



Essex County Council

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.

10:00	Tuesday, 11 December 2018	Council Chamber, County Hall, Chelmsford, CM1 1QH
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Gavin Jones
Chief Executive

Officer Support to the Council:

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Prayers The meeting will be preceded by Prayers led by The Right Reverend Hugh Allan o.praem, the Abbot of Beeleigh and Chaplain to the Chairman of Essex County Council.

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.

Pages

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2 Declarations of Interest

To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct

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Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972. If there is exempted business, it will be clearly marked as an Exempt Item on the agenda and members of the public and any representatives of the media will be asked to leave the meeting room for that item.

The agenda is available on the Essex County Council website, <https://www.essex.gov.uk>. From the Home Page, click on 'Your Council', then on 'Meetings and Agendas'. Finally, select the relevant committee from the calendar of meetings.

Attendance at meetings

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<http://www.essex.gov.uk/Your-Council/Local-Government-Essex/Pages/Visit-County-Hall.aspx>

Access to the meeting and reasonable adjustments

County Hall is accessible via ramped access to the building for people with physical disabilities.

The Council Chamber and Committee Rooms are accessible by lift and are located on the first and second floors of County Hall.

Induction loop facilities are available in most Meeting Rooms. Specialist headsets are available from Reception.

With sufficient notice, documents can be made available in alternative formats, for further information about this or about the meeting in general please contact the named officer on the agenda pack or email democratic.services@essex.gov.uk

Audio recording of meetings

Please note that in the interests of improving access to the Council's meetings, a sound recording is made of the public parts of many of the Council's Committees. The Chairman will make an announcement at the start of the meeting if it is being recorded.

If you are unable to attend and wish to see if the recording is available you can visit this link <https://cmis.essexcc.gov.uk/Essexcmis5/CalendarofMeetings> any time after the meeting starts. Any audio available can be accessed via the 'On air now!' box in the centre of the page, or the links immediately below it.

Should you wish to record the meeting, please contact the officer shown on the agenda front page.

Minutes of the meeting of the Full Council, held in the Council Chamber County Hall, Chelmsford, Essex on Tuesday, 9 October 2018

Present:

Chairman: Councillor J G Jowers
Vice-Chairman: Councillor E C Johnson

J Abbott	R J Gooding	R Mitchell
J F Aldridge	I Grundy	G Mohindra
T Ball	C Guglielmi	Dr R Moore
S Barker	M Hardware	J Moran
J Beavis	D Harris	M Platt
K Bentley	A M Hedley	C Pond
D Blackwell	I Henderson	R Pratt
A Brown	J Henry	J M Reeves
M Buckley	S Hillier	P Reid
G Butland	P Honeywood	S Robinson
S Canning	A Jackson	L Scordis
J Chandler	D J Kendall	A Sheldon
P Channer	S Lissimore	K Smith
T Cutmore	D Louis	J Spence
A Davies	M Mackrory	M Steptoe
J Deakin	R A Madden	A Turrell
M Durham	M Maddocks	L Wagland
B Egan	B Massey	S Walsh
A Erskine	P May	C Whitbread
D Finch	M McEwen	A Wood
M Garnett	L McKinlay	J A Young
A Goggin	V Metcalfe	

Prayers

The meeting was preceded by prayers led by The Reverend Canon Ivor Moody, Vice Dean and Canon Pastor, Chelmsford Cathedral and Workplace Chaplain, Essex County Council.

Public Questions

The Chairman welcomed Ms Moriarty, who spoke concerning speed limits and pavement maintenance in the vicinity of Hatfield Heath. It was noted that the question was asked in a more expansive form than the question of which notice had been given which was as follows:

‘Why is the speed limit on Sheering Road to/from Sheering Village to/from Hatfield Heath Village set at national speed limit, therefore not in keeping with the other main roads serving the Hatfield Heath Village, and why has the Footpath/Pavement from the start of Hatfield Heath Village along the Sheering Road been allowed to deteriorate to such an extent that it is impassable and unusable.’

Councillor Bentley, Deputy Leader and Cabinet Member for Infrastructure, thanked Ms Moriarty for her question. He replied:

‘Ms Moriarty, thank you attending Full Council this morning and for your question on speed limits in and around Hatfield Heath.

Given the additional information you provided during your question I would be very happy to provide you with a more detailed response if you write to me with the details

With regards to the speed limit on Sheering Road. The B183 is a priority one route between the villages of Hatfield Heath and Sheering. It is subject to the national speed limit. It has little frontage development and as a priority route its main function is that of carrying traffic.

