

Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 07 February 2012

Present

Chairman: Councillor R L Bass

Vice-Chairman: Councillor K Twitchen

Councillors:

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

1. The 60th Anniversary of Her Majesty the Queen's Accession

The meeting was preceded by prayers led by Father Jonathan Pearce, Vicar of St. Peter's, Great Totham. The following was carried out by way of a special tribute to her Majesty Queen Elizabeth II following the 60th anniversary of her accession on 6 February 1952;

- Revd Pearce said the Prayer for the Queen's Majesty;
- the Chairman read a letter he had sent to Buckingham Palace to congratulate Her Majesty on behalf of Essex County Council and the people of the County of Essex;
- the Chairman made a personal presentation to the Council of an official photograph of HM The Queen to hang permanently in the Council Chamber; and
- all present stood and sang the National Anthem.

The Chairman then called the meeting to order.

2. Apologies for Absence.

Apologies for absence were received on behalf of Councillors L Barton, R P Chambers, J Dornan, M Garnett, Mrs E M Hart, D J Kendall, D Morris, R A Pearson, Mrs I Pummell and Mrs T L Sargent.

3. Declarations of Interest.

The Chairman reminded members of the advice they had received prior to the meeting stating that should they have a liability to pay council tax and have arrears outstanding for two months or more they must disclose the fact of their arrears and cannot vote upon any matter relating to the budget.

There were no declarations of interest.

4. Minutes.**Resolved:**

That the minutes of the meeting held on 10 May 2011 be approved as a correct record and signed by the Chairman subject to an amendment to the wording on page 9, Minute 16a (iv), such that this would now read:

'The Cabinet member responded that he was committed to retaining all 73 libraries.'

5. Recent Deaths.

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

- former Councillor John Leslie Price who died, aged 81, in December 2011. Mr Price was a Conservative Councillor for West Clacton on the Clacton Urban District Council and was elected to Essex County Council on 3 June 1967 to represent Clacton (North East) until April 1970. During his time with Essex County Council he served on the Public Protection, Children's and Welfare Committees.
- former Councillor Mary Rose Lubel who died, aged 87, in January 2012. She was a Liberal and Liberal Democrat Southend Borough Councillor for Westborough from 1981 to 2001 and an Essex County Councillor for Westborough from May 1981 until March 1998. She served on many committees including Education, Planning and Libraries. In 1996 she became Vice-Chairman of the Council.
- former Councillor David Atkinson who died, aged 71, on 22 January 2012. Mr Atkinson was a Conservative Member of Parliament, representing the constituency of Bournemouth East for almost 30 years. He had been a Councillor on Southend County Borough Council between 1969 and 1972 and was elected an Essex County Councillor in April 1973 representing the Division of Southend-on-Sea (St Clements) until May 1978. During his time with Essex County Council he served on the Education, Social Services, Highways and Planning Committees.

Members stood in silence in memory of the deceased.

6. New Year's Honours.

The Chairman on behalf of the Council congratulated the following individuals with a connection to the County Council who had received New Year's Honours:

the award of Knight Bachelor to:

- Sir Robert Russell M.P. (for public service),

the award of the Order of the British Empire to:

- Mr Peter Martin - MBE (for services to Local Government)
- Mr James Bond – MBE (for services to Children and Young People. Mr Bond has also been one of our valued foster carers)
- Mr Brian Mister – MBE (for services for disabled people. He has served as a key figure in the development of the Essex Coalition of Disabled People)

7. Retirements

The Chairman on behalf of the Council conveyed best wishes to the following officers who were retiring from their service with Essex County Council;

- Jenny Owen, Deputy Chief Executive and Executive Director for Adults, Health and Community Wellbeing. The Chairman paid tribute to Jenny's service to the Council since she joined in 2004. He asked Council to join with him in wishing Jenny a very happy and fulfilling retirement. The leader of the Council and the leader of the Opposition both associated themselves with the Chairman's remarks.
- Danny Lewis, Security Officer.

