

Place Services and Economic Growth Scrutiny Committee

13:30	Thursday, 22 June 2017	Committee Room 1, County Hall, Chelmsford, CM1 1QH
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Quorum: 5

Councillor E Johnson
Councillor T Ball
Councillor S Canning
Councillor M Durham
Councillor R Gadsby
Councillor S Hillier
Councillor P Honeywood
Councillor D Kendall
Councillor B Massey
Councillor C Pond
Councillor R Pratt
Councillor A Sheldon
Councillor W Schmitt
Councillor J Young

Chairman

For information about the meeting please ask for:

Robert Fox, Scrutiny Officer
Lisa Siggins Committee Officer
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www.essex.gov.uk/scrutiny



Essex County Council

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Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

		Pages
1	Apologies for Absence	
2	Declarations of Interest To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
3	Membership To note the membership of the Committee, as listed on the front page of this agenda. Councillor Eddie Johnson was appointed Chairman of the Committee at Full Council in May 2017.	
4	Appointment of Vice-Chairman To appoint Vice-Chairmen of the Committee	
5	Committee Terms of Reference To note the Committee's Terms of Reference, as set out in report PSEG/13/17.	5 - 6
6	Minutes To approve as a correct record the Minutes of the meeting held on 23 March 2017.	7 - 14
7	Questions from the Public 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. On arrival, and before the start of the meeting, please register with the Committee Officer.	
8	To note any existing business	
9	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.	

10

Dates of Future Meetings

To agree at the meeting the Committee meeting dates for the forthcoming year.

Exempt Items

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

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

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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.

		AGENDA ITEM 5
		PSEG/13/17
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	22 June 2017	
COMMITTEE TERMS OF REFERENCE		
Enquiries to:	Robert Fox, Scrutiny Officer 033301 34585 robert.fox@essex.gov.uk	

Below is an extract of the County's current Constitution laying out this Committee's terms of reference as follows:

9.5.3 Place Services and Economic Growth Scrutiny Committee
Membership: 14 members

- The economy of Essex
- Economic development and regeneration
- Employment related Skills and apprenticeships
- Strategic Highways and transportation
- Heritage, Culture and the Arts
- Tourism
- Country Parks and other green assets
- Library services
- Broadband and public communications infrastructure
- Planning
- Environmental services
- Community Safety (not Domestic Violence or Youth Offending Team)
- Emergency Planning
- Waste and recycling
- Energy and emissions reduction
- Trading standards
- Housing
- Gypsies and travellers

The Council meeting of 16 May 2017 appointed fourteen County Councillors to the Committee as follows:

Name of Councillor	Division
Tony Ball	Wickford Crouch
Stephen Canning	Bocking
Mark Durham	Heybridge and Tollesbury
Ricki Gadsby	Waltham Abbey
Stephen Hillier	Pitsea
Paul Honeywood	Clacton West
Eddie Johnson	Harlow South East
David Kendall	Brentwood South
Bob Massey	South Woodham Ferrers
Chris Pond	Loughton Central
Ron Pratt	Southminster
Andrew Sheldon	South Benfleet
Wendy Schmitt	Braintree Town
Julie Young	Wivenhoe St. Andrew
Named substitutes:	
Terry Cutmore	Rochford North
Dave Harris	Maypole
Stephen Robinson	Chelmsford North
Chris Whitbread	Epping and Theydon Bois

(Councillors divisions have been included for information):

Minutes of the meeting of the Place Services and Economic Growth Scrutiny Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Thursday, 23 March 2017

Present:

Councillor D Louis (Chairman)	Councillor D Kendall
Councillor K Bobbin	Councillor C Pond
Councillor T Cutmore	Councillor S Robinson
Councillor I Grundy	Councillor A Turrell
Councillor C Guglielmi	Councillor K Twitchen
Councillor T Hedley	Councillor A Wood

Also in attendance: Councillor Mackrory

The following officers were present in support throughout the meeting:

Christine Sharland - Scrutiny Officer
Lisa Siggins - Committee Officer

1 Westminster Terror Attack on 22 March 2017

At the start of the formal meeting, the Chairman announced that there would be a minute's silence so that the Committee could pay its respects to the victims of the previous day's attack in Westminster, London.

2 Declarations of Interest

With reference to Minute 9 Councillor Kendall declared a personal interest in that he is a Trustee of Brentwood Community Transport. He informed the Committee that he had been advised by the Monitoring Officer that for this item he could remain in the room, speak as a 'witness' if the person calling in the decision asked him to but cannot attend as a member of the committee and cannot vote.

3 Apologies for Absence

Apologies were received from Councillor Barker.

4 Minutes

The Minutes of the meeting held on 23 February were agreed as a correct record and signed by the Chairman.

With reference to Minute 2 Councillor Kendall confirmed that he is in fact the Chairman and not the Secretary of the Brentwood Bus and Rail Users Association.

With reference to Minute 5 Councillor Pond wished to record that he had expressed concern about the Ofsted report into Epping Forest College, as well as Essex Adult Community Learning.

