

# Summons

To all Members of  
Essex County Council

You are hereby summoned to attend the meeting of the County Council to be held as shown below to deal with the business set out in the Agenda.

<b>10:00</b>	<b>Tuesday, 14 July 2015</b>	<b>Council Chamber, County Hall, Chelmsford, Essex</b>
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**Margaret Lee**  
**Executive Director for Corporate and Customer Services**

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This meeting is open to the public and the press.

The agenda is available on the Essex County Council website, [www.essex.gov.uk](http://www.essex.gov.uk). On the home page select 'Your Council' and then 'Meetings and Decisions'. Finally, select 'Full Council' on the date shown above from the meeting calendar.

The agenda and associated documents may be requested in alternative formats such as large print, Braille and on disk.

Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.



Essex County Council



**Prayers** The meeting will be preceded by Prayers led by The Reverend Canon Carol Smith, Vicar of Moulsham St John's & Moulsham St Luke's, Chelmsford; Chaplain to Chairman of the Council & Workplace Chaplain, Essex County Hall.

**Public Questions** A period of up to 30 minutes will be allowed for members of the public to ask questions on any business of the Council (Standing Order 16.12.10). No question shall be longer than three minutes and speakers must have registered with the clerk no later than 7 calendar days before the date of the meeting. On arrival, and before the start of the meeting, registered speakers must identify themselves to staff in order to be seated.

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<b>1        Apologies for Absence</b>	
<b>2        Declarations of Interest</b> To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
<b>3        Confirmation of the minutes of the meeting held on 12           May 2015</b>	<b>5 - 26</b>
<b>4        Chairman's Announcements</b>	
<b>5        Receipt of petitions and deputations (if any)</b>	
<b>6        Executive Statements</b>	
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<b>11</b>	<b>To receive a report of matters reserved to the Council and to consider any recommendations</b>	<b>47 - 48</b>
<b>12</b>	<b>Questions (Standing Order 16.12)</b>	
<b>a</b>	<b>Written Questions and Answers</b>	
<b>b</b>	<b>Questions of the Leader and Cabinet Members</b>	
<b>c</b>	<b>Questions of the Representative of the Police and Crime Panel</b>	
<b>d</b>	<b>Questions of the Representative of the Essex Fire Authority regarding the Report to Constituent Authorities June 2015</b>	<b>49 - 54</b>

# Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 12 May 2015

## Present

Chairman: Councillor N Hume

Vice-Chairman: Councillor J F Aldridge

## Councillors:

J Abbott	K Gibbs	R A Madden
B Aspinell	A Goggin	M Maddocks
S Barker	R J Gooding	M McEwen
R L Bass	I Grundy	M McGeorge
A Bayley	C Guglielmi	V Metcalfe
K Bentley	D Harris	A Naylor
D Blackwell	A M Hedley	Lady Newton
K Bobbin	I Henderson	M J Page
R G Boyce	T M A Higgins	J W Pike
A Brown	R Hirst	C Pond
M Buckley	P Honeywood	J M Reeves
G Butland	R C Howard	S Robinson
S Canning	M Hoy	C Seagers
J Chandler	J Huntman	K Smith
P Channer	A Jackson	J Spence
K Clempner	E C Johnson	A Turrell
T Cutmore	J G Jowers	K Twitchen
M Danvers	D J Kendall	S Walsh
J Deakin	J Knapman	R G Walters
M Ellis	N Le Gresley	J Whitehouse
A Erskine	S Lissimore	A Wood
D Finch	D Louis	J A Young
R Gadsby	M Mackrory	

**Prior to the meeting:****Prayers**

The meeting was preceded by prayers led by The Reverend David Tudor, Rector of Canvey Island and Rural Dean of Hadleigh.

**Public Questions**

The Chairman welcomed the six members of the public registered to speak on the issue of Home to School Transport and those watching from the public galleries.

- a) Paul Beard Elmstead Parish Councillor, representing the families of Elmstead asked:  
'Could you please explain why reducing the cost of home to school transport is more important to Essex County Council than the safety of our children? In Elmstead our children have traditionally attended the Colne Community School in Brightlingsea and have done so by using a free private bus. We are now told that the only way we can continue to receive free travel is by attending our nearest school which is Colchester Academy. To enable our children to get to the Colne Community School they would need to use public transport where no-one has been 'vetted' on the bus. They would then get off the bus at a location where an unsolved murder is still ongoing and wait for a second bus in order to get to their school. This journey to be undertaken by these pupils as young as eleven will at certain times of the year be in the dark. We call for this policy to be suspended and reviewed.'

Councillor J Young declared a personal interest as a governor of Colchester Academy.

- b) Councillor Kevin Read, Mayor of Wivenhoe asked:  
'How can hard-working families, earning less than the national average wage, afford to pay to send their children to the school of their choice? How does imposing this lack of choice align with the National Policy Framework that states that parents should be permitted to choose their child's school? Can you confirm that the tender process to provide buses to Colchester Academy has started and will be completed before the start of the academic year? We request that this policy be suspended pending re-consultation.'
- c) Councillor Andrea Vaughan of Wivenhoe Council, representing Broomegrove Junior and Infant School parents asked:  
'Can you advise us if this divisive policy abandons Essex County Council's 'Safe Routes to School Policy'? There is considerable fear amongst those parents affected by this policy and we would be grateful to hear the views of members of Essex County Council's Cabinet on how they would send their children or grandchildren to school. We also understand that the private commissioned bus to the Colne Community School is almost twice the price of the public bus fare and so parents will inevitably choose a public bus or drive them to school adding to traffic congestion. Can you promise that additional funding will be allocated to safety issues, in particular to install a pedestrian crossing outside Colne Community School? We request that the policy be suspended and reviewed.'

- d) Councillor Asa Aldis of Wivenhoe Council, a parent and representing parents of children at Broomegrove Infant School, asked:  
'How the relationship was being changed by this policy between Wivenhoe feeder schools used by children in the Wivenhoe community. Currently these feeder schools get an allowance because of their relationship with the Colne Community School. Can the Cabinet Member please give an assurance that this relationship will continue to be supported and what measures will it put in place to ensure that the school transport policy will be adjusted to take account of the new arrangements? I also ask for this policy to be suspended and for the consultation to be undertaken again at a time when parents are able to respond.'
- e) Ann Hooks, Chair of 'Rayne Against School Transport Cuts' asked:  
'That the Cabinet Member for Education note that the new transport policy was flawed in many respects. The justification and detail of the financial savings were insufficient to enable an informed decision and off-set by the increased financial burden on hard-pressed families. There are inconsistencies and contradictions between the School Transport Policy and the Essex Transport Strategy. It would appear that priority admission schools are no longer taken into account when considering school transport. There is a failure to recognise and accept the consequence of a lack of infrastructure and the consequential increases in traffic. There is little or no consideration of the health and safety of our children going to school. At the time of the decision being made there were no details of the walking routes made available. The consultation process was compromised with correspondence sent to schools during the school holidays and this was a factor in the lack of distribution and why few parents responded. Of those responses that were received 72% rejected the proposal. How is it that there was still a subsequent change to the School Transport Policy? I request a review of the policy, a delay to the implementation of the new policy and a re-consultation.'

With the approval of the Chairman Ann Hooks presented a petition, signed by local residents and businesses urging a review of the Policy. The Chairman passed the petition to the Cabinet Member.

- f) Louise Cook, a parent of a child at Broomegrove Junior School asked:  
'Have the Conservative-led administration abandoned the concept of parental choice? Why would any parent choose Colchester Academy that isn't performing well rather than Colne Community School which is outstanding?'

The Chairman called upon Councillor R Gooding, Cabinet Member for Education and Lifelong Learning to respond.

The Cabinet Member thanked the public speakers for their questions. Whilst recognising that it was a contentious issue he hoped his responses would bring clarity to the points that had been raised. He stated that:

- the new policy was not just to ensure savings but also to bring equity across the County where there have been a number of different arrangements for home to school transport. These differences had meant that some parents could avail themselves of free home to school transport for journeys to as many as seven

schools, whereas in another part of the County it was only available for journeys to perhaps one school. This has led to complaints.