8. Presentation of Award

Councillor Jeremy Lucas, Cabinet Member for Environment and Culture presented an award to the Chairman on behalf of the Adult Community Learning Team which has been recognised for achieving excellent results that make an enormous difference to the lives of adults with learning difficulties.

9. Presentation of petitions.

The Chairman formally received a petition relating to the 73 Evening Bus Service in Pilgrims Hatch presented by Councillor B Aspinell and passed it to the Cabinet Member for Highways and Transportation.

10. The Budget and Corporate Plan 2012/13.

Prior to the consideration of this item the Chairman advised the Council of the procedure to be adopted during the debate.

The Council received the report on the EssexWorks Corporate Plan 2012/17, Revenue and Capital Budgets 2012/13 and Medium Term Resources Strategy as set out in the accompanying documents;

- Resourcing EssexWorks Revenue Budget 2012/2013 and Capital Programme 2012/2013 – 2016/2017,
- The EssexWorks Corporate Plan 2012/13 - 2016/17,
- The EssexWorks Corporate Plan 2012/13 - 2016/17 Annex A and
- The EssexWorks Corporate Plan 2012/13 - 2016/17 Annex B.

The recommendations as set out in Agenda item 7 (The EssexWorks Corporate Plan 2012/17, Revenue and Capital Budgets 2012/13 and Medium Term Resources Strategy) were moved by Councillor P J Martin, Leader of the Council, and seconded by Councillor D M Finch, Deputy leader Cabinet Member for Finance and Transformation Programme

Prior to the motion being put to the meeting the Chairman agreed to the request of Councillor Pond that recommendation 11 be put to the meeting separately.

Upon being put to the meeting the motion in the name of Councillor Martin was declared to be carried including recommendation 11 which was put to the meeting separately and accordingly it was:

Resolved:

- As regards the *EssexWorks* Corporate Plan

That the draft *EssexWorks* Corporate Plan 2012/13 - 2016/17 be approved.

- As regards the Revenue and Capital Budgets 2012/13 and Medium Term Resources Strategy
 1. That the budget requirement be £855,786,463.
 2. That the council tax requirement be £581,611,212.
 3. That the net cost of services be £937,906,337.
 4. That the Revenue Budget for 2012/13 be as set out in sub-sections 2 and 3 of Agenda item 7.
 5. That the second tranche of Council Tax Freeze Grant be accepted, thereby implying there will be no increase in the Band D Council Tax for 2012/13, which will therefore remain at £1,086.75 (the tax base for 2012/13 is £535,184 Band D Equivalents).
 6. That the reserves and general balances be as set out in the budget book.
 7. That £582,000 of the 2012/13 Transformation Reserve be used to support the development of the full business case for the Corporate Services Phase 2 programme.
 8. That the capital programme for the period 2012/13 to 2016/17, be as set out in sub-section 5 of Agenda item 7 noting the funding sources and implications for the medium-term resource strategy.
 9. That the Executive Director for Finance, in consultation with the Deputy Leader and Cabinet Member for Finance and Transformation Programme be authorised to make adjustments to the phasing of payments between years should that be necessary as the capital programme is finalised, up until the presentation of the financial overview as at the first quarter of 2012/13, and to report any impact on the Prudential Indicators at the next available quarterly review.

10. That the 2012/13 Prudential Indicators, Treasury Management Strategy and Minimum Revenue Provision policy be as set out in sub-section 6 of Agenda item 7.
11. That the Pay Policy Statement for 2012/13 be as set out in sub-section 7 and Appendix A to Agenda item 7.
12. That authority be delegated to the Executive Director for Finance (section 151 Officer) and the Deputy Leader and Cabinet Member for Finance and the Transformation Programme, to resolve any minor changes to funding that may arise from the release of the final financial settlement, through transfers to or from the general balance or other appropriate actions.
13. That the Executive Director for Finance's (Section 151 Officer) statement on the robustness of the budget be noted.
14. That the provisional Dedicated Schools Grant (DSG) figures set out in paragraph 2.7 of Agenda item 7 be noted.
15. That the summary equality impact assessment (EIA) as set out in Appendix B to Agenda item 7 be noted.