The overarching element of setting speed limits as determined by government guidance is that they should “...be evidence-led and self-explaining and seek to reinforce people's assessment of what is a safe speed to travel. They should encourage self-compliance. Speed limits should be seen by drivers as the maximum rather than a target speed.” The County Council have applied this guidance when setting speed limits across the county, a process detailed in the Essex Speed Management Strategy in 2010, updated in 2013

The speed limits in Hatfield Heath have been determined based on these principles and reflecting the varied nature of the roads in and around the village. Speed limits ranging from 30mph in the centre, 40mph in transitional areas and national speed limit in more open, less built-up areas. The beautiful large village green that dominates the south of the village provides drivers with an open aspect leading to increases in speeds.

If you have concerns over speeding traffic in the village I would encourage you to engage with the local Parish Council and County Councillor with a potential referral to the Local Highways Panel to undertake a speed survey.

With regards to the vegetation growth along the pavement of Sheering Road. On a general note it is common for rural paths that have relatively low levels of pedestrian movement to become obstructed in some way by vegetation and overgrowth. We have to prioritise work to deal with these defects in the context of the many other pressures on our highways network. Having said that I do understand that this issue has been raised previously and there was an action to arrange for some footway siding and vegetation clearance to be undertaken. We anticipate that the clearance will be completed by the end of October 2018.'

The Chairman welcomed Ms Goldman, who spoke concerning the maintenance of the Army & Navy Flyover. She asked:

'I run two small businesses related to the construction industry where I regularly see construction-related contracts. It would be extremely unusual for any of these contracts not to include clauses relating to non-performance. It is obvious to everyone that Ringway Jacobs have not been maintaining the Army and Navy Flyover to a safe and suitable standard and I assume that they must, therefore, be in breach of a non-performance clause.

Please can the Cabinet Member for Infrastructure explain:

- Why issues with the flyover were not picked up by Ringway Jacobs during previous inspections and in particular during the three-week period this summer during which the flyover was closed for maintenance?
- What non-performance penalties are included for within the Council's contract with Ringway Jacobs and
- When can we expect to see them enforced?'

Councillor Bentley, Deputy Leader and Cabinet Member for Infrastructure, thanked Ms Goldman for her question. He replied:

'Ms Goldman thank you attending Full Council this morning and for your question on the Army and Navy flyover.

As I have stated on several occasions previously, before this latest incident the flyover has been maintained to a safe and suitable standard. Yes, it is an ageing structure and as such will continue to need an enhanced level of maintenance, but we will continue to ensure that it remains safe to use by road users.

Surveys of the flyover have been undertaken in accordance with national guidelines and to required timescales. However, the issue that has caused the current closure arose very recently because of the extreme and prolonged temperatures over the summer; the hottest for 42 years.

Ringway Jacobs act as the Council's partners for the delivery of Highways services in Essex, commissioning surveys and any remedial works on our behalf.

The contract that we have with Ringway Jacobs is rigorously scrutinised through meetings with me as portfolio holder and senior officers on a regular basis to ensure performance remains high.

The latest Principal Bridge Inspection of the flyover has been undertaken during the current closure by an independent survey company and their findings match those of Ringway Jacobs. The results of the inspection report will be released later this month.'

The Chairman welcomed Dr Jones, who spoke concerning the trial of the Gt Baddow Bus Gate and the monitoring of pollution. He asked:

'The traffic disruption in various places, including Moulsham Lodge and Old Moulsham, caused by the Army and Navy flyover closure has clearly demonstrated that the fears expressed by local people regarding displacement of traffic due to the proposed bus-gate in Baddow Road are very real indeed! We have been told that the bus-gate to be put in place in 2020 is to be experimental and that its retention will be dependent on a successful trial.

Technically qualified officers will be aware that the level of pollution detected at any one time will depend on factors such as weather and school holidays. They will also know that it will be impossible to determine how much pollution has actually changed without first establishing a base-line. It is just not good enough only to determine whether or not pollution readings obtained during the trial meet existing limits. I know from my long career as a professional chemist, that such set limits invariably fall as the years go by and very rarely rise!

Can the Cabinet Member for Infrastructure tell us what measures will be put in place to monitor pollution in affected areas including Gloucester Avenue (near Moulsham High School), Maldon Road (Great Baddow), and Hylands Parade during the trial, and crucially for an entire year prior to its commencement?'

Councillor Bentley, Deputy Leader and Cabinet Member for Infrastructure, thanked Dr Jones for his question. He replied:

'The closure of the flyover has disrupted traffic using Essex Yeomanry Way and Parkway. This is causing disruption on other parts of our network but this is not comparable with the planned bus gate on Baddow Road. Baddow Road takes less than 400 vehicles in the peak hours. Baddow Road bus gate is predicted to increase peak hour flows on Gloucester Avenue by less than 50 vehicles, Maldon Road by less than 80 vehicles and Wood Street by less than 110 vehicles. This is a very different proposition to the current situation while drivers adapt to the closure of the flyover.