- He understood the issue that had been raised concerning the safety of routes to school but as the Cabinet Member responsible for school transport such matters had been taken into account when framing the new policy and so he believed that any such concerns were misplaced.
- The setting of thresholds for families to receive relief was not a matter for the County Council: such thresholds were determined by Parliament.
- There had been a number of references to 'choice' that appeared to imply that anyone could have whatever they wished. In fact, legally, parents are permitted to 'express a preference' for pupils to go to a particular school. But if those schools are full, unfortunately that expressed preference cannot always be met.
- For clarification, the statutory provision requires local authorities to provide transport to persons who are 'entitled'. What is being defined by the revision to the policy is who might be so entitled.
- There have been calls for the implementation of the policy to be suspended. This would be very difficult as we had 15,400 children who made the change from primary to secondary schools. For those who read and understood the policy and then made their decision, it would be unreasonable to overturn the policy and undermine those decisions.
- Regarding the suggestion that the Council is abandoning the 'Safe Routes to School Policy', we are not suggesting that children from Wivenhoe should walk to the Colne Community School but it is a responsibility of parents of children who are not entitled to free home to school transport to make arrangements for transport.
- There was also mention of the provision of a crossing outside the school but this was not a matter that fell within his portfolio but he was sure that the relevant Cabinet Member would be pleased to discuss the matter with parents.
- Concerning the relationships with local feeder schools, the policy quite clearly states that catchment areas are no longer relevant. To change this at this stage would disadvantage those parents who have already expressed their preferences.
- It was suggested that the consultation process was flawed but there had been extensive consultation on this matter dating back to the middle of 2013. Schools were advised, there was a consultation period, two periods of scrutiny, the policies called in and widely discussed. This year we sent out information advising parents what they should consider when expressing their preferences and believed there was little more that could be done. In consequence he could not accept that the consultation was flawed.
- The Council absolutely supports the concept of parents expressing their preferences in the best interests of their children but that preference must take into account the issue of how their children might travel and the documentation used by parents for that purpose sets that out clearly. He re-iterated that in this regard so-called 'catchment' was not relevant as, of the 78 secondary schools in the County, 76 determine their own admission policies and any catchment areas.
- He was sorry that the representatives present were dissatisfied but he was confident that the new policy was the right one for Essex.



**The Chairman formally opened the meeting.****1. Election of Chairman**

It having been proposed by Councillor K Bentley and seconded by Councillor R Walters it was

**Resolved:**

That Councillor N Hume be elected Chairman of the County Council for the forthcoming Municipal Year.

Councillor Hume made and signed the Declaration of Acceptance of Office.

**2. Appointment of Vice-Chairman**

It having been proposed by Councillor D Finch and seconded by Councillor R Bass it was

**Resolved:**

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

Councillor Aldridge made and signed the Declaration of Acceptance of Office.

**3. Apologies for Absence**

Apologies for absence were received on behalf of Councillors W Archibald, M D Fisher, J Lodge and P Oxley.

The Chairman informed Council that Councillor Archibald was currently recovering in hospital having broken a hip and he intended on behalf of the Council to send him best wishes for a speedy recovery.

**4. Return of Members Elected and Political Proportionality**

The Chief Executive presented a report announcing that Councillor Stephen Canning had been returned as the Member for the Bocking Division at the By-Election held on 5 March 2015 and setting out the results of the review of political proportionality triggered by Councillor Finch, the Leader of the Conservative Group giving notice that Councillor Canning would be a member of the Conservative Group on the Council.

**Resolved:**

That the revised political balance of the Council be noted.

**5. Declarations of Interest**

Councillor Young declared a personal interest as her son was a pupil at the Sixth Form College in Colchester and she had asked written questions of the Cabinet Member for Highways and Transportation relating to pedestrian crossings in Colchester and the Sixth Form College.

**6. Minutes of the meeting held on 10 February 2015****Resolved:**

That the minutes of the meeting held on 10 February 2015 be approved as a correct record and signed by the Chairman.

**7. Chairman's Announcements****Audio Recording**

The Chairman informed members that there would be a trial audio recording to test the equipment. The proceedings would not be streamed live or the recording subsequently made available online. If successful, audio recording and streaming would take place from the next meeting of Council in July.

**Magna Carta**

The Chairman reported that a number of activities were planned relating to the 800th anniversary on 15 June of the signing of Magna Carta. Various events had been organised by the councils in Essex, libraries and schools and in particular he noted that the Magna Carta was an important milestone in the history of democracy and free speech.

**Award to the Essex Pension Fund Board**

The Chairman invited Councillor Bass, Chairman of the Essex Pension Fund Strategy Board to present an award made to the Fund in late February. Councillor Bass asked the Chairman to note that this was the second award that had been won by the Fund this year. In February the Essex Pension Fund was named as the "Defined Benefit Pension Scheme of the Year" at an annual awards event organised by the publication Pensions Age. The award had been won in the face of serious competition from eight other schemes and required a demonstration of excellence in service provision and investment performance, commitment of the scheme members, innovation and an understanding of the changing needs of the UK pension market. This was the third major national award the fund had won in the last 18 months. He asked that the Chief Executive would pass on congratulations to the Fund officers, particularly Kevin McDonald, Director for the Essex Pension Fund. Councillor Bass also wished to place on record his appreciation of the commitment of elected members of both the

Pension Board and the Investment Steering Committee. The Chairman received the award and congratulated Councillor Bass.

### **The Local Government Information Unit Councillor Achievement Award**

The Chairman invited Councillor Aldridge to present the Local Government Information Unit's Councillor Local Growth Achievement Award to Councillor Bentley who had been recognised for outstanding work in creating jobs and bringing investment into Essex. Councillor Aldridge noted that Councillor Bentley's tireless approach in establishing the Essex Employment and Skills Board had been identified as a best practice model for other authorities and mentioned other initiatives such as the Digital Skills for Growth Programme. Members were advised that Councillor Bentley had beaten fierce competition from Councillors across the country to win the award.

Councillor Bentley accepted the award, dedicating it to the team of officers that undertook the work of economic growth in Essex. He paid tribute to two other officers, Toni Hoult and Dan Taylor in the Cabinet Office.

### **VE Day Anniversary**

The Chairman informed members that on the evening of 8 May at Weald Park in Brentwood a beacon had been lit to commemorate the 70<sup>th</sup> anniversary of VE Day.

### **Resignation of the Chief Executive**

The Chairman announced that Joanna Killian, the Chief Executive, was leaving Essex County Council on 7 May. He paid tribute to her contribution to the success of the Council over the last nine years and presented her with a bouquet of flowers.

At the invitation of the Chairman, Councillor David Finch, the Leader of the Council also paid tribute to her leadership and advocacy and the service she had given to the people of Essex. He listed her achievements and his words were echoed by the Leader of the Liberal Democrat Group, Councillor Mackrory and the Leader of the Labour Group, Councillor Young.

The Chief Executive, Joanna Killian thanked members for their kind words.

## **8. Interim arrangements pending the recruitment of a new Chief Executive**

Councillor Finch, the Leader of the Council presented a report detailing the Interim arrangements and constitutional changes required pending the recruitment of a new Chief Executive.

### **Resolved:**

1. That the following people be appointed to act as Head of the Paid Service during the periods shown in the table, or until such time as a new Chief

Executive is appointed Head of the Paid Service by Council and takes up post:

Period	Interim Head of the Paid Service
From the departure of Joanna Killian until 31 August 2015	Margaret Lee
1 September – 30 November 2015	Dave Hill
1 December 2015 – 29 February 2016	Keir Lynch
1 March – 31 May 2016	Sonia Davidson-Grant

2. That the Constitution be amended by the Monitoring Officer to make it clear that at any time when there is no Chief Executive in post any references in the Constitution to the Chief Executive or Chief Executive Officer shall be construed as a reference to the Head of the Paid Service.

## 9. Presentation of Petitions

The Chairman received petitions:

- from The Woodbine Close Park Residents Association , Waltham Abbey, calling for a Signal Light Crossing across the A121, close to the junction with Woodgreen Road, presented by Councillor Gadsby,
- for the complete reconstruction of the carriageway of Burney Drive, Loughton, presented by Councillor Pond and
- concerning road safety and asking for parking controls near the Alderton School, Loughton, presented by Councillor Pond.

The Chairman passed the petitions to the Cabinet Member for Highways Maintenance and Small Scheme Delivery.

## 10. Executive Statement

The Leader of the Council gave a statement concerning 'Positive Times Ahead' including references to:

- the result of the recent Parliamentary election,
- the freeze of council tax in Essex,
- improvements to services,
- the prospects for devolution,
- health and social care systems and
- transformation of the organisation of Essex County Council.

**11. Motions****1. Promoting the interests of Essex residents**

The motion moved by Councillor Finch and seconded by Councillor Bentley had been withdrawn.

**2. Devolution**

Councillor Mackrory with the consent of the seconder and Council amended the motion such that the words '...be granted the same powers' be amended to '...be granted similar powers'. It was then moved by Councillor Mackrory and seconded by Councillor Robinson that;

"The recent devolution of powers from Westminster to the northern city regions is to be welcomed.

This Council believes there is a strong case for the English Counties, together with the second tier authorities, to be granted similar powers.

This Council, therefore, resolves to call on the new Government to convene meetings with the representatives of Local Government to bring forward proposals for the devolution of powers as a matter of urgency."

Upon being put to the meeting the motion was declared to be carried.

**3. Home to School Transport**

It was moved by Councillor Young and seconded by Councillor Henderson that;

"Council notes that from September onwards many parents in Essex will face significant travel costs to transport their children to school as a result of changes to the home to school transport policy. Council further notes that in some areas, families will have to find up to £700 a year to pay for their child to travel to school as a result of these changes.

Council therefore calls on the home to school transport policy to be reviewed, taking account of:

- (a) The cost implications to families.
- (b) Whether children have a safe route to school as a result of the changes.
- (c) Whether parents have been well informed throughout the process.
- (d) Whether this policy change will impact negatively on the Council's desire 'to get Essex moving' as more parents will be forced to drive children to school.

Council further calls on the Cabinet Member for Education and Lifelong Learning to consider implementing transitional arrangements to reduce the financial impact on families by awarding discretionary payments to support parents for this coming school year."