11. Financial Regulations.

The Council received the report and accompanying documents relating to the revision of Financial Regulations.

The recommendations in Agenda item 8 (Financial Regulations) were moved by Councillor D M Finch, Deputy Leader and Cabinet Member for Finance and Transformation Programme and seconded by Councillor W J C Dick and upon being put to the meeting the motion in the name of Councillor Finch was declared to be carried and accordingly it was

Resolved:

- (1) That the Council's Financial Regulations as set out in Appendix 'A' to Agenda item 8 be approved to take effect from 7 February 2012.
- (2) That in recognition of the importance of keeping the financial regulations up to date, the Financial Regulations be subject to annual review.

12. Report of Cabinet Issues

The report of Cabinet Issues was received and adopted.

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

a) Members responded to oral questions as follows:

- (i) Highways maintenance policy (Councillor Higgins of the Cabinet Member for Highways and Transportation)

The Cabinet Member stated she would be prepared to discuss the suggestion that the County's roads should be maintained at a standard conducive to use by cyclists as well as motorists but members should be aware that such a policy would lead to considerable additional expenditure.

- (ii) Highways costs, road works, planned schemes and budget control (Councillor Aspinell of the Cabinet Member for Highways and Transportation)

The Cabinet Member suggested that the introduction of new Highways' Panels would provide an opportunity for members to consider the merits and real costs of proposed local schemes.

- (iii) The economic and environmental impact of the difficulties at the Coryton Oil Refinery (Councillor Howard of the Cabinet Member for Economic Development, Waste and Recycling)

The Cabinet Member agreed that the economic and environmental impact of the difficulties at the Coryton Oil Refinery extended beyond Thurrock and that they may affect the residents of Canvey Island. He then gave an appraisal of the current environmental situation at the site, the security of the jobs at the site and the continuing flow of oil from the site to meet the needs of local businesses. He assured members that he would keep them informed of developments.

- (iv) A request for information on Parking Partnerships (Councillor Barker of the Cabinet Member for Highways and Transportation)

The Cabinet Member agreed that further information could be made available and that members and senior officers would be invited to attend a seminar so that the full implications and opportunities afforded by Parking Partnerships could be explored.

- (v) Meetings concerning the Parking Partnerships (Councillor Durcan of the Cabinet Member for Highways and Transportation)

The Cabinet Member believed that (as above) the arranging of meetings to explain this matter would be of benefit to officers, Members and the local MPs and agreed that the information currently

available on the ECC website was inadequate and needed to be urgently revised.

- (vi) Questionnaire to Essex residents (Councillor Pond of the Leader)

The Leader agreed to make enquires about the contents and the utility of the questionnaire distributed in December 2011.

- (vii) Consultation on the waste site at Courtauld Road (Councillor Hillier of the Cabinet Member for Economic Development, Waste and Recycling)

The Cabinet Member stated that 28,000 leaflets had been dispatched seeking the views of residents concerning the development of Courtauld Road and as only 121 residents have responded one must conclude that the other residents were content.

- b) Written Questions (Standing Order 16.11.3)

1. By Councillor C Pond of the Cabinet Member for Highways and Transportation.

'If, by the time the new Central Management System for Street Lighting is fully functional, the Cabinet Member will have negotiated with the electricity suppliers an actual usage tariff rather than a block per lamp rate for full or part night lighting, and if so, what she estimates the savings will be per year for such a system?'

Reply

'Street Lighting energy is currently procured via an ECC contract with Laser. Laser, who form part of Kent County Council's commercial services, is a leading energy buying group representing 106 local authorities and other publicly funded bodies throughout the south of England. Laser is able to deliver best value for our energy procurement by grouping together local authorities energy requirements enabling them to "bulk buy" energy from the open market. This gives Laser better buying power than Essex would have if we chose to go it alone. There are no proposed changes for the current procurement of energy for street lighting or a change in tariffs.'

