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# Essex County Council Meeting 13 February 2018

## Answers to Written Questions

### Agenda Item 10

#### 1. By Councillor Harris of the Cabinet Member for Highways

'Having seen over months the repeated infill of pot holes in Queen Elizabeth Way Colchester, with repeat visits, could the Cabinet Member confirm what are the arrangements for checking the quality of work by contractors, the type of work, and whether the work was appropriate by contractors. What are processes for percentages of work completed and are there KPIs kept of such quality checks.'

#### Reply

'We do have a Key Performance Indicator (KPI) titled 'Percentage of defects repaired right first time.' A random sample of potholes, footway defects, drainage works, signs and lines, and iron works from the last 12 months is re-inspected. Any defects which fail to meet the standards can be re-opened and repaired by Essex Highways.

Since 2015/16 there have been 7390 re-inspections, and only 38 recorded failures – a 99.5% success rate.

With reference to Queen Elizabeth Way, we made temporary repairs for safety reasons and permanent patching work is planned for 2018-19.'

#### 2. By Councillor Sargeant of the Cabinet Member for Environment and Waste

'On 27 October 2014, a report (FP/861/11/14) from the Executive Director for Corporate and Customer Services was presented to the Cabinet Members for: Transformation and Corporate & Traded Services (Cllr. D. Lewis) and Library, Communities and Planning (Cllr. R. Hirst).

Three recommendations were agreed:

1. That all residents should be discouraged from releasing sky lanterns due to the damage that they cause the environment.
2. That the outdoor release of lanterns will be prohibited from all ECC property. In relation to sites where a third party already has a lease or a licence in

- place, ECC will write to them to encourage the adoption of this policy.
3. That all new leases and licences granted by ECC and any new renewals of existing leases and licences will include a clause prohibiting the use of sky lanterns on ECC premises.

Please could a similar report and recommendations be prepared asap for the prohibition of mass balloon release from ECC land and premises; as this creates a risk to wildlife and livestock from debris falling to land or washed up onto our beaches (through ingestion, entanglement and entrapment).'

### **Reply**

'I am aware that a number of council's across the country have moved to ban the mass release of helium balloons from their own land due to concerns around littering and the associated risk to animals. This position is backed and promoted by a number of organisations including the Marine Conservation Society, the NFU and the Tidy Britain Group. I am supportive of this approach and a specific ECC policy on the issue is being actively considered. ECC Country Park managers have already been instructed to prohibit mass balloon releases on our country park estate.'

### **3. By Councillor Reid of the Cabinet Member for Resources**

'I received an email from a constituent concerning a dispute between Fujitsu and their employees' Trade Union. I understand that Essex County Council currently uses Fujitsu for some of its IT services.

After a promising settlement and failing to deliver it back in August last year, the dispute is still on-going and the company is now dismissing and targeting union representatives.

Could the Cabinet Member please ensure that we make representation to Fujitsu deploring their treatment of employees?'

### **Reply**

'ECC has a contract with Fujitsu to provide IT systems. It would be inappropriate for me to comment or write to Fujitsu on an issue not related to ECCs contract, particularly as the Local Government Act 1988 states that non-commercial considerations may not be taken into account when taking steps to manage contractors.'

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**4. By Councillor Mackrory of the Cabinet Member for Resources**

'In the light of the investigations into MITIE's finances, the profit warning for Capita and the collapse of Carillion, what strengthening of the processes for awarding contracts with outsourcing contracts are under consideration? Furthermore, what checks are being undertaken to check the robustness of companies with whom ECC already has contracts.'

**Reply**

'Essex County Council is already renowned for its robust approach to Procurement and Contract Management. We have recently been shortlisted for a Public Finance Innovation award specifically in relation to our approach to supplier financial risk assessment during the tender process which will also include, where applicable and concerns are raised, the use of Parent Company Guarantees or Bonds.

The Council also received the top score in an external benchmarking survey for its risk management approach to contract management which includes the creation of a contingency and exit plan at the point of contract award, the use of a risk register for all strategic suppliers reviewed and updated monthly and a monthly Dunn & Bradstreet assessment of financial viability of our key suppliers.