Prior to the motion being put, ten members demanded a division by name by standing in their places.

The motion having been put it was declared to be lost by 24 votes for and 45 against.

Those voting for the motion were Councillors:

J Abbott	M Ellis	N Le Gresley
B Aspinell	M D Fisher	M Mackrory
A Bayley	K Gibbs	M McGeorge
D Blackwell	D Harris	C Pond
K Bobbin	I Henderson	S Robinson
K Clempner	T M A Higgins	A Turrell
M Danvers	M Hoy	J Whitehouse
J A Deakin	D J Kendall	J A Young

Those voting against the motion were Councillors:

J F Aldridge	R J Gooding	M Maddocks
S Barker	I Grundy	M McEwen
R L Bass	C Guglielmi	V Metcalfe
K Bentley	A M Hedley	A Naylor
R G Boyce	R Hirst	Lady Newton
A Brown	P Honeywood	M J Page
M Buckley	R C Howard	J W Pike
G Butland	N Hume	J M Reeves
S Canning	A J Jackson	C Seagers
J Chandler	E C Johnson	K Smith
P Channer	J G Jowers	J Spence
T Cutmore	J Knapman	K Twitchen
D Finch	S Lissimore	S Walsh
R Gadsby	D Louis	R G Walters
A Goggin	R A Madden	A Wood

## **12. Changes to appointments of Cabinet Members and Deputies**

The Chairman informed members that there were no changes to the current appointments of Cabinet Members and Deputies.

## **13. Membership of Committees**

The Council received a report of the Political Groups' appointments to the following committees:

- Corporate Scrutiny Committee
- People and Families Scrutiny Committee
- Place Services and Economic Growth Scrutiny Committee

- Health Overview and Scrutiny Committee
- The County Council Members on the Essex County Council and Essex Fire Authority Joint Standards Committee
- Development and Regulation Committee
- Audit Committee
- Essex Pension Fund Investment Steering Committee (the members of the Committee will be the County Council representatives on the Essex Pension Fund Strategy Board)
- Committee to consider applications to undertake certain duties by Members and Foreign Travel by Officers.

Councillor Pond requested that his name be added to the list of named substitutes for the Development and Regulation Committee.

Councillor Mackrory requested that Councillor Deakin's name be added to the list of substitutes for the Essex County Council and Essex Fire Authority Joint Standards Committee.

**Resolved:**

That the Political Groups' representatives to committees be as set out in the report presented to Council and as amended at the meeting.

**14. Election of Chairmen of Committees**

The Council received a report to elect the Chairmen of the following committees:

- Corporate Scrutiny Committee
- People and Families Scrutiny Committee
- Place Services and Economic Growth Scrutiny Committee
- Health Overview and Scrutiny Committee
- The Essex County Council and Essex Fire Authority Joint Standards Committee
- Development and Regulation Committee
- Audit Committee
- The Scrutiny Board
- The Essex Pension Fund Investment Steering Committee
- The Committee to consider applications to undertake certain duties by Members and Foreign Travel by Officers

**Resolved:**

That the Chairmen of the Committees be elected as set out in the report presented to Council.

**15. Appointments to the Health and Wellbeing Board**

The Council received a report of the appointments to the Health and Wellbeing Board.

**Resolved:**

That Councillors A Brown, D Finch and A Naylor be appointed as members of the Essex Health and Wellbeing Board with Councillors D Madden and R Gooding as the named Substitutes.

**16. Appointment to the Essex Police and Crime Panel**

The Council received a report of the appointment to the Essex Police and Crime Panel.

**Resolved:**

That Councillor J Jowers be appointed as a member of the Essex Police and Crime Panel with Councillor D Madden as the named Substitute.

**17. Appointment to the Essex Pension Fund Advisory Board**

The Council received a report of the appointment to the Essex Pension Fund Advisory Board.

**Resolved:**

That Councillor S Walsh be appointed as a member of the Essex Pension Fund Advisory Board.

**18. Appointments to the Essex Fire Authority**

The Council received a report of the Political Group's appointments to the Essex Fire Authority.

Councillor Mackrory requested that Councillor Deakin and Councillor Whitehouse be added as Liberal Democrat substitutes.

**Resolved:**

That the Political Groups' representatives to the Essex Fire Authority be as set out in the report presented to Council and as amended at the meeting.



**19. Order of Business**

With the Council's agreement, the Chairman varied the order of business so as to accommodate as much business as possible before adjourning for lunch.

**20. Independent Remuneration Panel**

The Leader, Councillor Finch, presented a report to agree the membership and Terms of Reference of the Independent Remuneration Panel to make recommendations for a scheme of Members' Allowances for the period June 2015 to May 2019.

**Resolved:**

1. That Dr Declan Hall be appointed to chair the Independent Remuneration Panel.
2. That Elaine Oddie and Mary Williamson be appointed as members of the Independent Remuneration Panel.
3. That the Terms of Reference for the review of the Members Allowances Scheme by the Independent Remuneration Panel as set out in Appendix 1 of the report be approved.

**21. Cabinet Issues**

The Leader, Councillor Finch, presented a report concerning matters considered by Cabinet since the last Council meeting.

Cabinet Members responded to questions as follows:

- (i) Concerning the award of a contract for the provision of fibre-optic broadband rollout in rural areas, was there any consideration of the need for wireless transmission of data in more rural areas? (Councillor Abbott of the Cabinet Member for Economic Growth, Infrastructure, Waste and Recycling)

The Cabinet Member agreed that there was such a provision (the 'Rural Challenge') for wireless or mobile connectivity when the use of fibre cabling was not possible. He urged members to ask their constituents to take part in the surveys on this matter that were available online or by other means.

- (ii) Concerning the trial of the Highways Enforcement Policy, how was the matter going to be promulgated? (Councillor Pond of the Cabinet Member for Highways and Transportation)

The Cabinet Member believed that the trial, taking place in Maldon, the aim of which was to bring all agencies together to ensure there is

appropriate enforcement, was bringing positive benefits but a formal evaluation was yet to take place. The evaluation would take place later in the year and he wished to wait for the results of that evaluation before considering rolling the policy out throughout the County.

The report of Cabinet Issues was received and adopted.

## **22. Dates of Future Meetings**

The Chairman, Councillor Hume, presented a report to approve the dates of Council meetings for the Municipal Year 2016/17.

### **Resolved:**

That meetings of the Council be held on Tuesdays at 10am on 12 July, 11 October and 13 December 2016 and 14 February (Budget) and 16 May 2017 (Annual).

## **23. Written questions to the Leader of the Council and Cabinet Members**

The published answers to the 11 written questions submitted in accordance with Standing Order 16.12.1 were noted.

The following supplementary questions were asked as a result of having received a written reply and responses given:

- (1) Councillor Knapman sought clarification from Councillor Madden, the Cabinet Member for Adults and Children that the written response related to Children's Care Homes and not the whole care system.

The Cabinet Member replied that this was correct.

- (3) Councillor Mackrory asked Councillor Louis, the Cabinet Member for Transformation and Corporate and Traded Services, of the nine emergency evacuations mentioned in his written reply, if there were any investigations of the cause of the alarms.

The Cabinet Member replied that there were always investigations undertaken after any evacuation and one is currently the subject of a police investigation.

- (4) Councillor Kendall asked Councillor Johnson, the Cabinet Member for Highways Maintenance and Small Scheme Delivery if details could be provided, once a quarter for each County Division, of those places where works had been identified as being of insufficient quality. This would enable Members to have some information about ongoing or planned repairs.

The Cabinet Member replied that he would look into the possibility.

- (5) Councillor Deakin asked Councillor Hirst, the Cabinet Member for Customer Services, Planning and the Environment if there were plans to extend the availability of charge points across the County for electric cars.

The Cabinet Member replied that he did not have the detail available and would respond to Councillor Deakin after the meeting.

- (6) Councillor Clempner asked Councillor Louis, the Cabinet Member for Transformation and Corporate and Traded Services for a response to the question asked, and specifically an indication if and when the car-park would be resurfaced.

The Cabinet Member replied that the question had been answered and there were no plans for the car-park to be resurfaced until such time as the outcome of legal action was known and the review of the Education Estates Strategy was completed.

- (7) Councillor Danvers thanked Councillor Hirst, the Cabinet Member for Customer Services, Planning and the Environment for his reply and asked, given the level of deprivation in Harlow and the need for residents to access computers in the library for information and job-seeking, if he would consider re-opening Harlow Central Library on Wednesdays.

The Cabinet Member replied that he was aware of how valued the service was by users and he was looking for ways by which, perhaps through the use of volunteers, such demands may be met and library opening hours extended or revised.

- (8) Councillor Young asked Councillor Bass, the Cabinet Member for Highways and Transportation if he would reconsider his written reply and move the bus stop back to its original position.

The Cabinet Member replied that he had no plans to reconsider the location of the bus stop. The changes that were made to the bus stops in the centre of Colchester as a consequence of the introduction of Park and Ride were designed to avoid excessive congestion. He understood that the changes had inconvenienced some people but it had been extensively discussed with the operators and bus-user groups and there had been opportunities to comment. He regretted any inconvenience to Wivenhoe residents but the overall effect in Colchester was decongestion which was to the benefit of all road users, pedestrians and the environment.