2. By Councillor B Aspinell of the Cabinet Member for Highways and Transportation.

'One of my constituents sent an email to you on 1 November 2011 regarding the decision you made in response to a petition of over

2,500 signatures concerning the school crossing at Tabors Corner in Shenfield; she confirmed her email in a letter.

In those communications the resident raised some issues, and concludes by saying "I look forward to hearing from you soon" and it is my understanding that she is still awaiting a reply. Another copy of the original email has been provided to your office. Is it your intention to reply to her?

Reply

'Apologies, but I did not receive your constituent, Ms Cohen's letter. Following Council I will send the following response to her:

As you may be aware following the presentation to the Economic Development, Environment and Highways Policy and Scrutiny Committee in relation to a number of issues relating to Tabor Corner I have reviewed this matter in detail. Whilst I appreciate your point of view, I regret that as there are no new facts to consider I am not prepared to overturn the decision that has been reached and therefore, I have no plans to undertake another site visit or assessment of this case. I communicated this decision to the Committee on 2 September 2011 as follows:

1. That consideration be given to the re-instatement of the school crossing patrol person while other measures to improve the Green Dragon junction, Shenfield are considered.

I have given this recommendation consideration but do not wish to re-instate a school crossing patrol person at this site even on a temporary basis. The school crossing patrol person was only introduced as a temporary measure while the signal controlled pedestrian crossing was installed. The site does not meet the criteria for a school crossing patrol person due to the fixed crossing. Re-instating the school crossing patrol warden would be against current policy and in conflict with Road Safety GB's guidelines.

I am willing to commit to bring our draft School Crossing Patrol Policy to the scrutiny committee to discuss in more detail in due course and to supporting the school if they wish to explore the possibility of providing a voluntary "crossing warden" but this would have to be an initiative that school would be willing to lead on with support from the County Council in terms of training and advice.

2. That consideration be given to each of the improvement options for the Green Dragon junction, Shenfield put forward by the petitioners.

My response to each recommendation as noted in the committee minutes are detailed below:

- School Crossing Patrol Person – dealt with above.
- Changes to the Yellow Box Junction – As discussed at the meeting of the committee it is felt that changes to the Yellow Box would not improve road safety as it may make the crossing less obvious. However I have agreed that coloured road surfacing could be used to delineate the crossing itself as a trial and low cost measure.
- Changes to the base of the signals – I have given this consideration and based on officer advice that this will be costly and ineffective, I do not support this recommendation.
- Flashing school crossing signs and camera enforcement – As discussed at the meeting warning signs are already provided in both directions and flashing lights are considered unnecessary. A static camera would be costly and not good value for money at this site.

In addition to the above, in response to the concerns raised by the petitioners I have agreed to the following actions:

1. The green man timings will be amended to 12 seconds for both am and pm periods when school children are crossing the road. This will be actioned immediately.
2. The operation of the 'Q' loop in the carriageway will be checked. (This detects queuing traffic beyond the junction and changes the stage of the signals to avoid traffic queuing across the junction.) This will be actioned immediately.
3. Traffic movements in the surrounding area will be monitored to see if anything can be done to keep traffic flowing. This will take place in September 2011.
4. Coloured road surfacing will be trialled at the site as detailed above. This will be completed by the end of November 2011.

Essex Police have also agreed to visit the site over the next few weeks to advise drivers not to queue across the yellow box.'

3. By Councillor J Whitehouse of the Cabinet Member for Highways and Transportation.

'The Portfolio Holder may be aware that Essex County Council's criteria for vehicle crossings (dropped kerbs) take no account of the impact of new vehicle crossings on other residents in the area.

Indeed, I was specifically informed in relation to an issue I took up for a constituent that Essex County Council Highways "cannot refuse [a dropped kerb] because of interference to other highway users' parking requirements."