Trends are reviewed and assessed and any adverse movement is picked up with the suppliers to understand the drivers and potential risks to contract delivery, with resultant action. Service areas are kept informed of any concerns and, where appropriate, review business continuity arrangements where service delivery may be at risk. Despite all efforts, unexpected issues can arise and this is why having a Contingency and Exit plan in place for our strategic suppliers is critical so that we can quickly react should circumstances require it.'

**5. By Councillor Mackrory of the Cabinet Member for Health and Adult Social Care**

'I understand that the recent increases to the charging policy for services to the disabled will be subject to review. Can the Cabinet Member give an assurance that where weekly charges for disabled related expenditure has increased from zero to £100 a week, serious consideration will be given to how that has impacted on the lifestyle of disabled people and the consequences that could have on other areas of the public sector?'

**Reply**

'We continue to meet need in compliance with the relevant regulations and the provisions of the statutory Care and Support Guidance (Department of Health, 2017), and our charging arrangements are fully compliant with the provisions set out within it.

Where an adult informs us that they are unable to pay their assessed charge we will always review their assessment and in so doing consider whether their circumstances are such that we should reduce the charge or remit it altogether. This has been our practice for many years.

It is important to remember the amount we ask someone to pay is determined through an assessment of their financial means conducted using the statutory arrangements set out in the Care and Support Guidance. Our analysis shows that approx. 0.8% of people receiving support at home saw their charge rise, at least initially, from 0 to £100 per week.

For most people affected by the significant rise the key driver appears to be the reduction in the capital threshold that came in as part of the charging reforms, which resulted in a number of people becoming liable for the full cost of their care until their capital dropped below the national threshold of £23,250.

It should be borne in mind that introducing this capital threshold, we were moving to the standard laid down by government, having previously been using a higher minimum.'

## **6. By Councillor Baker of the Leader or the Council**

'My questions are further to the response I received at the last Full Council meeting in December 2017 relating to Essex County Council and Brexit.

1. Could the Leader of the Council or Councillor Bentley update members on the latest situation with regard to Brexit and its implications for Essex following the recent visit of Monsieur Michel Barnier, the European Chief Negotiator for the United Kingdom Exiting the European Union; and

2. Would he reconsider setting up a cross-party working group, comprising members and senior officers of ECC, in preparation for the UK exiting the EU in order to mitigate the risks and capture the opportunities for UK and EU citizens, businesses and major organisations, in particular hospitals, universities, sea ports and airports, across Essex?

I would respectfully refer the Leader of the Council and members of the Cabinet to previous written questions I have asked in relation to Brexit at the October and December 2017 meetings of the Full Council.'

## **Reply**

Since Full Council in December there has been progress in the negotiations between the UK government and the European Union allowing discussion to take

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place on a transition deal. However, there still remains much uncertainty about the type of Brexit that will be delivered and the associated impacts and we will continue to monitor progress as the negotiations continue.

ECC is closely engaged with cross-party working through the LGA and as you are aware Cllr Bentley is the LGA's national Brexit lead, chairing the Brexit Task and Finish group focussing on the priority areas for Local Government in leaving the European Union, these include:

1. Securing funding and investment currently sourced from the EU
2. The future autonomy of local government and reaching a new constitutional settlement post-Brexit.
3. The return of EU powers: developing a new legal base for local government
4. Community cohesion and workforce
5. Recognising the differential place-based impacts

Recent work has included:

- Giving evidence at the CLG Select Committee inquiry into Brexit and local government.
- Attending a special DIT roundtable on the UK's international trade policy post-exit
- Attending the annual meetings of the EU Committee of the Regions and Congress
- Meeting with DExEU Ministers to highlight local government issues ahead of the second round discussions on transition and future trade framework.
- Releasing a second call for information on the place-based impacts of Brexit

Further updates on the LGA's Brexit work can be found on their website <https://www.local.gov.uk/topics/european-and-international/brexit>

I believe ECC's engagement with Brexit through the cross party work of the LGA is the right approach at this time. We will continue to update Council in the coming months and I have asked Cllr Bentley to arrange a Member Development Session for all ECC Members on this topic. When there is greater clarity from the negotiations at a national level we will of course consider new approaches to engaging with this hugely important issue for Essex.'

