

# Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 10 May 2011

## Present

Chairman: Councillor R L Bass

Vice-Chairman: Councillor K Twitchen

## Councillors:

D Abrahall	R G Gooding	Mrs M A Miller
J F Aldridge	C Griffiths	D Morris
B Aspinell	Mrs E M Hart	A Naylor
Mrs S Barker	A M Hedley	M J Page
L Barton	Mrs T M A Higgins	R A Pearson
J Baugh	Mrs S Hillier	J W Pike
K Bentley	R C Howard	C C Pond
A Brown	N J Hume	Mrs J M Reeves
R G Boyce	A J Jackson	C G Riley
G Butland	E C Johnson	J Roberts
R Callender	J G Jowers	D C F Robinson
S Candy	D J Kendall	J M Schofield
S C Castle	J Knapman	M Skeels
R P Chambers	M C M Lager	T C Smith-Hughes
P Channer	D Louis	Mrs A Turrell
Mrs T M Chapman	J R Lucas	S M Walsh
J A Deakin	G W McEwen	R G Walters
W J C Dick	M Mackrory	Mrs E A Webster
J Dornan	P J Martin	Mrs M J Webster
T Durcan	S Mayzes	Mrs J H Whitehouse
N D C Edey	L Mead	B Wood
M D Fisher	Mrs V Metcalfe	J A Young
M Garnett		



**1. Election of Chairman.**

It having been proposed by Councillor P J Martin and seconded by Councillor R Chambers it was

**Resolved:**

That Councillor R L Bass be elected Chairman of the County Council for the forthcoming Municipal Year.

Councillor Bass made and signed the Declaration of Acceptance of Office and gave a brief statement thanking the Council for his election.

**2. Appointment of Vice-Chairman.**

It having been proposed by Councillor J Jowers and seconded by Councillor A M Hedley it was

**Resolved:**

That Councillor Kay Twitchen be appointed Vice-Chairman of the County Council for the forthcoming Municipal Year.

Councillor Twitchen made and signed the Declaration of Acceptance of Office and gave a brief statement thanking the Council for her appointment.

**3. Apologies for Absence.**

Apologies for absence were received on behalf of Councillors D Finch, Lord Hanningfield, G Mitchinson, Mrs I Pummell and Mrs T L Sargent .

**4. To report the result of the Harlow West Division By-Election held on 5 May 2011.**

The Chairman welcomed Councillor Tony Durcan to the Council having been elected to the Harlow West Division.

**5. Declarations of Interest.**

There were no declarations of interest.

**6. Minutes.**

**Resolved:**

That the minutes of the meeting held on 22 February 2011 be approved as a correct record and signed by the Chairman.

**7. Recent Deaths.**

The Chairman informed the Council with regret of the death of:

- Councillor Margaret Hutchon who died on Saturday 26 March after a long illness. Mrs Hutchon was first elected as a County Councillor on 4 June 2009 to represent the Division of Chelmsford Central. She also was a Borough Councillor and Mayor of Chelmsford 2006/2007. During her time with Essex County Council she was Vice-Chairman of the Children and Young People Policy and Scrutiny Committee, was a member of the Health Overview and Scrutiny Committee and a non-executive member of the Mid Essex Hospital Services NHS Trust.
- former Member Fred Card who died on Wednesday 23 February. Mr Card represented the Bocking electoral division from May 1993 until May 2001. He was also a long-standing member of Braintree District Council of which he was Vice-Chairman from 1998 until 1999 and a magistrate for some 17 years. During his term with Essex County Council he served on a wide range of committees and outside bodies including Highways, Education, Social Services and Community Safety the last of which he was Vice-Chairman from May 1999 until May 2000.

Members stood in silence in memory of the deceased.

**6. Presentation of petitions.**

The Chairman formally received petitions relating to:

- a zebra crossing on Mersea Road, Berechurch, Colchester; presented by Councillor Lynn Barton;
- proposed expansion of gravel pits in Fingringhoe; presented by Councillor Kevin Bentley;
- redirection of a footpath in Colchester; presented by Councillor Theresa Higgins;
- faith school transport; presented by Councillor Ray Howard.

**7 Variation in the order of business.**

The Chairman (in accordance with Standing Order 17.7) varied the order of business to allow the consideration of paragraph 2 of item 2 of the Council Issues Report (and Annex A: Article 9 - Overview and Scrutiny Committees)

being item 17 of Council Business - as the recommendation of that paragraph had a bearing on the subsequent items of business.

