itself and will be followed quickly after by a second wave of change as the organisation then moves to the procured solution. If users are required to access multiple systems this too would increase training and adoption requirements
Allows individual services to procure the solution that they consider is best for them e.g. allows Organisation Development and People to have a functional specific solution for payroll.	The cost of this approach is likely to be significantly higher than Option 1.
	Could lead to inconsistent user experience between different systems unless investment is made to mitigate.

- 3.14 Option 1 is recommended as it best meets ECC's strategic requirements, delivers against the critical success factors and aligns to our medium-term technology strategy. It also avoids the requirement to fund the mandatory upgrades.

### Procuring Oracle Cloud

- 3.15 A number of routes have been explored to source Oracle Cloud. These included a full OJEU procurement, framework call off, and contract delivery by Fujitsu.
- 3.16 It is proposed that ECC procure Oracle Cloud licences by calling off from an OJEU compliant framework following a mini competition. This will enable ECC to purchase the necessary licences in accordance with procurement law and also evidence value for money. Calling off from a Framework will also assist ECC in meeting timescales for delivery requirements as a call-off takes less time than a full OJEU procurement.
- 3.17 We explored various frameworks and their specifications. It was concluded that the Healthtrust Europe Framework would be able to fulfil all of ECC's licensing requirements.

### Procuring a Systems Implementor

- 3.18 Before the new system is implemented there will be a period where we need to set up and prepare Oracle Cloud and prepare for the transfer of data. This will require a third-party support to act as a Systems Implementor. Fujitsu, as our existing System Management contractor, has in-depth knowledge of ECC and our current system and is best placed to undertake this Systems Implementor role.
- 3.19 It is proposed that we work with Fujitsu under the terms of the Contract to implement the Oracle Cloud upgrade. The Council's existing contract allows for this to happen.
- 3.20 A value for money exercise has been undertaken in which Fujitsu costs were compared against other potential Systems Implementors, concluding that Fujitsu offered value for money within the market. It is understood that Fujitsu have capacity issues meaning that although Fujitsu will retain oversight, they are likely to exercise their right to utilise their supply chain partner (Evosys). This has been agreed in principle with Fujitsu.

## 4 Next steps

Milestone	Date
Cabinet Report	March 2020
Oracle Cloud Licences awarded	April 2020
Contract Variation (Fujitsu as Systems Implementor)	May 2020
Programme Implementation Phase Funding Decision (Cabinet)	July 2020
Impact on ECC processes of moving to Oracle Cloud – first view	July 2020

Impact on ECC processes of moving to Oracle Cloud – final view	December 2020
Oracle Cloud Implementation Complete	October 2021

## 5 Issues for consideration:

### Financial implications - costs

- 5.1 The current annual cost of ECC's existing Oracle ERP contract arrangement via Fujitsu is £1.3m. This includes average annual change costs. There are also other contract costs of £300,000 including payslip printing, cash receipts, Marketplace and a separate system to manage the use of purchase cards. This equates to an annual running cost of £1.6m.
- 5.2 Following implementation of Oracle Cloud, the indicative annual costs for the service is estimated to be £1.2m. This reflects the procurement of Oracle licences on a Software as a Service (SaaS) basis. However, there will be other operating costs including the establishment of an expert client team (as opposed to having a third party) that will increase the estimated annual costs to an average of £2.2m per annum.