5 Questions from the Public

There were no questions raised by members of the public.

6 Tackling the Illegal Disposal of Waste at RCHW Centres: Progress report on operational changes to recycling centres

The Committee considered report PSEG/12/17 and received a briefing from Councillor Walsh, the Cabinet Member for Environment and Waste, and Jason Searles Head of Commissioning for Sustainable Essex Integration & Waste.

On 12 September 2016 (Minute 7) the Committee received a report setting out the call in and the subsequent withdrawal of that call in by Councillor Chris Pond of decision FP/566/08/16 Tackling the illegal disposal of waste at RCHW centres (Recycling Centres for Household Waste). At that time Councillor Walsh, had undertaken to report back to the Committee on the implementation of the decision.

On 31 October 2016, a number of operational changes were implemented across the County Council's twenty-one recycling centres for household waste (RCHW).

Councillor Walsh provided a detailed progress report for this meeting, attached at the Appendix to Report PSEG/12/17 that set out the impact of the changes so far.

The briefing included information on the following issues:

- **Overall impact** - Across the target group of materials (soil, hardcore wood, garden waste and residual waste) the changes had delivered a reduction of 5,564 tonnes deposited at RCHWs across the first three months, which represented a 21.7% reduction in these materials.
- **Fly tipping** - The Committee sought information on whether or not there had been an adverse impact on fly tipping. They were advised that the County Council had requested data from local councils relevant to the review period of this report. None of those who responded reported any material increase that could be associated with the RCHW changes.

It was acknowledged that the county is currently suffering an epidemic of large-scale fly-tips by nefarious commercial operators, both in-county and emanating from the east London boroughs. It was noted that Chelmsford City Council had successfully prosecuted several incidences of fly tipping

that had been reported in the press.

- **Site staff experiences** - At a small number of large sites, there has been an increase in reports of unacceptable behaviour by customers. Pitsea RCHW has seen the worst instances of such behaviour. It was confirmed that the County Council is working with the contractor to ensure the right level of support to site staff remains in place. The safety of staff remains a priority for all parties.
- **Raising public awareness** - There was agreement that more could be done to highlight to residents the new arrangements at RCHW sites. It was confirmed that a further period of marketing and user education activity will be launched in the lead up to Easter and through the May Bank Holidays, traditionally the start of the peak season

Members drew attention to some incidences where residents had encountered difficulties when trying to use RCHW facilities. Consequently it was felt that there needed to be more effective promotion of information on different types of waste that would be accepted at individual RCHW sites, and that domestic users should not be discouraged.

During discussion Councillor Walsh indicated that he would provide Members with a further update later in the year.

Councillor Pond put forward a motion, that was seconded by Councillor Bobbin, that 'the Committee notes report PSEG/12/17 and applaud the efforts to improve the disposal of trade waste but calls upon the Cabinet Member to convert selected additional small sites to hybrid status as has been done with the Rayleigh site'. However upon a vote being taken by the Committee the motion was declared to be lost.

On behalf of the Committee the Chairman thanked Councillor Walsh and Jason Searles for attending the meeting, and providing the update on changes to the RCHW service.

7 Work Programme

The Committee noted that today would be its last formal meeting until after the County Council elections in May. Its past work would be reviewed over the next few months as part of the consideration of a new work programme

8 Date of Next Meeting

The Committee noted that the next Committee activity day is scheduled for Thursday 25 May 2017, which is after the County Council elections.

9 Urgent Business

With the agreement of the Chairman the Committee considered the call in of

decision FP /778/03/17: Community Transport Funding 2017/18, that occurred after the publication of today's agenda. Background on the call in had been circulated prior to the meeting in report PSEG/13/17.

On 20 March 2017 Councillor Stephen Robinson called in the above decision, a copy of his Notification of Call In that sets out the reasons for his action was attached to report PSEG/13/17, together with the proposed decision, the Equality Impact Assessment, and a copy of a letter dated 14 March from the County Council's Passenger Transport Team to Brentwood Community Transport Limited giving details of the grant allocation.

The Chairman welcomed everyone to the meeting. He advised that Councillor Johnson, Cabinet Member for Highways and Transport was unable to attend the meeting at short notice due to prior commitment. However, it had been agreed that the Cabinet Member would be represented by key officers namely Helen Morris, Director for Place Commissioning: Connectivity, and Deborah Fox, Head of Commissioning Connected Essex Infrastructure.

The Chairman invited Councillor Robinson to introduce the reasons for his call in.

Councillor Robinson confirmed his four reasons for calling in the decision as set out in his Notification of Call In. He stressed that he felt it unreasonable that Community Transport providers had received just over two weeks' notice of the reduction in funding. He did not feel that providers had been given sufficient time to adjust to the cuts and vulnerable residents would suffer as a result. He asked for clarification on the consultation that had taken place with the service providers. He then proceeded to invite three witnesses to address the Committee in support of the call in.