That being said, the bus gate would be implemented as an experimental traffic order which is designed to allow us to quantifiably measure the success of the scheme before choosing if it should be made permanent. These measures of success will be tested both before and throughout the 12-month trial period and will include testing of the air quality across the Air Quality Management Area centred on the Army and Navy and Baddow Road.

Furthermore, in recognition of the concerns raised by some residents about other routes, we have also proposed to monitor air quality on other local roads, including Gloucester Avenue, Maldon Road East and Wood Street approaching the Miami Roundabout. This will enable us to assess any wider impacts as a result of changes to traffic operation on Baddow Road.'

Councillor Jowers formally opened the meeting

The Chairman reminded those present that the meeting would be recorded and broadcast live over the internet.

The Chairman also informed Members that he had determined that a report from the Chief Executive on political proportionality should be considered at the meeting by reason of special urgency, namely the Council's committees need to be rebalanced following a change in the political balance of the Council. The item would be taken after item four, Chairman's Announcements.

1. Apologies for Absence

Apologies for absence were received on behalf of Councillors Aspinell, Baker, Gadsby, Lumley, Sargeant, Schmitt, Souter and Weston. (Councillor Louis entered the Chamber later in the meeting at the start of the debate on Motion 2).

2. Declarations of Interest

- Councillor Cutmore declared Code Interests in relation to Motion 1 as Chairman of Castle Point and Rochford Local Health and Wellbeing Board, a member representing Essex County Council on West Essex CCG, a Governor of Southend University Hospital Foundation Trust and also a member of the Essex Health and Wellbeing Board representing the southern Districts and Boroughs of Essex.
- Councillor Pond declared Code Interests in relation to Motion 3 as a member of both Loughton Town Council and Epping Forest District Council.

The following Members declared Code Interests in relation to Motion 4:

- Councillor Goggin as a Director of Market Field Academy a school for children with special needs.
- Councillor Mackrory as a governor of a school, part of the Chelmsford Learning Partnership which is a multi-academy trust
- Councillor Sheldon as a member of the board of the Zenith Multi-Academy Trust.
- Councillor Wood as his wife is a Safeguarding Officer employed by Clacton Coastal Academy.

3. Confirmation of the minutes of the meeting held on 10 July 2018

Resolved:

That the minutes of the ordinary meeting held on 10 July 2018 be approved as a correct record and signed by the Chairman subject to an amendment to item 10, The Pension Board Annual Report, that should read 'Councillor Barker... Portfolio Holder for Customer and Corporate...'

4. Chairman's Announcements and Communications

Recent Deaths

Former Councillor Diane Revell

The Chairman informed Members that former Councillor Diane Revell had passed away on Saturday 14 July at the age of 83.

Diane had been an Essex County Councillor from May 1977 to May 1981 and represented the Division of Thurrock (Orsett and Stifford), serving on the Library, Museum and Records Committee as well as a member of the Social Services and the Education committees.

She had also served as a Thurrock Councillor for Orsett for 17 years and Mayor of Thurrock between 2007 and 2008.

Former Councillor David Wescott

The Chairman also informed Members that former Councillor David Westcott had passed away on Tuesday 18 September at the age of 85.

David had been an Essex County Councillor from May 1991 to May 2001 and represented the Division of Dunmow, serving on the Fire and Public Protection, Corporate Strategy and Education Committees, as well as being

a member of the Community Safety Board. He became, in May 2000, the Cabinet Member for Environmental Management and Trading Standards.

David had also been a Governor of Helena Romanes School, a Member of Uttlesford District Council and had served as a Magistrate.

Members stood in remembrance.

Awards

Country Parks – Green Flags

The Chairman invited Councillor Walsh, Cabinet Member for Environment and Waste to speak concerning the Council's achievement of Green Flag Awards for managed parks and green spaces.

Patient Safety Awards

The Chairman invited Councillor Spence, Cabinet Member for Health and Adult Social Care to present an award concerning the Council's Quality Improvement Team who had won the Patient Safety Award in the Mental Health and Learning Disabilities Category.

Representatives from the teams were present in the chamber and Members applauded in appreciation.

5. Urgent Item of Business

The Chairman indicated that he was of the opinion that there were special circumstances relating to following item of business which mean that it should be considered at this meeting as a matter of urgency. The circumstances were that a change in the council's political balance had occurred after the publication of the agenda for the meeting whilst leaving enough time for the council to re-balance the committees and prepare the necessary report and it was desirable that committees should reflect the political balance.

The Chief Executive's Report on Political Proportionality

The Chief Executive, Mr Gavin Jones, presented a report on the political composition of the Council.

It having been moved by Councillor Finch and seconded by Councillor Bentley it was

Resolved:

That the revised political balance and committee seat allocations to registered political groups be noted.