## **7. By Councillor Turrell of the Cabinet Member for Highways**

'When will Malden Road in Colchester be resurfaced as it is in a very bad state.'

### **Reply**

'Maldon Road, from the roundabout to the junction with Cambridge Road, is currently scheduled for surfacing in the 18/19 year. The full schemes list for 18/19 will be shared with members, and online, shortly.'

**8. By Councillor Robinson of the Cabinet Member for Highways**

‘Will the Cabinet Member please commit to adding dates to all Highways reports on the "Track It" system and will he please clarify the procedure for the local County Member to escalate issues when the Member feels that a serious issue has been ignored by Essex Highways.’

**Reply**

‘We are constantly looking at our highway website tools, and customer feedback, to see how we can improve the information we make available to the public. For example, recently we have adapted our ‘Tell Us’ tool, so it now incorporates a third-party map showing the street lights, traffic lights etc. that UK Power Networks will be fixing. We have work underway to enable customers to add their email to defects they report, so they can be sent the reference number for future use when checking. We are also working on how to provide the date of last or next inspector survey for a defect.

We will continue to consider the addition of other data too, provided that it does not increase the fraud or liability risk, and consequently the potential cost, to Essex County Council and suggestions are always welcome.

Regarding the process members have for escalating issues, this is quite clear: the first step for Members with highways issues is the website and the online report it tool; if this does not resolve your issue you can enquire via Members Enquiries; if you still find your issue unresolved you can book an appointment at my weekly Highways Surgery, there are up to three slots available from 12-1pm every Tuesday, except when it clashes with Full Council or Cabinet. Please email me if you would like to book an appointment.’

**9. By Councillor Henry of the Leader of the Council**

‘Can the Leader give Council an update on the progress of the Independent Property Review Commission, set up after July Council?’

**Reply**

‘The Independent Property Review Commission completed its report on 31 January making 14 recommendations. I’d like to thank all the Members who took part as well as the Chairman, Andy Fry OBE, for their time and hard work.

Following discussion with Opposition Leaders we have agreed that Members will have the opportunity to discuss the report at Council in May and I will arrange for a copy of the report to be available online with the minutes from this Council meeting.’

**10. By Councillor Aspinell of the Cabinet Member for Highways**

'Air pollution, especially on congested roads, is a growing concern for the public. Will the Cabinet Member consider (a) planting more trees in urban areas to help address this and (b) ensure that the public are made aware of pollution 'hotspots', in a similar manner to weather and traffic reports.'

**Reply**

(The reply has been supplied by the Cabinet Member for Waste and Environment)

'Air quality is an important issue as highlighted by the debate and Motion carried at December's Full Council. The Place Services Policy and Economic Growth Scrutiny Committee have set up a Task and Finish Group looking at air quality and I and my relevant Cabinet colleagues look forward to engaging in that process and considering the recommendations that result. I am pleased to note that the Task and Finish Group's work is set to commence on 22 February.

ECC as Highways Authority is committed to working in partnership with District Council's and the Environment Agency to develop plans for improving air quality at sites identified to have high levels of air pollution. The planting of trees near to roads in these areas is an important consideration that is taken into account when developing plans to improve air quality. It is also an important consideration when designing the layout of new developments.

DEFRA already provide an air pollution forecast and the possibilities for providing access to more localised, up to date pollution information is improving in line with technological and air quality monitoring advances and ECC will continue to review opportunities to make this available to local residents.

In a sign of the positive action being taken on this issue ECC were this week successfully awarded over £1m of Defra Clean Bus Technology funding to retrofit 60 older buses operated by Arriva and First across Essex to meet minimum emissions standards. We are also actively progressing air quality improvements at the Army & Navy in Chelmsford and parts of the A127 in Rochford and Basildon to improve the health of residents.'

**11. By Councillor Baker of the Cabinet Member for Education**

'What funding is currently available for educational classical music initiatives in Essex and what is the proposed budget for the coming year/s.'