**8. Report of Council Issues: Overview and Scrutiny Committees.**

That part of the Council Issues Report relating to item 2 (Overview and Scrutiny Committees) was received.

Having been moved by Councillor J Aldridge and seconded by Councillor W J C Dick and put to the meeting the recommendation to item 2 was approved. Accordingly it was:

**Resolved:**

That the revised Article 9 attached as an Annex to the Council Issues Report be approved.

**9. To receive a statement from the Leader of the Council regarding membership of the Cabinet and Deputies.**

The Leader, Councillor Peter Martin, presented a report announcing changes to the membership of Cabinet and to the Cabinet portfolios.

He paid tribute to Councillor Hume who had held the portfolio for Highways and Transportation for a number of years but was now stepping down from this role. This was, he said, a difficult and very public portfolio that required sensitive handling. He believed that Councillor Hume had exercised these responsibilities in an exemplary fashion and he thanked him for his term of office.

**10. To receive a report from the Chief Executive as to any revisions to the political proportions applying to Committee memberships.**

The Council received a report from the Chief Executive revising the political proportions applying to Committee memberships.

**11. To note the Political Groups' appointments to the following committees and to appoint the remaining members:**

The Council received a report to note the Political Groups' appointments to:

- The Development and Regulation Committee
- The Audit Committee
- The Investment Steering Committee (and thereby County Council representatives on the Essex Pension Fund Board) and

- The Overview and Scrutiny Committees and to appoint the remaining members.

**Resolved:**

That the Political Groups' appointments to Committees be received and that Councillor Pond be appointed a member of the Children and Young People Policy and Scrutiny Committee and Councillor Wood be appointed be appointed a member of the Community and Older People Policy and Scrutiny Committee.

**12. To elect the Chairmen and Vice-Chairmen of committees:**

The Council received a report to elect the Chairmen and Vice-Chairmen of

- The Overview and Scrutiny Committees and
- The Development and Regulation Committee

Having been moved by Councillor P Martin and seconded by Councillor W J C Dick it was

**Resolved:**

That the Chairman and Vice-Chairman of the Overview and Scrutiny Committees and the Development and Regulation Committee be elected as set out in the report presented to Council.

**13. Appointment of County Council representatives on the Essex Police Authority.**

The Council received a report setting out its representatives on the Essex Police Authority. Having been moved by Councillor P Martin and seconded by Councillor W J C Dick it was:

**Resolved:**

That the Council appoint the representatives to the Essex Police Authority as set out in the report presented to Council.

**14. Appointment of County Council representatives on the Essex Fire Authority.**

The Council received a report setting out its representatives on the Essex Fire Authority. Having been moved by Councillor P Martin and seconded by Councillor W J C Dick it was:

**Resolved:**

That the Council appoint the representatives on the Essex Fire Authority as set out in the report presented to Council.

#### 15. **Executive Statements.**

The Leader of the Council, Councillor P Martin delivered an executive statement regarding a review of EssexWorks and indicated that a Council in Committee debate would be held at the July meeting. In accordance with the agreed procedure, Councillor T C Smith-Hughes responded as Leader of the Opposition. The Leader of the Council responded to the matters raised by Councillor Smith-Hughes and then, subsequently, to questions put by other members of the Council.

The statement was received.

#### 16. **Motions.**

There were no motions.

#### 17. **Report of Council Issues.**

The report of Council Issues was received.

Upon being put to the meeting, the recommendations in connection with items 1 (Review of Partnership Working), 3 (scheme of Delegation to Officers – Part 3 of the Constitution), 4 (Membership of the Essex Pension Fund Board), 5 (Councillor Notification to the Information Commissioner) and 6 (Appointments of Independent Member of the Essex County Council and Essex Fire Authority Joint Standards Committee) were approved. Accordingly it was:

#### **Resolved:**

1. That the Area Forums be dissolved and Article 10 and the Area Forum Procedure Rules be deleted from the Constitution.
3. That the Scheme of delegations to Officers contained in Part 3 of the Constitution be amended in accordance with Annex "B" to this report.
4. That the Council approve the following membership structure for the Essex Pension Fund Board:

Representing	No	Term of Office	Comments
Essex County Council	6	4 years (from 16.06.09 until 2013 County Council Elections)	
District/Borough Councils in Essex	2	4 years (from May 2011 until 2015 District/Borough Council elections)	Nominated by Essex Borough and District