Table 1: Forecast Budget Impact of Implementing Oracle Cloud

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £'000
Current Service Costs	1,605	1,605	401	-	-	-	3,612
Forecast Total New Costs (See note)	-	1,205	1,808	2,122	2,148	2,173	9,457
<b>Total Forecast Cost</b>	<b>1,605</b>	<b>2,810</b>	<b>2,210</b>	<b>2,122</b>	<b>2,148</b>	<b>2,173</b>	<b>13,069</b>
Current Budget / Proposed MTRS	1,605	1,537	1,584	1,584	1,584	1,584	9,478
<b>On-going budget Impact</b>	<b>0</b>	<b>1,273</b>	<b>626</b>	<b>538</b>	<b>564</b>	<b>589</b>	<b>3,590</b>

Notes:

- i. The current service costs reflect the Fujitsu contract which is due to end in July 2021; this includes the support for the existing Oracle ERP solution of £1.3m and other contract costs of £300,000
- ii. The forecast total new costs includes: the estimated Oracle Cloud service costs; the cost of contracts due to novate back to Essex County Council from the Fujitsu contract; and the anticipated additional support to oversee the delivery of Oracle Cloud

- 5.3 This represents a net increase of £626,000 from 2021/22. This amount will be validated through the implementation of Oracle Cloud and will be built into the 2021/22 budget planning. However, there will also be financial benefits of the introduction of Oracle Cloud through standardisation of processes and improved automation across finance and human resources. At this stage in the Programme it is not possible to quantify the potential benefits of the business change but that will be explored in the next phase of the Programme to be confirmed by October 2020. It is expected that the on-going funding pressure of £600,000 will be mitigated through cost reductions arising from the implementation of the solution.



5.4 Following detailed financial modelling and drawing on the experiences and estimates from other local authorities implementing Oracle Cloud, the total estimated cost to implement the proposed solution is £12.1m (plus an assumed contingency of £1m). At this stage in the programme we are seeking a total approval of £5.171m and there will be a further decision point by July 2020 to draw down the next phase funding for the programme, which is current expected to be a further £8m (including contingency). At this stage no approval of contingency is being sought. A breakdown of the cost elements can be seen in table 2. This amount will be refined following the procurement of Oracle Cloud and is subject to further decision.

5.5 Table 2: Forecast Implementation Costs

	Funding Requested				Funding to be Requested				Total
	2019/20 £'000	2020/21 £'000	2021/22 £'000	Total £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	£'000
Forecast Resource Implementation Costs	91	1,307	-	1,398	1,389	2,517	1,272	5,179	6,577
Forecast Systems Implementer Costs	-	1,500	1,000	2,500	-	-	-	-	2,500
Other Forecast Third Party Costs	-	-	-	-	580	570	-	1,150	1,150
<b>Total One-Off Costs</b>	<b>91</b>	<b>2,807</b>	<b>1,000</b>	<b>3,898</b>	<b>1,969</b>	<b>3,087</b>	<b>1,272</b>	<b>6,329</b>	<b>10,227</b>
Additional On-going Costs in Implementation phase		1,273		1,273	-	626	-	626	1,899
<b>Total Implementation Costs</b>	<b>91</b>	<b>4,081</b>	<b>1,000</b>	<b>5,171</b>	<b>1,969</b>	<b>3,713</b>	<b>1,272</b>	<b>6,954</b>	<b>12,126</b>
<b>Contingency @ 10% of One-off Costs</b>					<b>478</b>	<b>409</b>	<b>127</b>	<b>1,014</b>	<b>1,014</b>

Notes:

- System implementation cost drivers include data migration, hardware decommissioning, change and programme management capacity and systems integration costs.
- The above table includes costs to implement Oracle Cloud, however, it does not include costs to change internal processes required as a result of implementing a SaaS solution; the extent and value of these changes is currently unknown and are expected to be ascertained by July 2020.
- The implementation costs in table 2 that that are being requested in this report includes the following:

Table 3: Funding Requested for Implementation Costs

	2019/20 £'000	2020/21* £'000	2021/22 £'000	Total £'000
Resource Costs to September 2020	91	1,307		1,398
Budget Impact for 2020/21 for additional licence costs		1,273		1,273
Systems Implementer Costs		1,500	1,000	2,500
<b>Total</b>	<b>91</b>	<b>4,081</b>	<b>1,000</b>	<b>5,171</b>

\* Additional implementation costs for resource and third-party costs are included in table 2 above; these will be subject to a further decision following validation through the implementation phase of the programme to be completed by July 2020.