## Reply

'It is a matter for schools to determine their budgets and their curriculum time and they have autonomy to decide how much of their budget and curriculum time is spent on music teaching. However I can go into detail of Essex County Council's (ECC) music initiatives which are separate from school funding for music curriculum lessons.

ECC's Music Services leads Essex Music Education Hub. ECC received public funding from Arts Council England to support music in schools and within the community. In 2017/2018 this funding is **£1,923,470**, in 2018/2019 it will be **£1,923,945**. In addition the service leverages significant income from parents, carers and schools. In 2017/2018 this is predicted to total **£2,559,000**, rising to over **£2,730,000** in 2018/2019 and over **£2,790,000** in 2019/2020.

It is difficult to give exact figures on classical music as we work with a diverse range of musical genres. However to give an idea of the size of investment, total planned 2018/2019 expenditure for budget lines where Classical music plays a large part are listed below:

- **£20,000**: Instrument hire scheme.
- **£85,000**: Partnership projects in schools with professional organisations, including City of London Sinfonia, Opera Brava
- **£393,000**: County Orchestras and Ensembles (*majority classical, some jazz*)
- **£18,000**: Vocal and Choral Development
- **£2,080,000**: Peripatetic music service (*instrumental and vocal tuition in schools*)
- **£501,000**: Community music schools (*offering tuition, aural and theory classes, and ensembles*)
- **£105,000**: remissions/vouchers scheme (*to make tuition, choir and ensemble membership affordable to low-income families*).
- **£20,000** (from the Virtual School): to support 100% free access to music service provision for Looked After Children.
- **£262,000**: First Access programme (*all KS2 schools offered a free term of whole class instrumental learning*)
- **£144,000**: digital and e-learning resources (*including, for example, units on the BBC Ten Pieces classical initiative*)
- **£26,000**: for Sounds of Essex festival celebrating young music making from across the county.
- **£15,000**: to support Saffron Centre For Young Musicians (*in partnership with the Guildhall School of Music and Drama*)

**TOTAL: £3,669,000**

In addition through external partnerships, ECC leverages significant other investment in Classical music, for example through the bursaries paid by Essex Young Musicians Trust which total £15,000 annually; and the Lullaby Concert series by Orchestras Live which bought in £66,000 worth of investment into Essex and Suffolk in 2017.'

**12. By Councillor Deakin of the Cabinet Member for Culture, Communities and Customer**

‘What provision is being made for Library facilities in rural communities; especially schools if/when the Library bus is reduced or stopped.’

**Reply**

‘The Mobile Library Service will continue in 213 communities, many of which are rural. Multiple stops serving one community are being merged and we are talking to mobile library users in those places to make sure vehicles are stopping in the best location. The mobile library stops for at least 30 minutes, an increase in many places.

The mobile libraries offer a service to the community, rather than to individual schools, although some current mobile stops are very close to schools. The schools can visit their local library - though they generally maintain their own libraries - and all schools can subscribe to the School Libraries Service, which lends books, picture packs and artefacts to schools. Where a stop at or near a school is being withdrawn, the school will be notified and given information about the School Libraries Service and how to arrange a class visit to their nearest library building or stop.

We are working with any mobile library customers who are not able to reach a library or mobile library stop, to offer alternatives: this could be a Friends and Family Card, so friends or family members can collect and return loan items for them; or the Home Library Service, where volunteers bring items to people in their own homes. We can also help people access e-books and magazines online.

More than 100 people have already expressed an interest in helping to set up community libraries and 50 potential venues were suggested, many of which will be close to schools.’

**13. By Councillor Robinson of the Cabinet Member for Housing, Property and Planning**

‘Is it not a huge waste of public money to spend hundreds of thousands of pounds a year on security, utilities and business rates for council properties that are left empty for many years? Would it not be better if community and voluntary groups or local councils could be enabled to use these properties? How many Essex CC properties are currently empty?’