- (9) Councillor Young asked Councillor Bass, the Cabinet Member for Highways and Transportation if he did not consider that a consultation on the removal of the pedestrian crossing at the top of North Hill should be undertaken with the students of the Colchester Sixth-Form College as they represented a significant number of the users.

The Cabinet Member replied that the consultation that had already taken place had included the students and the Sixth Form College and no crossing was being removed that might adversely affect the safety of pedestrians. If there were specific comments that the College wished to make they would be considered.

- (11) Councillor Harris asked Councillor Johnson, the Cabinet Member for Highways Maintenance and Small Scheme Delivery if he would not agree that the Council had a priority system that leaves a pothole for months until it becomes very expensive to repair.

The Cabinet Member replied that, as questions of this nature are not uncommon from District Councillors, he had arranged a member briefing on this matter for both District Councillors and County Councillors who may be interested in understanding the criteria, how it is applied on pavements and carriageways and other highways issues.

## **24. Adjournment**

With the agreement of Council the Chairman adjourned the meeting for luncheon at 12:50pm.

The meeting reconvened at 14:00pm.

## **25. Constitution Changes**

The Council considered a report detailing proposed amendments to the Constitution following consultation with the Member Reference Group.

It was moved by Councillor Bass and seconded by Councillor Aldridge that the recommendation to the report be approved.

It was moved by Councillor Young and seconded by Councillor Bobbin that:

“Based on proportionality of the political groups, the allocation of motions for a council year as set out in ‘1.4 Review of procedures relating to motions’ should be revised as follows:

Conservative Group 8 slots  
Labour Group 4 slots  
Liberal Democrats 4 slots  
UKIP Group 3 slots  
Non-aligned Group 2 slots  
Green 1 slot

This allocation gives 22 slots in total for a council year: 5.5 per meeting (that is, 5 at the Annual Council and pre-Christmas meetings and 6 at the others) which

works out at two less overall than there is now but two more than the current proposal of five motions per meeting.

Based on four Council meetings per council year, the allocation of motions would look as follows:

May	July	October	December
Con	Con	Con	Con
Con	Con	Con	Con
Lab	Lab	Lab	Lab
Lib Dem	Lib Dem	Lib Dem	Lib Dem
Green	UKIP	UKIP	UKIP
	NAG	NAG	

A motion moved by a member who was not part of a Group would stand against the allocation of the Group of the member seconding the motion.

The content and length of speeches as set out in '1.4 Review of procedures relating to motions' should be revised to reinstate the mover of the motion having three minutes to exercise the right of reply in accordance with paragraph 16.11.10 of the constitution and the seconder of the motion no longer being the last to speak.

and Annex "C" be amended accordingly."

Upon being put to the meeting the amendment was declared to be lost.

Councillor Abbott sought further amendments and corrections and was advised by the Chairman that his concerns would be dealt with after the meeting and if the matters were not substantive then corrections would be made. Councillor Abbott stated that the corrections required were in fact substantive but this was not agreed by the Chairman.

Upon being put to the meeting the original motion was declared to be carried and it was

### **Resolved:**

That the changes to the Constitution as set out in Annexes "A" – "H" to the report be approved.

## **26. Oral questions of the Leader of the Council, Cabinet Members and Committee Chairmen**

1. Councillor Barker asked Councillor Johnson, the Cabinet Member for Highways Maintenance and Small Scheme Delivery, when the winter trials of the closure of byways to 4x4 vehicles would be assessed as the closures had proved popular with residents.

The Cabinet Member replied that the review would be completed by the Autumn and any closures recommended to be permanent would be in force for the Winter of 2015.

2. Councillor Pond, noting minute 12.1 of the last meeting of Council, informed Councillor Johnson, the Cabinet Member for Highways Maintenance and Small Scheme Delivery that although a team of workmen had arrived and undertaken work on Loughton High Road they had not improved the issue of flooding nor addressed the issue of the lighting. He asked when this outstanding work might be completed.

The Cabinet Member replied that matters relating to flooding were difficult to resolve and he gave an assurance that the work was in hand.

3. Councillor Howard thanked Councillor Bass, the Cabinet Member for Highways and Transportation, for visiting Canvey Island with the Leader, Councillor Finch and Rebecca Harris MP, to see the issues relating to transportation. He hoped that the visit had supported his view that something needed to be done to relieve congestion and improve access to the Island.

The Cabinet Member replied that he appreciated that Councillor Howard was a strong advocate for the needs of Canvey Island but he too agreed that there must be a scheme to widen Canvey Way and he was looking for funding in order to implement such a scheme sooner rather than later.

4. Councillor Smith asked Councillor Finch, the Leader of the Council, how he would vote in the European Referendum.

The Leader replied that he would be exercising his right to the privacy of his vote.

5. Councillor Harris asked Councillor Bass, the Cabinet Member for Highways and Transportation, for an assurance that because of road closures affecting the number 8e bus evening service no passengers would be left stranded.

The Cabinet Member agreed in principle but this was a complex problem and not without difficulties that were primarily overcome, as he believed that the majority of the road closures were to be at night.

6. Councillor Walsh asked Councillor Hirst, the Cabinet Member for Customer Services, Libraries, Planning and the Environment what progress had been made towards installation of the 'Sky Trail' at Great Notley Country Park?

The Cabinet Member replied that he anticipated the facility would be installed in time for the summer holidays.

7. Councillor Buckley asked Councillor Finch, the Leader of the Council, now that the scheme for Health provision in Basildon had been stopped on planning grounds what was to be done with the £500,000 capital allocation that had been made available to the Borough Council.

The Leader replied that he believed the planning decision had been a mistake and so the capital funding would remain available to the Borough Council for a further period of time in the hope that the decision might be revisited.

8. Councillor Whitehouse asked Councillor Madden, the Cabinet Member for Adults and Children following the withdrawal of a particular care home in his area whether he could say how comfortable he was with the current balance of supply and demand in West Essex and if not could there be further discussions about this?

The Cabinet Member replied that he could confirm that the Council no longer provided a contract for the running of that home and was looking to move Essex residents to other homes. He was happy with the balance of supply and demand. However he intended to revisit and review the matter closely.

9. Councillor Knapman asked Councillor Johnson, the Cabinet Member for Highways Maintenance and Small Scheme Delivery, when, having had a number of improvements and patches to the roads in his Division, residents might expect the white lines to be restored.

The Cabinet Member replied that sometimes the white lines were not repainted if the road was awaiting further repair.

10. Councillor Henderson asked Councillor Bentley, the Cabinet Member for Economic Growth, Infrastructure, Waste and Recycling, if he could give a commitment to visit the Mayflower Project as it was a fantastic opportunity with some really good volunteers doing their best to make sure that it comes to fruition on the anniversary of the sailing of the Mayflower in 2020.

The Cabinet Member replied that he agreed with everything Councillor Henderson had said and he was very confident the Mayflower Project was going to be successful and was making preparations to see it as soon as he could.

11. Councillor Hoy asked Councillor Johnson, the Cabinet Member for Highways Maintenance and Small Scheme Delivery, if he was aware that members received a road works report but although this was very useful it was frequently missing a number of known road works and road closures. He asked that these omissions be addressed.

The Cabinet Member thanked Councillor Hoy for the information as he had not been aware of the problem and would speak to the officers responsible to ensure that the data was complete.

12. Councillor Abbott sought from Councillor Johnson, the Cabinet Member for Highways Maintenance and Small Scheme Delivery, clarity with regard to the procedure for undertaking a statutory search before proceeding with repair works.

The Cabinet Member replied as to the need to undertake statutory searches.

13. Councillor Abbott asked Councillor Johnson, the Cabinet Member for Highways Maintenance and Small Scheme Delivery, if he agreed that Members should be given authority to report a problem on the roads in order to fast-track it as local councillors were familiar with their own areas.

The Cabinet Member replied that he believed all reports of road defects should be dealt with in accordance with the policy on priorities no matter who reported them. Additionally Councillor Bass, the Cabinet Member for Highways and Transportation, remarked that he was pleased that Councillor Abbott agreed that the road network was improving. However it was difficult to devolve decision-making powers to local members as such decisions should remain with the professional officers.

14. Councillor Le Gresley returning to the matter of the £500,000 capital funding for Health Investment (question 7) asked for an assurance from Councillor Finch, the Leader of the Council, that when the money became available it would be used for the benefit of all of Wickford.

The Leader replied that the intention was that the investment would be for the benefit of all.

**27. Oral questions of the representative of the Essex Police and Crime Panel**

There were no questions asked of the representative of the Essex Police and Crime Panel

**28. To note the report of the Essex Fire Authority's meetings on 11 February and 15 April 2015 and to ask questions of the Authority's representative**

1. Councillor Young asked Councillor Hedley, the Representative of the Essex Fire Authority if the freeze on Council Tax would have any implications for the Fire Service and the number of firefighters?

Councillor Hedley replied that he was unaware of any such implications of the freeze of the Council Tax.