6. Receipt of petitions and deputations

The Chairman received petitions from:

- Councillor Turrell to the Cabinet Member for Infrastructure regarding an uneven highway in Darnel Way, Stanway and a request for the road to be resurfaced.
- Councillor Turrell to the Cabinet Member for Infrastructure regarding the need to repair footpaths and kerbs in and around Damask Road, Lucy Lane South, Lucy Close, Coraline Walk and other roads near or adjacent to Peace Road, Stanway.
- Councillor Scordis to the Cabinet Member for Infrastructure regarding Barn Hall Avenue in Colchester to be re-evaluated and looked at for re-surfacing.

7. Executive Statement

The Leader of the Council, Councillor Finch made a statement entitled 'The Challenges we are facing and how we are responding.' The statement was subsequently made [available on the Council's website](#).

8. Motions

Essex Joint Health and Wellbeing

It was moved by Councillor Whitbread and seconded by Councillor Spence that:

'This Council welcomes the new Joint Health and Wellbeing Strategy and recognises it as a significant piece of collaboration with partners across Essex.

We commit ourselves to working with them to improving the health and longevity of residents and ensuring an effective, integrated health and social care system.

Our vision is of an Essex where people:

1. wherever possible can live healthily in their communities without the need to touch the Health and Social Care system in the first place,
2. are treated early and effectively minimising recourse to acute care,
3. receive timely hospital care, early diagnosis and where discharge is planned effectively to achieve safe and lasting returns home,
4. have access to a full range of options to enable them to live independently,
5. needing long-term care achieve quality care in the right place.

We ask all our partners to join with us in achieving this outcome for the people of Essex.'

It was moved by Councillor Henderson and seconded by Councillor Harris that the motion be amended to read as follows:

'This Council notes with serious concern the evidence of growing inequality of health and wellbeing within some communities of Essex.

The Council therefore welcomes the new Joint Health and Wellbeing Strategy and recognises it as a significant piece of collaboration with partners across Essex.

We commit ourselves to working with them to improving the health and longevity of residents and ensuring an effective, integrated health and social care system.

Our vision is of an Essex where people:

1. wherever possible can live healthily in their communities without the need to touch the Health and Social Care system in the first place,
2. are treated early and effectively minimising recourse to acute care,
3. receive timely hospital care, early diagnosis and where discharge is planned effectively to achieve safe and lasting returns home,
4. have access to a full range of options to enable them to live independently,
5. needing long-term care achieve quality care in the right place.

We ask all our partners to join with us in achieving this outcome for the people of Essex.'

It was moved by Moved by Councillor Robinson and seconded by Councillor Mackrory that the motion be amended to read as follows:

'This Council welcomes the new Joint Health and Wellbeing Strategy and recognises it as a significant piece of collaboration with partners across Essex.

We commit ourselves to working with them to improving the health and longevity of residents and ensuring an effective, integrated health and social care system.

Our vision is of an Essex where people:

1. wherever possible can live healthily in their communities without the need to touch the Health and Social Care system in the first place,
2. are treated early and effectively minimising recourse to acute care,
3. receive timely hospital care, early diagnosis and where discharge is planned effectively to achieve safe and lasting returns home,

4. have access to a full range of options to enable them to live independently,
5. needing long-term care achieve quality care in the right place.

We ask all our partners to join with us in achieving this outcome for the people of Essex and to lobby Government to ensure that we have the staff to deliver it and the money to at least meet the shortfall identified by the Local Government Association.'

The amendment moved by Councillor Henderson and seconded by Councillor Harris having been put to the meeting was **lost**.

The amendment moved by Councillor Robinson and seconded by Councillor Mackrory having been put to the meeting was **lost**.

The original motion having been put to the meeting was **carried**.

Lower Thames Crossing

It was moved by Councillor Mohindra and seconded by Councillor Bentley that:

'This Council fully supports the Government's announcement of its preferred Option C for the proposed new Lower Thames Crossing.

This would be a bored tunnel under the River Thames east of Gravesend and Tilbury. The route would enable sustainable local development and regional growth leading to a stronger economy as well as proving a safe and reliable road that will improve the resilience of the wider road network.

It will also greatly improve the wider economy of UK PLC as well as Greater Essex and generate thousands of new jobs. It is now imperative that work on this Option gets underway to ensure the future prosperity of the County and Country.'

Ten Members having stood in their places the motion was put to a named vote and was **carried** by 45 votes for, 14 against and 4 abstentions.

Those Members voting for the motion were Councillors:

J F Aldridge	M Garnett	M McEwen
T Ball	A Goggin	L McKinlay
S Barker	R J Gooding	R Mitchell
J Beavis	I Grundy	G Mohindra
K Bentley	C Guglielmi	Dr R Moore
A Brown	M Hardware	J Moran

M Buckley	A M Hedley	M Platt
G Butland	J Henry	R Pratt
J Chandler	S Hillier	J M Reeves
P Channer	P Honeywood	A Sheldon
T Cutmore	A Jackson	J Spence
M Durham	S Lissimore	M Steptoe
B Egan	D Louis	L Wagland
A Erskine	R A Madden	S Walsh
D Finch	B Massey	C Whitbread

Those Members voting against the motion were Councillors:

J Abbott	D J Kendall	K Smith
A Davies	M Mackrory	A Turrell
J Deakin	P Reid	A Wood
D Harris	S Robinson	J A Young
I Henderson	L Scordis	

Councillors Blackwell, Johnson, May and Pond abstained and the Chairman, Councillor Jowers, did not vote.