5.6 It should be noted that additional costs may be incurred due to the need to adapt current processes to align to the requirements of Oracle Cloud; the extent to which such adaptations may be required is currently unknown and as such unquantified. We will seek to absorb this within existing business capacity and we have benchmarked our investment requirements against

other authorities. However, it is an inherent risk and will be appraised through the implementation phase and subject to a further decision as appropriate in July 2020.

- 5.7 It should be further noted that the timeline for implementation of Oracle Cloud is key, the current planned timeline is outlined in section 4. If delivery is slower than planned then there is a risk that the system upgrades for the current solution may need to be implemented and a risk of further escalation of implementation costs.
- 5.8 The costs to support the implementation of the solution beyond September 2020 will be sought through a further decision, following further validation of the resourcing and business change requirements associated with implementing Oracle Cloud.

### **Financial implications – benefits**

- 5.9 Financial benefits to ECC as a result of the investment required are not currently confirmed. Evidently a core cost of running financial and HR services is the cost of the technology infrastructure to enable those transactions; and investment is required to enable key services to continue to operate effectively.
- 5.10 The activity to confirm potential savings is planned to be undertaken during the adoption phase of the programme following implementation of Oracle Cloud. The only saving currently anticipated in the Medium Term Resourcing Strategy (MTRS) is a forecast saving of £100,000 per annum from 2021/22; this is anticipated to be realised through a revised operating model for Financial Reporting that may be enabled through the implementation of a new Corporate System with improved user functionality and processes.

## **6 Legal Implications**

- 6.1 ECC is a contracting Authority for the purposes of the Public Contracts Regulation 2015. ECC is required to run an OJEU compliant procurement to purchase the Oracle Cloud licences given the value of them.
- 6.2 An OJEU compliant Framework is a complaint procurement option for ECC and ECC is able to call-off services from the Healthtrust Europe Framework which is run by Healthtrust Europe on behalf of Birmingham Hospitals NHS Foundation Trust and which is available for ECC to use. ECC must follow the prescribed call off process and enter into the call off contract on the terms specified.
- 6.3 The implementation of Oracle Cloud can be undertaken under the Contract and will require some contract changes to finalise detail and specific commercial matters.

## **7 Equality and Diversity implications**

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a characteristic.