Does the Portfolio Holder agree that it is absurd that the Council's criteria do not take account of the wider impact of the installation of dropped kerbs, especially in areas of parking stress, and will she undertake to review the current criteria taking into account examples from other authorities which do consider this issue?

Reply

'The guidance notes for Vehicle Crossings have recently been rewritten to take into account the new Parking Standards (written by Essex County Council in partnership with the Essex Planning Officers' Association) and our new structure within Highways and Transportation. However, this has not altered our approach in terms of the impact of a new vehicle crossing on adjacent on-street parking.

Our current guidance offers the following protection to other highway users' parking requirements:

- Second accesses on minor roads are only permitted if there is a minimum undropped kerb length of 5 metres between accesses to prevent entire frontages being dropped and allow a parked car to use the width between the accesses
- A maximum of 5 low kerbs is permitted to avoid situations where a property's entire frontage is lowered (this width allows access by 2 cars to park on a frontage)
- If the crossing conflicts with a physical bus stop then the application should be refused unless the application can propose a suitable alternative location agreed with the bus operators
- If the proposal removes more than one on-street parking space in an area where on-street parking is at a premium, it will be refused
- If there is a proposal for a vehicle crossing in a lay-by then the application will be refused if there is high demand for parking. If the proposal is supported, the width of the crossing will be limited to 4 low kerbs.

A resident does have a legal right to an access under section 184 of the Highways Act 1980 if it is safe so our current guidance represents a compromise between a resident's legal rights and the needs of other highway users/protecting the integrity of the highway.'

4. By Councillor J Whitehouse of the Cabinet Member for Highways and Transportation.

'The Epping Parking Review was signed off by the Portfolio Holder in July 2011. On 24 January 2012 the yellow lines and the signs relating to the parking restrictions were due to start being installed, but the contractors are making very slow progress. When they didn't appear on 25 January, a resident phoned the contact number and was told that the contractors don't come if rain is forecast. Residents also reported they worked only 2 hours on Friday 26 January. In addition, there were insufficient early warning signs of the work (dated the day the work was to start) so that many commuters parked in the road, as usual.

Is the Portfolio Holder satisfied that the contractor is delivering an efficient and capable service to the residents of Epping, and why was there such a delay between the sign off in July and the start of the installation in January? '

Reply

It is unfortunate that on the day the works were due to start weather conditions were very poor. Road marking paint cannot be laid during wet conditions, as the paint does not adhere to the carriageway surface. If the material had been laid in wet conditions there is a high likelihood that the paint would have flaked off the road and would have needed remarking, causing further inconvenience to residents.

There have been further intermittent periods of bad weather and delays due to rain, however the two week lining programme has largely been finished to schedule. With only one or two car lengths not completed by the scheduled end date of 2 February.

Regarding the advanced warning signs, these were erected five days before work was scheduled to start. These signs are temporary and in some circumstances can only be fixed to existing street furniture. Unfortunately this means that there may have been large gaps between them in some places. There was a marked reduction in commuter parking following the instalment of the warning signs and cones and the contractors generally found the residents to be helpful in clearing their parked cars.

5. By Councillor J Deakin of the Cabinet Member for Children's Services.

'I understand that a public meeting was held recently at the Maltese Road site of Columbus College (which is now based in Partridge Avenue, Chelmsford). At that meeting discussions took place about the use of the Maltese Road site for the further educational needs of the College's post 19 pupils. It was stated that these students should continue in education between the ages of 19 – 25yrs old to give them

every opportunity; because of their needs they do not transfer to Adult Services until they reach the age of 25.

Can I have the Cabinet Member's views on this please?'

Reply

'Firstly I would like to clarify that young people can transfer into Adult Services at the age of 18 to access support and provision where they meet the requisite eligibility criteria and not age 25 as stated in the question.

I am aware that the Head Teacher of Columbus Special School has been in discussion with my officers regarding extending provision at the school to enable young people to continue their education and social development up to the age of 25.