Devolution

It was moved by Councillor Pond and seconded by Councillor Abbott that:

‘This Council:

- (a) supports the idea of localism and the principle that ECC should devolve decision-making on a range of matters which affect the quality of life of the county’s residents and agrees to establish an all-party working group to recommend the way forward to the Cabinet, with a view to early and tangible action to deliver devolution.
- (b) considers that second tier authorities and town and parish councils (or groups of such) should be able see the wishes of their residents fulfilled, through greater control of local services such as traffic management, pollution near schools, local streetlight policy or footway maintenance.
- (c) considers that the additional cost of any enhanced service should be funded by the authority to which the function is devolved.
- (d) calls upon the district authorities in Essex to review their unparished areas with a view to establishing parishes where there is local support.’

It was moved by Councillor Finch and seconded by Councillor Bentley that the motion be amended to read as follows:

‘This Council:

- a) Applauds the Administration for the way it is leading the way in devolution and subsidiarity especially following its announcement on how it intends to devolve more highways issues to second tier authorities, town and parish councils which will have a beneficial effect on the quality of life of local residents.
- b) Encourages, second tier authorities, town and parish councils, or such properly constituted groups of residents who come together expressly for the purpose of providing Services to come forward with their ideas of taking over appropriate local services, which would include future financing.
- c) Considers that the additional cost of enhanced services should be funded by the authority to which the function is devolved.

At this point, the Chairman, Councillor Jowers declared a code interest, being also the Chairman of the Essex Association of Local Councils.

Councillor Pond and Councillor Abbott, in accordance with paragraphs 16.8.5 (vii) and 16.9.10 of the Council’s constitution moved a motion without notice, that leave be given to withdraw their motion on devolution. There being no further discussion the motion to agree that the motion be withdrawn was put to the vote and **lost**.

The amendment moved by Councillor Finch and seconded by Councillor Bentley was put to the meeting and was **carried** and became the substantive motion.

The amended motion, having been put to the meeting, was **carried**.

9. Adjournment

With the agreement of Council, the Chairman adjourned the meeting for luncheon at 13:00. The meeting reconvened at 13:45.

10. Motions (continued)

Academies

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

‘This Authority recognises that the current governance arrangements at Academy schools lack democratic accountability which has seemingly led to financial abuse evidenced on the recent Panorama programme, therefore this Authority will:

1. Contact the Secretary of State for Education to raise our concerns and demand that a review of governance arrangements be undertaken to ensure schools are once again accountable to the communities that they serve.
2. As soon as the Essex Multi Academy Trust is launched ask the Secretary of State to ensure that the now “good” rated school Colchester Academy is taken under this trust arrangement.
3. Use its power to lobby government so that a Local Education Authority representative forms part of every Governing body irrespective of whether they are an academy or not.’

It was moved by Councillor Gooding and seconded by Councillor Ball that the motion be amended to read as follows:

‘This Authority recognises that the current governance arrangements at Academy schools can lack democratic accountability which has seemingly led to the alleged financial abuse evidenced on the recent Panorama programme, therefore this Authority will:

1. Contact the Secretary of State for Education to raise our concerns and request that a review of governance arrangements be undertaken to ensure schools are appropriately accountable to the communities that they serve.
2. As soon as the Essex Multi Academy Trust is launched to consider incorporating, subject to DfE approval, the now “good” rated school Colchester Academy within this trust arrangement.
3. Use its power to lobby government so that a Local Education Authority representative forms part of every Governing body irrespective of whether they are an academy or not.’

Councillor Young, with the approval of Council, accepted the amendment moved by Councillor Gooding which then became the substantive motion.

The amended motion, having been put to the meeting, was **carried**.

11. To receive the Leader’s report of Cabinet Issues

Councillor Finch, the Leader of the Council, presented a report concerning matters considered at the meetings of Cabinet held on 17 July and 18 September 2018.

It having been moved by Councillor Finch and seconded by Councillor Bentley it was

Resolved

That the report be received.

12. To receive a report of matters reserved to the Council

Councillor Finch, the Leader of the Council, presented the report of matters reserved to Council.