Unitary Councils in Essex	2	4 years (from May 2011 until 2015 Unitary Authority elections)	Leaders'/Chief Executives' Meeting One each for Southend-on-Sea and Thurrock Councils
Essex Police Authority	1	4 years, from June 2011 until end June 2015	
Essex Fire Authority	1	4 years, from June 2011 until end June 2015	



Scheme Members	1	4 years from date of appointment	Nominated by UNISON, currently vacant
Smaller Employing Bodies	1	2 years, from Employer Forum 2011 until Employer Forum 2013	To be nominated following voting by eligible employers attending the Employer Forum
<b>Total</b>	<b>14</b>		

**5.**

- (1) That all members of the Council be registered as data controllers (a Councillor who is also a member of another Council need only be registered once) and the County Council support all Members who have not already done so to register.
- (2) That the Council arrange to submit the paperwork and to make the payment (£35 per Councillor – the Members Allowance Scheme makes provision for this expenditure to be reimbursed) direct to the Information Commissioner's Office on behalf of all Councillors.
- (3) That representations be made to the Secretary of State regarding the cost nationally to local government of all councillors having to be registered.

6. That Council approve the appointment of Mr Colin Booth of Chelmsford as a new independent member of the Essex County Council and Essex Fire Authority Joint Standards Committee.

**18. Report of Cabinet Issues.**

The report of Cabinet Issues was received and adopted.

**19. Report of Overview and Scrutiny Issues.**

The Report of Overview and Scrutiny Issues was received and adopted.

**20. Questions to the Leader of the Council, Cabinet Members and Committee Chairmen**

Members responded to questions as follows:

- (i) Speech and Language Therapy (Councillor C C Pond of the Cabinet Member for Children's Services)

The Cabinet Member, with reference to a recent meeting that had taken place, informed the Members that a report was being drafted by officers.

- (ii) Highways and Transportation – the Harlow Area Office (Councillor D J Kendall of the Cabinet Member for Highways and Transportation)

The Cabinet Member stated that recent problems at the Highways Area Office were being resolved. There were measurable improvements and all urgent cases had now been resolved.

- (iii) Financial pressures on secondary schools this year and the issue of 'at risk' notices to staff (Councillor M Mackrory of the Cabinet Member for Education and the 2012 Games)

The Cabinet Member shared the concerns of Councillor Mackrory that a lack of timely significant financial information received had impacted upon schools' ability to make decisions about ongoing staffing levels and had necessitated the issue of 'at risk' notices. This was a matter about which he was making representations to the Secretary of State.

- (iv) Epping Parking Review delays (Councillor Mrs J H Whitehouse of the Cabinet Member for Highways and Transportation)

The Cabinet Member outlined the latest position.

- (v) Reported problems with using the automated reply system of the West Essex Highways Office (Councillor J Knapman of the Cabinet Member for Highways and Transportation)

The Cabinet Member agreed to investigate.

- (vi) Lack of consultation about the removal of school crossing patrol at Abbots Weld Primary School in Harlow (Councillor T Durcan of the Cabinet Member for Highways and Transportation)

The Cabinet Member agreed to investigate.

## **21. Written Questions (Standing Order 17.11.3)**

### **(1) By Councillor David Kendall of the Deputy Leader and Cabinet Member for Finance and Transformation Programme**

'How much money has Essex County Council spent on Consultants, Interim and Agency Staff over the last three years? Can Members please be provided with a breakdown of these costs by category for each year?'

### **Reply**

The use of consultants can be a cost-effective way of accessing professional expertise in relation to short-term or one-off pieces of work.

In order to respond to this enquiry it is necessary to define the three categories of spend under consideration. The term “consultants” is taken to mean the use of firms providing specialist support or additional capacity, usually on the basis of supporting a defined outcome or piece of work, even if the price is expressed in terms of a daily rate. These could be architects, engineers, financial advisers or management consultants. Payment will be by way of an invoice through the payments system.

“Agency staff” is a term used to describe temporary staff employed via a third party agency. This is usually to fill gaps where permanent staff cannot be secured quickly enough or where additional capacity is needed to support work in a time of high demand. At ECC most of the agency staff are employed through our partner, Capita. The rate charged is an inclusive rate to the Council, including the cost of National Insurance, the commission to the agency and an allocation which represents the staff right to paid annual leave. So it is important to remember, if comparing rates with direct salaries that the two need to be compared in light of this information. It should be noted that in most cases, the cost of employing staff through this arrangement is funded through the budget made available to support the (unfilled) permanent post.