## Reply

'In Essex we currently have 25 unoccupied buildings, 7 of which are old school buildings, 7 are individual houses while others are buildings that have previously formed part of the council's general operations. We already have plans for a number of these sites including:

- 6 which are to be used for redevelopment for new school provision
- 4 sites to be redeveloped for residential purposes as part of our Essex Housing Project
- 6 properties are in the process of being re-let
- 5 properties are on the market or being prepared for disposal

The remaining buildings are to be looked at as part of our Lean Estate programme and plans will be formed around the future of these sites. The Lean Estate programme will confirm the principles and priorities of the organisation in relation to our property needs and we will be engaging with Members and key stakeholders on this prior to its launch.

When buildings are to be re-let, ECC enters into a fair and equitable process of deciding who is to take the lease on a property and we have let properties to community and voluntary groups, however only in circumstances where the vacant property is of a manageable size and in a reasonable state of repair.

In regard to security it is important to ensure that all is done to deter trespassers from entering a site, not only to prevent them from causing damage to the building but also for their own safety. As much as possible we try to keep costs for security on surplus sites to a minimum and vacant sites are a natural by-product of managing a large property estate.'

## 14. By Councillor Kendall of the Cabinet Member for Education

'Please could the Cabinet Member tell me what progress has been made by the County Council on delivering the Bus Franchise Scheme motion that was agreed unanimously by members at a Full Council meeting last year?'

## Reply

'To refresh ECC's approach, in light of the new legislative powers set out in the Bus Services Act 2017, I have asked officers to undertake a formal review of its passenger transport strategy. This will include consideration of how to best use the new powers in regard to the County Council's objectives of enabling inclusive economic growth, helping people get the best start and age well and helping to create great places to grow up, live and work. This review is at an early stage and no options for making use of the new powers have been ruled in or out at this point.'

## 15. By Councillor Kendall of the Leader of the Council

‘Please could you tell me how much the County Council have spent on Consultants and Agency Staff over each of the last four financial years including the current financial year up to the end of January 2018?’

### Reply

‘The figures requested are shown in the table below. It will be helpful to note that consultancy covers a wide spectrum of activities ranging from provision of expert advice on specific topics to what is effectively the sub-contracting, or employment of specialists to aid implementation. Similarly agency spend covers interim staff to cover one-off activity to support projects and key roles, for example where there are roles that are difficult to fill, or gaps whilst recruitment is underway, it also has the benefit of allowing earlier implementation. The total spend in 2017/18 is forecast to represent under 1.8% of our gross expenditure (excluding schools).’

Year	Consultants £000	Agency £000
2017/18*	6,135	16,474
2016/17	4,952	21,349
2015/16	4,124	22,921
2014/15	3,405	25,739
* forecast end of year spend		

## 16. By Councillor Deakin of the Cabinet Member for Highways

‘With increasing numbers of campaigns to get people to cycle rather than drive, many are put off cycling because they feel unsafe. One of the things that makes cyclists feel safer on our roads is good visible road markings, e.g. for cycle lanes and advanced stop lines. In many parts of the County these have faded so much as to be almost invisible. How much has been spent in the last two years on this re-marking? Is there any increase in the budget for this? When will our road users see improvements?’

### Reply

‘The benefits of cycling are acknowledged and its increased take-up is encouraged by ECC. In fact a new cycle strategy has been launched and new initiatives are being pursued to provide good quality cycle facilities.

We do not capture costs down to this granular level but during the last 2 years at least £200,000 per annum will have been spent repainting defective lines throughout the county. In addition, many more lines will have been repainted

following surfacing.

We are also keen to push innovation, and therefore during the last 2 years a new road marking product has been used that lasts much longer than traditional products. Although the product is more expensive to install initially it may offer long-term benefits down the line.'

**17. By Councillor Abbott of the Cabinet Member for Highways**

'At the time of writing there are over 40 streetlights showing on the ECC on-line map as not working in the 2 (adjacent) villages of Rivenhall and Silver End. In recent months the number has been even higher than that. Some of these lights have been out for many months and I have received multiple complaints from local residents.

Would the Cabinet Member agree that local people pay their council tax in the expectation that as per ECC policy, these lights should all be on when most needed in the morning and early evenings periods of travelling to/from school, work, etc and that this is particularly the case during the winter months ?

Can the Cabinet Member explain why, despite these street lights having been reported, so many are still not working?'