It having been moved by Councillor Finch and seconded by Councillor Bentley, (and subject to an amendment of the recommendation a) Part 26 - Appendix 3, List of Approved Bodies, so that The Basildon Bus Forum should not be removed) it was

Resolved**Amendments to the Constitution****a) Part 26 - Appendix 3, List of Approved Bodies**

That the list of Approved Bodies in appendix 3 of part 26 of the Constitution be amended in the following ways:

- The AONB Suffolk Coast and Heath Advisory Committee and the Dedham Vale AONB and Stour Valley Joint Advisory Committee be shown in the list of Approved Bodies as:
 - a) 'AONB: Dedham Vale and Stour Valley Joint Advisory Committee' and
 - b) 'AONB: Suffolk Coast and Heaths Joint Advisory Committee'
- Currently the Clinical Commissioning Groups are identified in the list of Approved Bodies as:
 - a) 'Basildon and Brentwood Clinical Commissioning Group';
 - b) 'Castle Point and Rochford Clinical Commissioning Group';
 - c) 'Mid Essex Clinical Commissioning Group';
 - d) 'North Essex Clinical Commissioning Group' and
 - e) 'West Essex Clinical Commissioning Group'

It is proposed that they be re-listed as:

- a) 'Clinical Commissioning Group: Basildon and Brentwood'
 - b) 'Clinical Commissioning Group: Castle Point and Rochford'
 - c) 'Clinical Commissioning Group: Mid Essex'
 - d) 'Clinical Commissioning Group: North Essex' and
 - e) 'Clinical Commissioning Group: West Essex'
- The listing that we have for the 'Princess Alexandra Hospital NHS Foundation Trust' is incorrect as the organisation is not a Foundation Trust. This entry to be amended to remove the word 'Foundation'.
 - The 'Southend Airport Consultative Committee' has changed its name to the 'London Southend Airport Consultative Committee'.
 - 'Chelmsford Youth Strategy Group' has been erroneously listed in addition to the 'Youth Strategy Group – Chelmsford'. The former is a duplication to be removed.

- 'The Canewdon Charities' still exist but Essex Council Council is not required to appoint a representative and has not done so. Consequently, its name to be removed from the list of Approved Bodies
- The following organisations no longer exist and their names to be removed from the list of Approved Bodies:
 - a) 'The East of England LGA Employment and Skills Panel'
 - b) 'The East of England Regional Transport Forum' and
 - c) 'The Essex Partnership Steering Group'

The numbering of the list of Approved Bodies as shown in Appendix 3 of part 26 of the Constitution to be amended to take account of these changes.

b) Terms of Reference of the Audit, Governance and Standards Committee

That references to the 'Head of Internal Audit' be replaced with 'Chief Audit Executive'.

c) Amendment to the Code of Conduct for Members

That paragraphs 24.8.3 and 24.8.4 of the Constitution, Code of Conduct for Members be amended to read as follows and that current paragraph 24.8.4 becomes 24.8.5:

- '24.8.3 In addition you must withdraw from the room during the consideration of an item of business and must not participate in any debate or vote on that item of business if:
- (a) you have a **Disclosable Pecuniary Interest** in that business; or
 - (b) you have a **Code interest** which is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 24.8.4 Paragraph 24.8.3 does not apply where:
- (a) A member has received a dispensation from the Monitoring Officer or the Audit, Governance and Standards Committee; or
 - (b) A meeting is operating to a procedure which would permit a member of the public to address the committee whether on the invitation of the Chairman or otherwise, but this exemption only applies for as long as the Member is either

addressing the committee or answering questions asked by any member of the committee.'

d) Change of definition of a key decision to exclude routine orders

To insert a new paragraph, 5.3.2(iv) of the Constitution (decisions which are not key decisions) as follows:

'A decision to place an order for gas, electricity - or for such other goods and services as the Leader or the Cabinet may from time to time determine - under a contract where the scope of the Contract has been determined by the Cabinet or a Cabinet Member'

13. Written Questions

The published answers to the 23 written questions submitted in accordance with Standing Order 16.12.1 were noted.

Members sought points of clarification from the relevant Cabinet Members, details of which are available on the ECC website [via the online audio recording of the meeting](#). The written questions were:

1. By Councillor Henderson of the Leader of the Council

'I am sure that every member of this Council is angry and disgusted at the knowledge that modern slavery exists and is a growing issue within society. To this end, will the Leader of the Council arrange for Essex County Council to sign up to the Co-operative Party's Charter on Modern Slavery which confirms that signatories will:

- Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
- Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
- Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
- Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
- Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
- Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.

- Review its contractual spending regularly to identify any potential issues with modern slavery.
- Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
- Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
- Report publicly on the implementation of this policy annually.'

Reply

'The Council is already committed to eradicating modern slavery in our supply chain as set out in our [Modern Slavery Statement](#).

The procurement services team have been provided with online training with regard to Modern Slavery covering risk factors and required action. In addition, teams have received group training from our Modern Slavery champion. This training forms part of our standard induction for new starters within the team.