2. Councillor Young asked Councillor Hedley, the Representative of the Essex Fire Authority how the Fire Authority identified those areas in greatest need for the installation of sprinkler systems.

Before responding to her question Councillor Hedley declared an interest as he was in receipt of a pension from the sprinkler industry.

Councillor Hedley then replied that such decisions were made in liaison with district authorities but he, or officers would be glad to receive suggestions from Councillor Young or anyone else regarding areas that should be targeted.



The report of the Fire Authority's meetings held on 11 February and 15 April 2015 was received.

The meeting closed at 14:46

Chairman  
14 July 2015



# Motions under Standing Order

## 16.11.2

### 1. Footway Improvements

Moved by Councillor C Pond and seconded by Councillor J Lodge

Council notes with approval the progress that has been made in recent years with maintaining carriageways, especially on PR 1 and 2 roads.

Council now looks to the two Cabinet Members to secure an equivalent improvement with footways, many of which, throughout the county, have become seriously degraded.

The allocation of extra funds for footway repairs has been welcome, and Council believes what is now needed is a timed programme of footway improvements, district by district, over a five-year period, and engaging with local county councillors and parishes, to ensure the worst problems are identified and rectified as soon as possible.

### 2. Local Enterprise Partnerships

Moved by Councillor G Butland and seconded by Councillor Lady Newton

This Council fully supports the Government's plans for devolution of powers to elected local authorities and calls on Ministers to help support Essex businesses and Councils deliver further prosperity to residents by expeditiously agreeing to the formation of a Greater Essex Local Enterprise Partnership (GELEP).

This will support more local and much quicker decision making, than the current South East Local Enterprise Partnership (SELEP), on schemes and projects which will help further to increase jobs, skills, wealth and growth in the Greater Essex economy.

The creation of a GELEP could also be co-terminus with plans for devolution in Essex and help return powers to local people.

### **3. Call for 20 MPH default Speed Limit on Residential Roads**

Moved by Councillor M Mackrory and seconded by Councillor J Deakin

This Council notes that:

- speed limits on Britain's residential roads are 60% higher than in Europe
- more than half of all road accident casualties occur on roads with 30mph limits
- reducing speed limits on residential roads has been found to reduce both the incidence of accidents and the numbers of fatalities and serious injuries that result
- new Department for Transport guidelines make it easier for local authorities to adopt a 20 mph default speed limit on residential roads.

This Council therefore resolves:

- (a) to endorse the need to reduce injury accidents
- (b) to welcome and encourage proposals for 20 mph zones from City/Borough/District/Parish Councils and community groups in Essex
- (c) to include consideration of requests within the remit of Local Highways Panels.

### **4. Living Wage**

Moved by Councillor M Danvers seconded by Councillor D Harris

Council believes that paying the living wage not only benefits employees but also employers and the wider economy. Council further believes that the living wage has the support of all three main political parties in raising those on low pay up to a decent standard of living.

Council therefore agrees:

- a) to ensure that Essex County Council and Essex Cares employees are paid at least the living wage as soon as practicable and that any financial implications resulting from this are considered as part of the Medium Term Resource Planning process;
- b) to explore ways through the appropriate scrutiny process of using its influence as a major local employer and provider of services to encourage other local employers to pay the living wage in Essex.

# **New Statutory Procedure for dismissing Statutory Officers**

## **New Statutory Procedure for Dismissing Statutory Officers**

### **Purpose of Report**

This report asks the Council to make changes to the constitution to implement a new process for the dismissal of statutory officers (the Head of the Paid Service, the Section 151 Officer and the Monitoring Officer).

### **Background**

All local authorities have three key statutory officers, each of whom has personal responsibility for making reports to Council or the Cabinet in certain circumstances.

The Head of the Paid Service role is normally discharged by the Chief Executive, but at present it is being discharged by Margaret Lee under the arrangements approved by full Council in May 2015.

The Section 151 Officer role is discharged by Margaret Lee, the Executive Director for Corporate and Customer Services.

The Monitoring Officer role is discharged by Terry Osborne, the Director for Corporate Law and Assurance.

### **Current Position**

Since 1990, the procedure for appointing the Head of the Paid Service and for taking disciplinary action against or dismissing the Head of the Paid Service, the Section 151 Officer or the Monitoring Officer has been prescribed by regulations. The prescribed process had to be incorporated into the constitution. The current process is:

- The Council could suspend the Head of the Paid Service, Section 151 Officer or the Monitoring Officer.
- No dismissal or any other disciplinary action could be taken unless the action was in accordance with the recommendation of a 'Designated Independent Person'.

- The 'Designated Independent Person' had to be agreed between the Council and the relevant officer. If no agreement was possible then the Designated Independent Person was appointed by the Secretary of State.

This process using a Designated Independent Person has never had to be used by the Council, but some authorities which have used it have criticised the process as being slow and expensive.

Regulations also required the Council to make standing orders which require the hiring or dismissal of the Head of the Paid Service to be approved by full Council.

### **New Process**

The Local Authorities (Standing Orders) (England) Regulations 2015 change the requirements relating to disciplinary action or dismissal of one of the specified chief officers and removes the requirement to procure a report from a designated independent person. The Council is now required to make standing orders which instead provide:

- (a) that the appointment of the Head of the Paid Service must be approved by a resolution of full council;
- (b) a new process for dismissal of the Head of the Paid Service, Section 151 Officer or Monitoring Officer, who can now only be dismissed with the approval of a resolution of full Council;
- (c) that when considering any such dismissal, full Council must consider the advice, view or recommendations of a panel;
- (d) the panel must be an advisory committee (ie a committee without decision making powers) and the membership of the Panel must include at least two 'independent persons';
- (e) the Council must appoint 'independent persons' to the panel. The only people who qualify are people who have been appointed by the Council (or another council) for the purposes of advising in cases relating to the member code of conduct. At present the Council has two independent persons, Mr Norman Hodson and Mr Jonathan Swann. Both were appointed by full Council in October 2012. This will be a new role for the independent persons; their current role is restricted to dealing with the code of conduct for members.
- (f) In selecting independent persons the Council is required to prioritise Essex County Council appointed 'independent persons' who are local government electors in Essex. If for any reason the Council's appointed 'independent persons' are unable to attend then it is entitled to use independent persons appointed by another local authority.

### **Proposed Constitution of the Panel**

The Council can choose the size of the panel but as an Advisory Committee appointed under the Local Government Act 1972, the appointment of councillors to

the Panel is required, by the Local Government and Housing Act 1989, to be politically balanced. The independent persons are entitled to vote. Under the political balance rules the Conservative Group is entitled to a majority of the votes on the Panel. This means that, in this case, the Conservative Group is entitled to more seats than would be necessary to reflect proportionality.

Based on the current political make up of the Council, and the presence on the Panel of the two independent members, the political balance of the panel would be as follows:

<b>Size of Panel</b>	<b>Ind Person</b>	<b>Con</b>	<b>Lab</b>	<b>LD</b>	<b>UKIP</b>	<b>NAG</b>	<b>Green</b>	<b>Ind</b>
3	2	1	0	0	0	0	0	0
4	2	1	0 or 1*	0 or 1*	0	0	0	0
5	2	2	0 or 1*	0 or 1*	0	0	0	0
6	2	3	0 or 1*	0 or 1*	0	0	0	0
7	2	4	0 or 1*	0 or 1*	0	0	0	0
8	2	5	0 or 1*	0 or 1*	0	0	0	0
<b>9</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*Under these options, only one of the main opposition groups (Labour or Liberal Democrat) would be entitled to a seat despite both groups having the same number of members if the panel totalled 8 or fewer members. It is therefore recommended that the panel should consist of 9 members to provide for a seat for each of the main opposition parties.

In order to implement the regulations it is proposed that:

- (a) a new panel, to be called the Statutory Officer Advisory Panel be constituted;
- (b) the Panel will have nine members (seven councillors + two independent persons);
- (c) the Panel will be politically balanced;
- (d) if the ECC Independent persons cannot act for any reason then following consultation with those Independent Members, the Chief Executive is given authority to appoint substitute independent persons from other local authorities to the panel, with the Section 151 Officer being authorised to make appointments in the event of a conflict of interests preventing the Chief Executive from acting.

The Constitutional changes needed to implement the regulations are set out in the Annex to this report.

## **Other Issues**

The old statutory process applied to all disciplinary action, not just dismissals. The new process applies only to dismissals. The current disciplinary procedure for all other Chief Officers will in future apply to the statutory officers as well.

### **Recommended:**

That the Constitution be amended as set out in the Annex to this report.



- (1) After paragraph 6.1.3 (x) of the Constitution (functions of the Full council) insert a new paragraph 6.1.3(xi) and renumber the current (xi) to (xv) which reads

“Dismissal of the Head of the Paid Service, the Section 151 Officer or the Monitoring Officer.”

- (2) Amend paragraph 8.1.4 of the Constitution by adding in the underlined text as set out below to reflect the new procedure

#### **8.1.4 Committee to determine the Terms and Conditions of employment of Chief and Deputy Chief Officers**

Membership: Five Members of the Council to include the appropriate Cabinet Member.