**Reply**

'We maintain over 127,000 streetlights in Essex. If the issue is a simple bulb replacement, we repair this within an average of 8 days, however some issues are more significant and take more time. We should see an improvement to our performance level as we roll out more and more of the LED Smart Street Lights.

If you'd like to discuss the specific issues in your area, you can come to my Highways Surgery, there are up to three slots available from 12-1pm every Tuesday, except when it clashes with Full Council or Cabinet. Please email me if you would like to book an appointment.'

**18. By Councillor Abbott of the Cabinet Member for Highways**

'Despite having secured the agreement of ECC that work needs to be done to correct various highway defects in the division I represent, the list of outstanding work gets ever longer resulting in residents making complaints and parish councils asking why agreed work that I have reported back to them is still not done. Some cases go back several years. They include work required for safety reasons in Collingwood Road Witham (footway and pedestrian island), Terling (at the ford), Motts Lane Witham (drainage improvements), Hollies Road Bradwell (surface water

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issuing from the road and freezing), etc.

Can the Cabinet Member give assurances that when work is agreed with a local Member, that it is not being "lost in the system"? (as I have to repeatedly chase these outstanding items).

Can the Cabinet Member explain why ECC often declines to give local Members any target date for such work or even a target period?'

### **Reply**

'I can assure you that work does not get lost in the system. As I'm sure you know, works start dates are very subject to change, for a huge variety of reasons: weather, supplier issues, other programmes running late, the opportunity to coincide with other works, etc.

If your issues are unresolved after using the Report It tool and Members Enquiries you can book an appointment at my weekly Highways Surgery. There are up to three slots available from 12-1pm every Tuesday, except when it clashes with Full Council or Cabinet. Please email me if you would like to book an appointment.'

### **19. By Councillor Davies of the Cabinet Member for Environment and Waste**

'Given that the Basildon Tovi Eco Plant has not performed as initially expected, and Cabinet on the 21 February 2017 met to discuss events should the MBT plant become partially or wholly unavailable, would the Cabinet Member please update Council on how much of the £103M waste reserve has been earmarked for possible contingency plans for the site?'

### **Reply**

'The waste reserve was set up to ensure we can meet our obligations over the 25 year life of the PFI contract. It was set up some time ago, anticipating the increasing costs of waste disposal due to both volume and landfill tax increases. The idea is to smooth the year on year increases in cost to the taxpayer with net contributions to the reserve in early years being balanced out by withdrawals later. None of the waste reserve has been set aside for contingency plans for the site at this time.'

### **20. By Councillor Young of the Cabinet Member for Health and Adult Social Care**

'Following the flawed ECC consultation in 2016 asking about reducing the allowances for Disability Related Expenses, when many disabled residents, and their representative organisations, were not consulted; and following the savage cuts to these allowances which have left many disabled persons in non-residential care now desperately short of money; and in view of the current £102,000 budget

underspend gained because of the erroneous budget forecast made for the new charging policy for non-residential adult social care, which underspend is seemingly funded by the disabled;

Will the Council now honour Councillor Finch's professed desire to protect the most vulnerable in Essex by reversing some of the decisions disallowing Disability Related Expenses, and treat the disabled more sympathetically?

**Reply**

'The Council has fully discharged its commitment to protect vulnerable people. We continue to meet need in compliance with the relevant regulations and the provisions of the statutory Care and Support Guidance (Department of Health, 2017), and our charging arrangements are fully compliant with the provisions set out within it.

The consultation undertaken to inform the Cabinet Decision on implementing the charging changes was suitable and proportionate, and all relevant papers were produced, including an Equality Impact Assessment. The process and papers were overseen by the Monitoring Officer in line with the Council's Governance arrangements.'

**21. By Councillor Harris of the Cabinet Member for Culture, Communities and Customer**

'Will the Cabinet Member confirm if there is a download form option on the ECC website for a Disabled Blue Badge, and if so, could it be shared with County members'.

**Reply**

'Several years ago following consultation with customers and user groups the option to download a form was removed and online applications have increased to 60%. Paper copies of the form are still available on request by calling the Customer Service Centre.'