The team annually review our supply base and ensure that where required suppliers have committed to their own Modern Slavery Statement as well as ensuring compliance across their Supply Chain. We are also developing our standard supplier compliance audits to include a Modern Slavery compliance assessment.

New suppliers are asked to provide evidence of their compliance to the Modern Slavery Act. The ECC standard Contractual terms have been updated to include requirements for all suppliers to comply with the Act.'

2. By Councillor Young of the Cabinet Member for Education and Skills

'Councillor Goggin and I have been liaising with the First Bus company over the provision of bus services on a Sunday and evening services on the number 62. Unfortunately, there is going to be a gap between the Hedinghams Bus company relinquishing their service and the First Bus company starting. Could the portfolio holder investigate what can be done to provide some transport to my constituents during this gap in service as many people will find themselves devoid of transport.'

Reply

'We appreciate the concerns raised and are aware of this gap in service which has existed over the last few weeks. ECC did

approach local operators about ways of bridging the gap but unfortunately, we were unable to achieve a successful outcome.

First will be operating service 62 with effect from 21 October 2018.'

3. By Councillor Young of the Cabinet Member for Education and Skills

'I am alarmed that there has been a review of bus stops in Colchester which appears to have been conducted without the involvement of local County Councillors. I am grateful to officers agreeing to meet me over this issue however please can the portfolio holder ensure that local members are included in discussions that affect their constituents such as these changes, as we will face the complaints from the community.'

Reply

'Essex County Council agreed to work with operators and Colchester Borough Council to look specifically at reallocating stops in Colchester Town Centre, following significant safety issues raised by passengers and bus operators. The purpose of the scheme is to improve passenger and pedestrian safety whilst enabling passengers to access the town's facilities. The scheme should also improve bus reliability and congestion issues in Colchester Town Centre.

These are commercial bus services and ECC's role in the process has been only that of broker to ensure safe and fair allocation of services and stops between operators in the best manner for residents and passengers.

There has been extensive engagement with stakeholders which included local County and District Councillors and MPs. We have worked through many of the concerns raised during this period and met with individuals to talk them through the scheme, ensuring understanding of what is being proposed.

On Friday 5 October 2018 the public messaging on this scheme went live, including leaflets and information on our website. These changes are scheduled to begin on 21 October 2018.

I can assure you that members will be further engaged during the bedding in period.'

4. By Councillor Reid of the Leader of the Council

‘In view of all the publicity in the media regarding several County Councils who are struggling with funding and finding themselves in financial crisis – one common thread is that the financial problems are ramped up by the needs of the population spread over a large area.

Whilst we all understand the consequences of a funding crisis the people who suffer mostly are those at the lower end of the scale. Children’s and Adult Services, Libraries, Highways maintenance and economic and Community Infrastructure are the services which most likely would be affected.

We recognise the difficulties of continued funding and we all realise that one of the biggest contributions to the crisis is that funding from government has continually been reduced creating the situation that some County Councils are finding themselves in today.

Should we at Essex County Council ask the question going forward, how are we going to cope with delivering the best service to our residents in Essex if there are continuous funding cuts in the future. Can the people in Essex be confident that we will always put their interests first?’

Reply

‘Over the past eight years, we’ve frozen council tax on five consecutive occasions, we’ve kept £161 million where people needed it most – in their own pockets to spend on what mattered to them. We continually seek new ways of delivering services at better value and lower cost. Increasingly we are using subsidiarity to ensure that services are delivered as locally as possible. Wrapped around all of this is our voice at the heart of Government pushing for a longer term finance settlement. So yes, the people of Essex can be confident that we will put their interests first.’

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

‘The Advisory Group on Contraception released a survey based on a FOI report showing that half of local authorities have cut or plan to cut contraceptive services this year.

Specialist clinics are reducing their hours or shutting down meaning women have to go back to their already overstretched GP surgeries. This is fine if they just need a repeat prescription but not so good for those women whose lives and needs are more complicated than that. There is an emerging problem for many women getting hold of long acting reversible contraceptives (LARCS) such as the coil and contraceptive implants.

These cuts are responding to financial pressure - not ideological reasons.

Those most likely to end up with an unplanned pregnancy if they can't easily get hold of contraception are the young, the chaotic and women in exploitative relationships. An unplanned baby in a family already at the end of its tether is a potential recipe for disaster.

What is the current position of service in Essex?

Are there any planned cuts or reductions in the service in the future?'

Reply

'In Essex we commission a consortium of providers in a countywide integrated sexual health service. The contract for this runs from 2016-2023 and there are currently no plans to reduce funding. Through the contract we are moving away from acute hospital delivery and towards digital solutions and bespoke centres within localities.

We support long acting reversible contraceptive (LARC) training for GPs and practice nurses and we incentivise GPs to develop capacity in this area. Those seeking contraception are routinely informed of LARCs as the best method.