- **Tina Tickner, Brentwood Community Transport**, advised that she had attended recent workshops and met with Councillor Johnson, the Cabinet Member. Whilst some level of cuts had been expected, a reduction of over 14% was more than anticipated and would have an adverse effect on services and a huge impact on vulnerable, isolated residents who rely on community transport. She asked for details of the County Council's response to the impact that the grant reduction would have.
- **Malcolm Barrell, Community Transport, Uttlesford** endorsed the concerns of Ms Tickner and stressed that community transport brought communities together. He advised that services are provided by both paid staff and volunteers, and the high level of funding cuts would result in a reduction of services with an impact on the most vulnerable residents across the County including those who rely on the services to attend day care centres and hospital appointments.
- **David Kendall, a Trustee of the Brentwood Community Transport** pointed out that funding is vital for any organisation to operate services. He felt that the delays encountered were unreasonable and that service providers should have received prior notification of the funding cuts. He

stressed that a cut of 14.4% was not a "medium" sized cut and would have a huge impact on the most vulnerable members of communities across the County. He did not feel that a proper consultation process had taken place.

Note that for this item Councillor David Kendall was in attendance as a witness and not as a member of the Committee itself as highlighted in Minute 2 above.

Following the presentation of the case made for calling in the decision, the Chairman proceeded to invite Helen Morris and Deborah Fox, to respond on behalf of the Cabinet Member to the reasons given for the call in:

- **The delay in the Community Transport Providers being given details of their grant**

There are ten community transport providers within the county, and the County Council proposes to invest £1.2 million of funding towards these services in 2017/18. Full details of the actual cuts were not available until after the Council's budget was approved on 14 February, and the due processes that needed to be followed could not be triggered any sooner.

At the meeting it was highlighted that the County Council had been in ongoing discussion with providers over the past two years regarding likely funding cuts. During that time individual providers had modelled the impact of reduced funding upon their services. Braintree Community Transport had undertaken a local public consultation.

Given the variation in local conditions and diversity in the way that the providers operate, a formal county wide consultation would have been inappropriate and would have produced limited understanding upon the local impacts. Consequently the emphasis was upon working with individual providers, and why the letters accompanying confirmation of funding for 2017/18 sought feedback on the anticipated impact of that funding.

- **The basis of the 14.4% reduction in the grant and the size of the reduction**

The officers pointed out that there has been a variety of reactions from the different Community Transport providers with some being more positive than others. In the overall context of passenger transport, the community transport budget had received some protection from funding cuts in previous financial years and that the proposed cuts were smaller than other cuts in that budget. It was pointed out that Community Transport is a discretionary and not a statutory service.

- **What assessment has been made by the County Council as to the effect this 14.4% reduction in grant is going to have on providing transport services to some of the most vulnerable members of the community, including action plans and service level agreements?**

The officers pointed out that the letters sent to providers requested details to be provided of the impact that the funding cuts would have, thereby enabling the Council to provide guidance and support as appropriate. The ten Community Transport providers are unique organisations and the impact of the cuts would vary and not necessarily result in reductions in services. Indeed, one service provider had responded that there would not be any reduction in services as they had mitigated their reduction due to the previous two year discussion process.

The officers confirmed that the County Council would continue to work with Community Transport providers to consider the impact of changes upon individual schemes; multiyear deals rather than single year ones; and the phasing of the funding in a way that may help the providers address reduced funding from ECC. They stressed the importance of working with individual providers in order to understand local conditions to shape service level agreements, and share good practice across the county.

During consideration of the evidence put forward by all parties, the Committee took into account all the various information submitted for its attention. It was noted that discussions with the community transport organisations had been ongoing both individually and collectively, and the likelihood of a reduction in funding had been part of those discussions thus enabling business planning preparations to be made.

The Committee's scrutiny of the decision had also drawn attention to the possibilities around multiyear funding to enable the providers to enhance their business planning in the future, and the phasing of funding to mitigate the impact of this year's funding cuts.

Overall there was support for the services provided through community transport, and the County Council was continuing to work with providers to mitigate the effects of cuts in funding and share good practice.

Councillor Robinson put forward a motion, that was seconded by Councillor Bobbin, that the decision be referred back to the Cabinet Member asking him to delay the implementation of the cut in community transport grant, to enable transport providers to maintain services while planning for the cuts, and for officers to offer support on how to make good the shortfall in their grant. However upon a vote being taken the motion was lost.

Councillor Twitchen put forward a motion that was seconded by Councillor Grundy, that the decision be implemented without further delay. Upon a vote being taken this motion was declared to be carried. Councillors Bobbin, Robinson and Turrell wished to record formally that they voted against the motion in question.

Following the motion being won, there was a brief discussion where the Committee welcomed the Passenger Transport officers' undertaking that their Team would continue to work with Community Transport providers as outlined in this minute to mitigate the implementation of the cuts, and to share good practice across Essex.

There being no further urgent business the meeting closed at 12.42 pm.

Chairman