- (i) subject to (iv) below to be responsible for the appointment and dismissal of Chief/Deputy Chief Officers and appeals against dismissal of such persons with the power:
  - (a) to appoint sub-committees of three Members to deal with particular appointments, dismissals or appeals; and
  - (b) to authorise the Chief Executive or his nominee to deal with a particular appointment or dismissal;
- (ii) to resolve any issue relating to the terms or conditions of employment of Chief/Deputy Chief Officers not already covered by the Council's Officer Employment Procedure Rules; and
- (iii) to decide the level of performance pay to be awarded to the Chief Executive and members of the Corporate Leadership Team.
- (iv) The Committee is not authorised to dismiss the Head of the Paid Service, the Monitoring Officer or the Section 151 Officer.

- (3) Insert a new paragraph 8.1.10 in the Constitution to read as follows:

#### **8.1.10 Statutory Officer Advisory Panel**

Membership: Nine members, including Seven Members of the Council and two Independent Persons appointed in accordance with paragraph 22.6.1.

Where possible the Essex County Council Independent Persons are to be invited first.

- (i) To advise the Council on the dismissal of the officers who are for the time being designated as the Head of the Paid Service, the Monitoring Officer or the Section 151 Officer as set out in paragraph 22.6.1.

The Panel is an advisory committee constituted under s102(4) of the Local Government Act 1972. Accordingly it is not an ordinary committee for the purpose of the political balance rules.

- (4) Insert a new paragraph (ix) in 15.3.8 (delegations to the Director for Corporate Law and Assurance) as follows:

- (ix) Following consultation with the Council's Independent members, to appoint substitute Independent Persons to the Statutory Officer Advisory Panel where ECC appointed Independent Persons are unable to Act. If the Director is unable to discharge this delegation personally this delegation may be exercised by the Section 151 Officer see above.

- (5) Replace the current paragraphs 22.6.1 and 22.6.2 with the following text which is required by the new regulations:

#### **22.6.1 Dismissal of Statutory Officers**

- (1) In the following paragraphs—

- (a) 'the 2011 Act' means the Localism Act 2011;
- (b) 'chief finance officer', 'disciplinary action', 'head of the authority's paid service' and 'monitoring officer' have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) 'independent person' means a person appointed under section 28(7) of the 2011 Act;
- (d) 'local government elector' means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) 'the Panel' means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

- (f) 'relevant meeting' means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
  - (g) 'relevant officer' means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.
- (2) A relevant officer may not be dismissed by an authority unless the procedure set out in paragraph 22.6.1 is complied with.
- (3) The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- (4) In paragraph 3 "relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
- (5) Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—
  - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the authority;
  - (c) a relevant independent person who has been appointed by another authority or authorities.
- (6) An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
- (7). The authority must appoint any Panel at least 20 working days before the relevant meeting.
- (8) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—
  - (a) any advice, views or recommendations of the Panel;

(b) the conclusions of any investigation into the proposed dismissal;  
and

(c) any representations from the relevant officer.

(9) Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

(4) Renumber paragraph 22.6.3 as paragraph 22.6.2.

(5) Delete paragraph 22.8. This paragraph is made redundant by the new 22.6.1.

(6) Make the change required by the new regulations so that in paragraph 23.2 the paragraph which reads:

*'Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the Head of Paid Service, the Council must approve that appointment before an offer of appointment is made to him, or as the case may be, must approve that dismissal before notice of dismissal is given to him'*

is replaced with the following text:

*'Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person.*

Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person. (Note: This paragraph is included in the constitution as required by law, but at ECC there is no committee, sub-committee or officer which is authorised to discharge this function.)'

# **Essex Pension Fund Board**

# **Annual Report 2014/15**

**July 2015**

## **1. Introduction**

This is the sixth Annual Report of the Essex Pension Fund Board, covering the period from 1 April 2014 until 31 March 2015.

## **2. Roles and Functions**

The Essex Pension Fund Board was established by the County Council in May 2008 to ensure that the Pension Scheme complied with the best practice principles for governance as required by the amended Local Government Pension Scheme Regulations 1997.

The Board's terms of reference, as approved by the County Council, are as follows:

To exercise on behalf of the Council all of the powers and duties of the Council in relation to its functions as Administering Authority of the Essex Pension Fund except where they have been specifically delegated by the Council to another Committee or to an officer; this will include the following specific functions:

- (i) to monitor and oversee the work of the Essex Pension Fund Investment Steering Committee through its quarterly reports;
- (ii) to monitor the administration of the Pension Scheme, including the benefit regulations and payment of pensions and their day-to-day administration including the Internal Disputes Resolution Procedures, and ensure that it delivers best value and complies with best practice guidance where considered appropriate;
- (iii) to exercise Pension Fund discretions on behalf of the Administering Authority;
- (iv) to determine Pension Fund policy in regard to employer admission arrangements;
- (v) to determine the Pension Fund's Funding Strategy and approve its Funding Strategy Statement;
- (vi) to receive periodic actuarial valuation reports from the Actuary;
- (vii) To co-ordinate Administering Authority responses to consultations by Central Government, professional and other bodies; and
- (viii) to consider any views expressed by employing organisations and staff representatives.

The Board met five times during the period covered by this report: on 9 July, 17 September and 10 December 2014 and 19 January and 4 March 2015.

### 3. Membership

During the period covered by this report the Board had 14 members. They represented Essex County Council, the other local authorities in Essex (including Unitary Councils), the Essex Police and Crime Commissioner, Essex Fire Authority, Scheme members and Smaller Employing Bodies (i.e. those which are not already specifically represented on the Board).

The membership of the Board as at 31 March 2015 was as follows:

#### **Essex County Council (6)**

Councillor Susan Barker	
Councillor Rodney Bass	Chairman
Councillor Karen Clempner	
Councillor Norman Hume	Vice-Chairman
Councillor Nigel Le Gresley	
Councillor Jon Whitehouse	

#### **District/City/Borough Councils in Essex (2)**

Councillor John Archer	Maldon
Councillor John Galley	Chelmsford

#### **Unitary Councils in Essex (2)**

Councillor Gerard Rice	Thurrock
Councillor Ronald Woodley	Southend-on-Sea

#### **Essex Police and Crime Commissioner(1)**

Mr Charles Garbett

#### **Essex Fire Authority (1)**

County Councillor Colin Seagers

#### **Scheme Members (nominated by UNISON) (1)**

Mr Keith Blackburn

#### **Smaller Employing Bodies (1)**

Mrs Jenny Moore

### 4. Dimensions of the Fund

Based on the draft accounts, as at 31 March 2015 the value of the Fund's assets was £4.933 billion.

The total value of pensions paid during 2014/15 was £170.9m, together with other benefits totalling £36.3m. The average value of pension paid was £4,820.

The total number of beneficiaries are as follows:

	<b>2014</b>	<b>2015*</b>
Contributors	49,516	50,965
Pensioners/dependents	35,254	35,455
Deferred Members	43,693	44,038
Total	128,463	130,458

\*Provisional numbers

(Deferred Members are former employees who have chosen not to transfer their pension rights.)

The Board exercises on behalf of the Council the management of the Pension Fund whose membership comes from around 530 separate Employing Bodies, including:

- Essex County Council, Unitary, Borough, City and District Employers
- Incorporated Colleges
- Schools and Academies
- Town and Parish Councils
- Other Scheduled Bodies
- Small Admitted Bodies
- Admitted Bodies
- Community Admission Bodies.

## **5. Work of the Board**

The following major issues were considered by the Board between 1 April 2014 and 31 March 2015.

### **A Local Government Pension Scheme (LGPS) Reform**

Understandably much of the work of the Board during the year has been focussed on the impact of the Government's plans for pension reform.

#### **LGPS 2014 Regulations**

As highlighted in correspondence from the Chairman of the Essex Pension Fund Board to the Parliamentary Under Secretary of State there were significant delays in finalising the LGPS 2014 regulations in particular, the key transitional elements affecting existing members which were only received in March 2014.

One of the highest profile changes with effect from 1 April 2014 was the removal of the provision of a pension arrangement for Local Councillors within the LGPS. Transitional arrangements for current Councillor Members who were contributing on 31 March 2014 are in place allowing them to continue membership of the LGPS until the end of their current term of office.

Following debate in Parliament the regulation changes are to remain in place and the Essex Pension Fund has written to all Councillor Members informing them of the future changes to their pension arrangements.



### **DCLG Consultation: “Opportunities for collaboration, cost saving and efficiencies”**

The Board agreed its response to the consultation. It welcomed the opportunity to participate in a consultation that was central to how the LGPS invests for its future. The Board was encouraged that some common themes raised in a large number of responses to the previous year’s call for evidence had formed the basis for proposals both:

- to keep asset allocation with local fund authorities and
- to enable the availability of transparent and comparable data.

The consultation was set against a backdrop of concern that the LGPS:

- is in deficit
- pays active fees, but
- experiences passive investment performance in aggregate.

These were concerns the Board shared – and took seriously. However, in considering these challenges the Essex Fund had developed an approach that differed markedly from the direction in which some of the Consultation’s proposals appeared to be heading. In particular, the Essex approach led the Board strongly to oppose any proposals for LGPS Funds to be compelled:

- to join Collective Investment Vehicles (CIVs);
- to end successful active mandates.