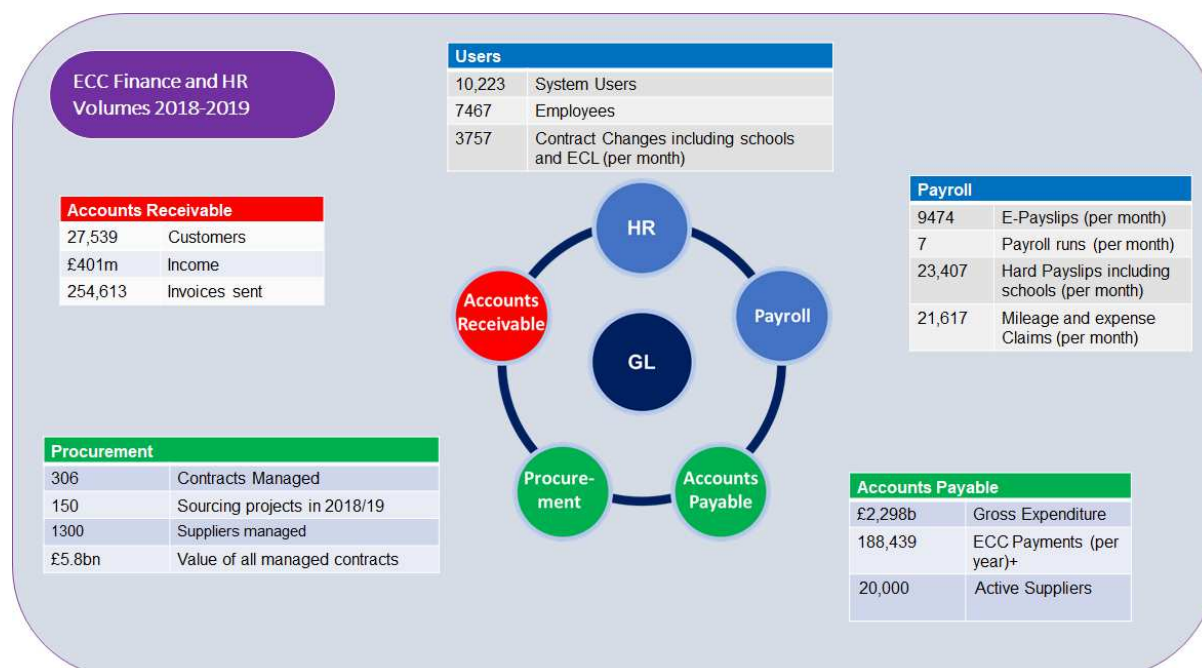
## **8 List of appendices**

- 8.1 Equality Impact Assessment
- 8.2 Overview of transactions conducted on TCS

## **9 List of Background Papers**

None

## Overview of transactions conducted on TCS



**Forward Plan Ref No FP/631/02/20**

<b>Report title:</b> Decisions taken by or in consultation with Cabinet Members	
<b>Report author:</b> Secretary to the Cabinet	
<b>Date:</b> 17 March 2020	<b>For:</b> Information
<b>Enquiries to:</b> Emma Tombs, Democratic Services Manager, 03330 322709	
<b>County Divisions affected:</b> All Essex	

The following decisions have been taken by or in consultation with Cabinet Members since the last meeting of the Cabinet:

**Deputy Leader & Cabinet Member for Infrastructure**

- FP/639/02/20** Proposed Permanent Prohibition of Right Turn on Wash Road (west) at its junction with A176 Noak Hill Road, Basildon
- FP/641/02/20** Proposed Relocation of Limited Waiting (Monday – Saturday, 9.30am – 6.30pm One Hour, No Return Within One Hour Bay) on Station Road, Loughton
- FP/644/03/20** Proposed 30mph Speed Limit East Road, Ivy Lane, Broman's Lane, Shop Lane, Church Lane and Meeting Lane, East Mersea, Colchester
- \*FP/574/11/19** Ultrafast GPs broadband project

**Cabinet Member for Children and Families**

- FP/632/02/20** Award of the Framework Agreement for Looked After Children in Residential Care
- \*FP/573/11/19** To agree an extension to the current contract for the delivery of Housing Related Support for Young People 16+

**Cabinet Member for Customer, Corporate, Culture and Communities**

- FP/645/03/20** To agree new arrangements for the calibration of weights, measures and test equipment used by Essex County Council Trading Standards

## **Cabinet Member for Economic Development**

**FP/635/02/20**      Castle Point Local Plan – Pre-Submission Plan (Regulation 19)

## **Cabinet Member for Education and Skills**

**\*FP/589/12/19**      Proposed expansion of Northlands Primary School and Nursery, Pitsea

**FP/638/02/20**      Appointment and Re-Appointment of School Governors by Essex LA – Schedule 341

**\*FP/594/12/19**      Adoption of schemes to co-ordinate pupil admissions to primary and secondary schools in 2021-2022

**\*FP/595/12/19**      Determination of admission arrangements for community and voluntary controlled schools 2021-22

**FP/640/02/20**      Community Transport Funding for the financial years 2020/21 and 2021/22

**FP/642/03/20**      Proposed expansion of Stebbing Primary School, Uttlesford to increase capacity to take additional pupils from September 2020

**FP/643/03/20**      Appointment of a Building Contractor for Works at West Hatch High School, Chigwell

## **Cabinet Member for Health and Adult Social Care**

**FP/646/03/20**      Review of the Integrated Residential Nursing (IRN) Framework for 2020

**\* Key Decision**