The final category of “interim” staff is not in itself entirely separate from other staff categories. The term is used to describe generally more senior staff temporarily employed through a variety of means. This could either be directly via the payroll under a temporary contract or via an agency arrangement as described above. Therefore it is not possible to use this as a separate category of spend as there is an overlap with the agency category.

The table below details the revenue expenditure by Essex County Council (excluding schools) on Consultants and Agency Staff during each of the years requested. Please note the information supplied for 2010/11 is as at 28 April and may be subject to change during the closing of the Council's Accounts:

Area of Expenditure	Year		
	2008/09	2009/10	2010/11
Consultants	£21,038,737	£39,396,128	£24,126,178
Agency Staff	£24,120,615	£31,302,494	£33,710,084
<b>Total</b>	<b>£45,159,353</b>	<b>£70,698,622</b>	<b>£57,836,262</b>

It should be noted that the above figures include £2.673m and £2.759m for financial years 2008/09 and 2009/10 respectively relating to major projects i.e. Capital/Construction/Waste programme contracts which are supported by consultants in the normal course of business.

Consultants help the Council go through complex projects that need to be successful but for which we have no or inadequate in-house capacity or capability. In some areas consultants are essential to delivering the schemes that are helping the Council save money, for example PwC are helping to deliver the New Ways of Working project that will contribute significantly towards our savings that will mean the Council can concentrate spending on our frontline services.

During times of change it is typical that spending on agency and interim staff may increase as posts are filled temporarily while restructures take place. This avoids redundancy or redeployment costs. Rigorous controls are in place around the recruitment of temporary staff.

**(2) By Councillor David Kendall of the Cabinet Member for Highways and Transportation**

'When do you envisage the funding being available, and work actually starting, on the mini-roundabouts that are desperately needed at:-

- the 'Devils Head Crossroads' in Warley Brentwood, and
- the junction of Ongar Road / Sandpit Lane in Pilgrims Hatch, Brentwood?'

**Reply**

The 'Devils Head Crossroads' Brentwood is part of the 2011/12 Capital Scheme Programme for Brentwood. This site was previously identified by the Road Safety Team for remedial action. Brentwood Borough Council Local Highways Panel believed that the solution should be a solid island roundabout. Following investigation the Local Highways Panel was advised that the implementation costs are not justified on a cost/benefit analysis. Whilst some Brentwood Members wished to pursue mini roundabouts to reduce costs, they were advised that this could not be achieved for technical reasons as it is not possible to achieve the required entry/through deflection with a mini roundabout. In addition, the Devil's Head crossroads is in a rural location with existing 60mph speed limit and mini roundabouts are not permitted on any roads where the speed limit is above 30mph.

A sum of £50k has been budgeted to implement a Vehicle Activated Signs (VAS) scheme at the 'Devils Head Crossroads' and officers are in discussions with EDF Energy to ensure there is a sufficient power supply and we expect this to be operational in Summer 2011.

The A128 Ongar Road/Sandpit Lane, Brentwood junction scheme is part of the 2011/12 Capital Scheme Programme for Brentwood.

In this case the Local Highways Panel's suggested solution was a mini-roundabout but following engineering investigation it was found that a mini-roundabout would not be suitable for this location. The main reasons for this are:

- Insufficient space available to implement mini roundabout
- 4 arm mini roundabouts are generally ill advised in line with current national guidance
- ECC Safety Audit team cannot recommend roundabouts at The Devils Head Crossroads or at the junction of Ongar Road / Sandpit Lane because four-way mini roundabouts would be formed which increase the potential for crossover type collisions.

The following remedial actions were carried out:

- Zebrite belisha beacons have been installed to increase crossing visibility
- Re-mark all existing road markings 100m each side of the junction and on both side road approaches
- Vegetation has been cut back in Ongar Road north of the junction, especially growth around base of trees
- Vegetation has been cut back in Sandpit Lane that was obscuring existing signage on approach to junction.

## **22. Questions to the Essex Police Authority Representative**

On behalf of the Council, the Chairman congratulated Councillor A Jackson on his election as Chairman of the Essex Police Authority.

The report of the Authority's meeting held on 14 March 2011 was received. Councillor A Jackson, Chairman of Essex Police Authority, responded to matters raised.

## **23. Questions to the Essex Fire Authority Representative**

The report of the Authority's meeting held on 9 February 2011 was received. Councillor A M Hedley, Chairman of Essex Fire Authority, responded to matters raised.

The meeting closed at 12:30pm

Chairman  
12 July 2011