The response discussed the Essex Pension Fund’s consideration of the three concerns highlighted above. It highlighted the approach Essex had adopted. It responded to the specific questions posed by the Consultation and closed with details of Essex’s approach.

### **Local Government Pension Scheme (LGPS) Reform: Scheme Governance**

The Board had concerns over the creation of the local Board. A working group was, therefore, established to explore all options.

It was also agreed that a response to the consultation be submitted. The Essex Pension Fund welcomed the opportunity to participate in this consultation on revised governance arrangements for the Local Government Pension Scheme (LGPS). It agreed that good governance reduced the risks associated with administering the LGPS.

However it had also been clear that the requirements of the Public Service Pensions Act 2013 impacted the LGPS in a unique way. Whilst many public sector schemes’ governance arrangements were starting afresh, in contrast there was already an established governance landscape within the LGPS.

The regulations allowed for the possibility of administering authorities combining an existing s101 committee with the new Local Pension Board (LPB). The Board’s view was that these bodies had separate functions. Section 101 committees exercised delegated powers on behalf of the administering authority. The new LPB’s role was to assist the administering

authority in complying with legislation. It did not appear to be intended to be the primary decision-making body. This led the Board to conclude that s101 Committees should not be combined with the new Local Pension Boards.

Given the points made above, the Board did not feel that authorities should use the existing s101 arrangements for setting up the new LPBs. It favoured the alternate approach which allowed administering authorities discretion to establish the procedures applicable to the new LPBs such as voting rights, the formation of joint committees and the payment of expenses.

Given the existing governance landscape and the different roles carried out by s101 committees and the new LPBs it was considered sensible to allow joint LPBs to operate across a small number of administering authorities. This would not only promote best practice and strengthen governance standards, but also limit costs. In recent years there had been significant steps taken in terms of joint working, collaboration between funds and the use of frameworks – joint Local Pension Boards build on this.

The requirement to have LPBs in place by 1 April 2015 was understood, however given that Regulations would not be published before autumn 2014 left little time to make the necessary arrangements and populate the new LPBs. The Board therefore suggested that both DCLG and the Pension Regulator regard sympathetically those Funds whose arrangements were evidently “work in progress” at 1 April 2015, and do not formally complete until sometime during 2015/16.

The Board noted that a requirement to hold an AGM was being considered as part of the Regulations. The Essex Pension Fund holds an Employer Forum every year – and so is already in compliance with the existing DCLG statutory guidance. However, dialogue with stakeholders is a continuing commitment that takes a variety of forms. As a result confining engagement to one AGM appeared restrictive.

### **The Local Pension Board**

The Board agreed the proposals of the working group on the Fund’s Governance structure incorporating the formation of a new Local Pension Board. These proposals were subsequently approved by Essex County Council in February 2015 to take effect from 1 May.

The size of the Investment Steering Committee will be increased from 6 to 7 (this will continue to reflect the political balance of the County Council).

The current Essex Pension Board will be retained and renamed as the Essex Pension Fund Strategy Board (PSB) to reflect its strategic role. In light of the membership arrangements for the new PAB the size of the PSB will be reduced from 14 to 11.

The remit of the new Local Pension Advisory Board will be:

- to assist the Essex County Council Administering Authority as Scheme Manager to secure

- a) compliance with the Local Government Pension Scheme regulations and any other legislation relating to the governance and administration of the LGPS
- b) compliance with requirements imposed in relation to the LGPS by the Pensions Regulator
- to ensure that the Essex Pension Fund is managed and administered effectively and efficiently.

The Pension Advisory Board will meet sufficiently regularly to discharge its duties and responsibilities effectively. It will be made up of 9 Members as follows:

- 4 employer representatives made up of Essex County Council (1), Borough/City District (1), Unitary (1), other employers (1)
- 4 scheme member representatives of which 1 will be nominated by the trade unions and the rest drawn from the total scheme membership
- 1 independent non-voting chairman, Nicola Mark, Head of Norfolk Pension Fund.

The PAB will be a new body. It will not be possible for an individual to be a Member of both the PSB and PAB although existing Members could transfer to the PAB to ensure there is sufficient experience.

## **B Other Issues**

The following are some of the other issues considered by the Board.

- Quarterly reports on the work of the Essex Pension Fund Investment Steering Committee.
- The decision to procure the Civica UPM (Universal Pension Management) software. A significant amount of Officer involvement resulted in its successful implementation and 'go live' status on 5 November 2014.
- Successful Employer and Academy Forums held on 9 May and 5 December 2014 with excellent feedback from attendees.
- The Board agreed the method for setting the academies' employer contribution rates for the remaining two years of the current valuation period.
- The results of the 31 March 2014 Interim Review were brought to the Board in September 2014. These showed an encouraging increase in funding level (ahead of target) and no change to the funding strategy was required. A further review (as at 31 March 2015) will be considered in September 2015. Initial indications from the Actuary are also positive.

## **6. Awards**

Essex won the award for “Pension Fund of the Year” at a ceremony in London organised by the *Local Government Chronicle*. In a two-stage process, 10 finalist Funds from throughout the Local Government Pension Scheme were initially selected, followed by a shortlist which saw Essex joined by the larger Greater Manchester Fund and Strathclyde (the biggest Fund in the country). It was particularly pleasing that the judges recognised Essex’s achievements against other Funds across the following criteria:

1. the Fund’s annual report and other communications with its members and employing authorities;
2. the degree to which the Fund had met all its objectives, including performance objectives; and
3. innovations introduced during the year which improved the service provided to pensioners and/or contributors.

In February the Fund was named as the “Defined Benefit Pension Scheme of the Year” at a prestigious awards event organised by the publication “Pensions Age”. This was the third major national award won by the Fund in the past 15 months.

## **7. Member Training**

The Board has continued to demonstrate its commitment to training and development, with a view to ensuring that Members are able to fulfil their roles effectively.

Details of Members’ attendance at Essex Pension Fund Board and Investment Steering Committee meetings and training events (internal and external) are monitored throughout the year and reviewed annually at the Board’s July meeting.

Training sessions were held on 17 September and 10 December 2014 and 19 January and 4 March 2015.

The Board has agreed that future Member training be delivered within the Board meeting on a trial basis.

## **8. Three-Year Business Plan**

The Board has developed a 3-year Business Plan which provides a high level summary of key work streams and feeds into more detailed annual business plans.

# **The Leader's Report of Cabinet Issues**

## **1. Floating Support contract extension and roll out of Mental Health Caseworker Service across Essex**

Floating support is a non-statutory cost effective preventative service. The floating support services support vulnerable people across Essex to live independently and prevent the need for more costly health and social care interventions. Cabinet agreed to activate 22 months of the three-year extension provision within the existing floating support contracts with One Housing Group Ltd (also known as One Support) and Family Mosaic from 1 June 2015 to 31 March 2017 and to vary these contracts from 1 July 2015 to include the Public Health-funded Mental Health Caseworker service across Essex (excluding the District of Tendring where it will continue to be delivered by Tendring Citizens Advice Bureau under separate contractual arrangements).

## **2. Essex County Council's Equalities Policy Statement and Equalities Strategy 2015-2018**

Embedding equalities into its policy and practice is vital to help the Council achieve its outcomes. The Council recognises that many individuals and communities experience disadvantage on the grounds of their background.

The equalities policy statement sets out the Council's commitments to advancing equalities. The Equalities Strategy outlines what the Council will do to make Essex a place where people from different backgrounds get on well together, providing a foundation for strong and cohesive communities. It also includes proposed equality objectives.

Cabinet adopted both documents and received a report on the progress that has been made around embedding equalities into the day-to-day business of the Council.

## **3. Getting Around in Essex: A Bus and Passenger Transport Strategy**

Cabinet considered the Getting Around in Essex Bus and Passenger Transport Strategy and the findings of a recent consultation on the draft strategy and confirmed its intention to proceed with the Strategy. Cabinet authorised officers to take forward the eight key proposals listed in the strategy, which include the carrying out of local area reviews. Cabinet agreed the principles that will guide the development of options under the local area reviews.

## **4. Sustainable Drainage Systems Adoption**

Cabinet considered the options available for Sustainable Drainage System (SuDS) adoption and agreed to introduce a policy of not adopting SuDS unless the proposed SuDS is to be built in a location where the highway and/or existing

adjacent homes are known to be in an area which has a high risk of flooding and the development incorporates SuDS which are calculated significantly to improve the existing known flood problem.

Cabinet agreed to the introduction and scale of fees and charges when considering applications for the adoption of SuDS. The fees and charges will increase annually in line with inflation and/or the actual cost of delivering the service.

This position will be reviewed after one year of implementation, to determine the success or otherwise of this policy.

## **5. Superfast Essex Phase 2 Project 2b (Rural Challenge) - Contract Award**

Cabinet was informed of the results of the procurement for a supplier to deliver Superfast Essex Project 2b (Rural Challenge). The procurement was conducted via a European tender (restricted procedure) in compliance with EU procurement regulations.