Currently young people attending the school are able to stay up to the age of 19. At 19, if they are able to continue their education or training they would be required to transfer to provision either at Chelmsford College or to specialist residential provision where appropriate.

In respect of Essex County Council's statutory duties, we have a duty to extend provision for young people with special educational needs up to their 25th birthday if they are continuing to progress in their education and training. This process is supported by a Learning Difficulty Assessment (LDA) undertaken by the Transition Pathway Service in consultation with the school or college, the pupil and parents/carers. The LDA supports young people's progression in learning and enables them to continue to improve their educational outcomes to better support their ability to live as adults in the community with the appropriate support and arrangements they require. All young people attending Columbus Special School will have a LDA completed at certain points in their education and at age 19 when they are preparing to leave the school.

I commend the commitment and dedication of the Head Teacher at Columbus Special School to supporting and improving the outcomes of his pupils. At present we do not have evidence that young people's needs are not being met under the current arrangements and whilst I would not discourage any good school from considering expansion, it is also important that we avoid duplication of provision.

My officers are currently reviewing our SEN provision and I am meeting with Heads of Essex Special Schools later this month to consider how it might be improved to meet the needs of our young people with special educational needs.

Finally, Columbus School is in the process of converting to an academy and under the BSF programme has recently been relocated and rebuilt. Under the BSF programme Essex County Council is required to sell the old site and has been in discussions with the school regarding its interest in purchasing the land. Once the school has completed its conversion to Academy status it will be able to make a case to the Young People's Learning Agency or its successor body, The Education Funding Council, for further capital and revenue funding to support its plans.'

6. By Councillor D Kendall of the Deputy leader and Cabinet Member for Finance and Transformation Programme.

- 'How much money has Essex County Council spent on Consultants and Interim Staff from April 2009 to the end of December 2011? Would you please provide a separate figure for Consultants and Interim Staff?

Reply

Year	Consultancy spend	Interim spend
2009/10	£39,396,000	£3,872,084.24
2010/11	£24,146,000	£2,949,081.81
1 April 2011 – 31 December 2011	£10,184,000	£1,929,482.49

Essex County Council has a continual drive to reduce costs across the organisation including those relating to the use of consultants and interims which it has achieved year-on-year.

We use consultants and interims as a cost effective way of accessing professional expertise in relation to specialist, short term or one-off pieces of work, or where there is no or insufficient in-house capacity or capability. For example, they have played an integral role in supporting the Council's transformation programme, the aim of which is to generate savings of over £300m by 2012/13, through developing and implementing programmes to increase efficiency and service delivery.

- How much has the County Council paid out in redundancy payments to staff between April 2009 and December 2011?

Year	Number	Cost
2009/10	42	£883,000
2010/11	283	£7,346,000
1 April 2011 – 31 December 2011	283	£2,507,000

The numbers of redundancies have increased year-on-year as part of our drive to improve processes and reduce costs within the organisation. The average cost per redundancy has decreased from 2010/11 to 2011/12, which is mainly due to a reduction in the number of voluntary redundancies. These are typically more costly due to take up being by primarily longer serving employees.

When making redundancies of any sort we carefully review the initial cost of redundancy against on-going benefits realisation.

c) Oral questions of the representative of Essex Police Authority on any matter relevant to the business of that Authority

The report of the Essex Police Authority's meeting held on 5 December 2011 was received.

In response to a question Councillor Jackson, Chairman of the Authority advised Members that he was unable to comment on ongoing matters relating to the alleged arrest of an elected representative at the Dale Farm site.

Picking up a question that was more appropriately addressed to her, the Cabinet Member for Highways and Transportation agreed that the speed awareness course was a valuable opportunity to improve driving standards and she recommended it to others.

d) Oral Questions of the Essex Fire Authority on any matter relevant to the business of that Authority.

The report of the Essex Fire Authority's meeting held on 7 December 2011 was received.

There were no questions.

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The meeting closed at 12:42

Chairman
8 May 2012