Cabinet agreed to progress to award the Project 2b Contract to Gigaclear, and to enter into the contract for the provision of Project 2b with the supplier identified by the procurement process, Gigaclear plc. The contract will be awarded following final assurance sign-off from the Department for Culture, Media and Sports, via its Broadband Delivery UK function ("BDUK"). Cabinet also agreed to enter into a funding agreement with BDUK for £1.089m Government funding.

## **6. Meals Service**

The contract for the community meals service, commonly known as "meals on wheels", expires on 30 September. Sodexo the current Service Provider has indicated that it is not prepared to agree to extend the contract on the current terms. Cabinet was therefore asked to agree an interim future for the meals service.

Cabinet agreed terms to enter into a new one-year contract with Sodexo and to grant a waiver from the Council's procurement rules to enable this contract to be awarded. The users of the service who will be affected by the reduction in the geographical area covered by the service will be assessed to ensure they are provided with an equivalent service via domiciliary care or community alternatives. A review will be undertaken of the transition and a report made to Cabinet in the autumn setting out future options for the meals service.

Cabinet agreed a drawdown from the general balance of up to £175,000 over the next three years to meet the forecast budget shortfall arising from the new arrangements for the provision of a meals service.

Councillor David Finch  
Leader of the Council

## Council Issues

### **1. Changes to Membership of Committees, Group Leadership and Deputies to Cabinet Members**

The following changes have been made in accordance with the notification given by the Group Leaders:

#### Conservative Group

- Councillor Andy Wood has replaced Councillor Colin Seagers as a member of the People and Families Scrutiny Committee.
- The list of Deputies to Cabinet Members is set out in the Annex to this report.

#### UKIP Group

- Councillor Nigel Le Gresley has replaced Councillor Jamie Huntman as Leader of the Group.
- Councillor Nigel Le Gresley has replaced Councillor Jamie Huntman as a member of the Corporate Scrutiny Committee.

Revised List of Deputies to Cabinet Members

**Leader of the Council**

Councillor Anthony Jackson

**Deputy Leader and Cabinet Member for Economic Growth, Infrastructure, Waste and Recycling**

Councillors Malcolm Buckley and Penny Channer

**Cabinet Member for Education and Lifelong Learning**

Councillor Sue Lissimore

**Cabinet Member for Customer Services, Libraries, Planning and the Environment**

Councillors Mick Page and Kay Twitchen

**Cabinet Members for Highways and Transportation and Highways Maintenance and Small Scheme Delivery**

Councillor Ray Howard

**Cabinet Member for Adults and Children**

Councillors Susan Barker, Graham Butland, Sue Lissimore and Malcolm Maddocks

**Cabinet Member for Communities and Healthy Living**

None

**Cabinet Member for Finance**

Councillor Valerie Metcalfe





# Essex Fire Authority

## Report to the Constituent Authorities of the meeting on 10 June 2015

### 1. Chairman and Vice-Chairman

The Authority elected County Councillor Anthony Hedley as its Chairman and Southend Borough Councillor Ann Holland as its Vice-Chairman.

### 2. Integration Risk Management Plan – Consultation Document

The Authority considered the Integrated Risk Management Plan (IRMP), consultation document. This is the first phase of a two-stage consultation process which will ultimately lead to the development of the Corporate Plan, which will demonstrate a service redesign to enable the Service to meet the challenges it faces in the years ahead. The Authority agreed the consultation document and to the commencement of the consultation process.

The Fire and Rescue Service faces a challenging future against a backdrop of decreased funding, along with a significant reduction in operational calls. However, the Service is well positioned to meet these challenges and to develop the Service to meet them.

The Service has been facing a period of uncertainty over the future for some time and this impacts on morale and causes anxiety. However, it is necessary to plan now to ensure the Service is strong and sustainable for the future. The Service has been successful in its prevention and protection work and communities are safer as a result.

Importantly change needs to be designed and planned, and consulted on with the engagement of stakeholders. To this end The Consultation Institute has been employed to advise and quality assure the arrangements against its established compliance assessment methodology to ensure it meets either good or best practice standards.

It is very clear that all future proposals must be; Service-led, Community focussed, values driven, and financially sustainable. This will support the Service in “Leading the way to a Safer Essex”.

The IRMP will help set the direction for the Service going forward. This will in turn, lead to an options development process which will evaluate and detail potentially new service delivery model options. Once developed, the options will be shared with the Fire Authority to determine a way forward.

The Service has a balanced budget for 2015/16, so any potential changes will not begin to take effect until at the earliest April 2016. That allows time to consider all potential options before making any decisions. Future funding reductions could be in the region of £5 to £15 million between 2016 and 2020 and the way services are delivered will be a key factor in helping to build a sustainably-funded Fire and Rescue Service.

### **3. Performance Report 2014-15 and Target Setting 2015-16**

The Authority considered an overview of the Service's performance for the financial year 2014/15 and agreed adjusted performance targets for the 2015-16 reporting period.

In April 2014, Service performance to January 2014 was reviewed and recommended success measures and targets for the Service Strategy 2014/15 to 2018/19 were set. The Service Strategy contains 20 high-level performance measures, against which success will be tracked. The introduction of new performance measures required the collection of new information in some cases as the Service did not understand its current performance well enough to set appropriate targets. The intention was to collate and report the measures for six months and then set targets for 2015/16 onwards. It was agreed which of these new targets would be adopted from 2014/15 and which would be implemented from 2015/16.

All targets are subject to annual review to ensure their continued appropriateness and the Authority considered the existing targets against the current set of performance indicators and where appropriate approved recommendations for adjustment. It also received an explanation regarding areas where targets have yet to be set. The performance summary is attached as the Annex to this report.

The 20 strategic measures outlined in the Service Strategy are categorised under the following six objectives:

1. We will identify the risks to our communities and work in partnership with them to manage the risk, to reduce its likelihood or its impact on our communities
2. We will provide a resilient, timely, safe and effective response when risks become incidents
3. We will use our resources flexibly, efficiently and effectively, reducing the cost of the Service to match the funding available
4. We will ensure our people are involved, engaged and empowered to deliver excellence
5. We will use our assets to support sustainable communities and promote wellbeing
6. Our leaders will demonstrate trust and honesty, listening to others to support an open and inclusive culture.

**Councillor Anthony Hedley**  
**Chairman**

**Table 1: Summary of ECFRS performance relative to target, previous year's performance and Family Group average**

Measure	Target (18/19)	Performance against target (14/15)	Performance	Performance against target	Target (2015/16)	Objective	Review result
1a The total number of Incidents attended in Essex	Lower than 2017/18	13,159			13,159	1	No change recommended
1b Rate of accidental dwelling fires per 10,000 dwellings	9	12.3			10.3	1	No change recommended
1c Number of people killed or seriously injured in road traffic collisions	695	726			734	1	No change recommended
1d Average workplace premises risk score	38,468	40,493			39,683	1	Adopt new measure and target to reflect significant improvements in reducing the risk (gap).
1e Average leisure premises risk score						1	Remove this measure and target as subset of workplace risk measure
1f Rate of casualties from fire-related incidents per 100,000 population	5	5.5			5.3	1	No change recommended
2a Achieve a timely response to incidents	tbc				tbc	2	No change recommended to targets for call handling and mobilisations. Target for time of call to time to arrive to be an outcome of Project 2020.
Call to alert in 90 seconds		84%			90%	2	No change recommended (See 2a)

Measure	Target (18/19)	Performance against target (14/15)	Performance	Performance against target	Target (2015/16)	Objective	Review result
Wholetime Mobilise – Time of station alert to proceeding - % within 2 minutes		60%			75%	2	No change recommended (See 2a)
Retained Mobilise – Time of station alert to proceeding - % within 6 minutes		75%			75%	2	No change recommended (See 2a)
2b Rate of accidents per 100,000 employees	Lower than 2017/18	11,733.1			11,733.1	2	No change recommended
2c Percentage of respondents who were satisfied with the response they received	tbc				tbc	2	Target to be an outcome of Project 2020.
3a Total appliance availability	94%	n/a			94%	3	No change recommended
3b Cost per hour of appliance availability	tbc				tbc	3	This measure subject to review and potential replacement.
3c Project schedule variation	tbc				tbc	3	Targets are currently being scoped out by the PMO
3d Project cost variation	tbc				tbc	3	Targets are currently being scoped out by the PMO
4a Improved staff satisfaction	tbc				Higher than 67%	4	These measures are based on outcomes from the Employee Engagement Survey. Baseline data has been collected and targets reflect a general improvement on these.
4b The percentage of employees who are satisfied with the training they receive to do their role	tbc				Higher than 57%	4	

Measure	Target (18/19)	Performance against target (14/15)	Performance	Performance against	Target (2015/16)	Objective	Review result
4c Average days/shifts lost per person to sickness absence each year	6.5	8.6			8	4	No change recommended
4d Percentage of staff who received an appraisal in the past 12 months	90%	87%			90%	4	No change recommended
5a Annual reduction in carbon footprint	2.75% red. on 2017/18				2.75% red. on 2014/15	5	This measure subject to review and potential replacement.
5b The percentage of survey respondents who are aware of the range of work we undertake	tbc				tbc	5	Target to be an outcome of Project 2020.
6a Improved satisfaction with leadership within the service	tbc				Higher than 44%	6	As 4a/4b.