Other developments of note:

The eC Card App gives young people access to free condoms without the need to visit a clinic or interact with professionals. The app (which is the first of its kind in the UK) directs young people to the nearest of 80 collection points across the county.

Online testing means the Essex population now has access to discreet Sexually Transmitted Infection (STI) testing online 24/7. This has been presented at national conferences and was shortlisted for the LGC award for innovation.'

6. By Councillor Smith of the Cabinet Member for Culture and Communities

'Would the Cabinet Member for Culture and Communities consider writing to Royal Mail to request the issuing of a first and second class definitive stamp for the historic kingdom of Essex, as in keeping with Northern Ireland, Scotland and Wales? The image upon the stamp should be the trio of seaxes.

This request would help strengthen the link between the peoples of Essex right across the County, Unitary and Metropolitan boundaries of historic Essex.'

Reply

'Essex, of course, has a rich and vibrant history that is worth celebrating. It is the sight of many famous landmarks and places of interest, from Martello Towers to Audley End House to Colchester Castle - to name just a few. I would like to take this opportunity to praise the work of Visit Essex, who encourage both local residents and visitors from outside the county's borders to actively engage up close and personal with our deep cultural heritage.

I would like to draw Members' attention to the new First World War Special Commemorative Stamp Collection just released by the Royal Mail. Comprising of just six stamps, I am proud to say that one of them features the image of Private William Cecil Tickle, who joined the 9th battalion Essex Regiment in 1914. He died fighting bravely in the Battle of the Somme and, having no known grave, is commemorated on the Thiepval Memorial in France.

Periodically, the Royal Mail invite submissions from members of the public to submit ideas for future stamp designs. I would encourage the Member to utilise this approach when this next occurs.'

7. By Councillor Smith of the Cabinet Member for Culture and Communities

'Can the Cabinet Member please update concerned residents with regards to the most recent activities of Essex Trading Standards in relation to the many complaints from consumers using the Westgate car park of Basildon?'

Reply

'Following the receipt of a large number of complaints since 12 September 2018 regarding the signage, alternative payment methods and timing windows relating to parking charges at the Westgate car park, Trading Standards launched an initial investigation. Their findings were as follows:

- The signage displayed at the car park does indicate what charges apply, including details of the fact that all registrations are recorded on entry and a charge will apply after the first 10 minutes. The signage also states that the duration of stay is calculated by automated number plate recognition cameras from the point of entry to the point of exit.

- If the ticket machines are not working customers must make a payment by telephone. This is standard practice around many car parks within Essex and customers do have the choice to exit before 10 minutes have expired if they are unable to pay or do not wish to pay via card payment.
- Trading Standards identified from the signage in the car park that the operator is Smart Parking Limited, which are a British Parking Association approved operator. This means that they have to comply with the British Parking Association code of practice and the Security Industries Authority, who regulate that code.
- Trading Standards are currently in the process of referring the concerns raised and their observations to the BPA to advise that, whilst the signs do state the terms and conditions of parking, numerous complaints have been raised and therefore they may wish to look into the clarity of the information displayed. We understand that the BPA have already started to look into the matter.

It is important to note that whilst Trading Standards did investigate the issue in this instance, the consumers who complained required civil advice, as their concerns were based on a confusion around terms and conditions. 'The Citizens Advice Consumer Helpline' is responsible for providing this advice and receives Government funding to enable it to do so. As well as providing advice, all complaints received are automatically sent to the Trading Standards team and uploaded on to their database. The team requested that complainants report their concerns via this route to ensure they received appropriate civil advice and that their concerns were logged.

A formal written response has been issued to the consumer who appears to be representing the Facebook group set up to discuss this issue, so that it can be posted and shared appropriately. Trading Standards would be very pleased to share their official written response on this issue with any Members who request one.'

8. By Councillor Scordis of the Cabinet Member for Finance, Commercial and Traded Services

'What impact do we believe a 'No Deal Brexit' will have on our finances if this occurs?'

Reply

'We are constantly considering the impact but as information is still emerging, a definitive position cannot be advised. Once the terms of leaving the EU are known, we will be able to assess it. However,

through Kevin Bentley, we are making more general representation regarding the need for access of workers in the care markets etc.'

9. By Councillor Scordis of the Cabinet Member for Customer and Corporate

'At the meeting of Council on 15 May Councillor Henderson brought to the attention of the Cabinet Member for Culture, Communities and Customer the issue of community groups being charged a fee for using the community hub in Essex libraries. Can I ask for the cost of administering this compared to the income raised from this scheme?'

Reply

'The Library Space hire charging policy was agreed in June 2017. Charities and community organisations are charged a rate which is 50% lower than the charge to commercial organisations.

The majority of other Local Authorities also have this type of charging policy in place and its introduction has enabled an additional source of funding to off-set costs for the Library service, which is part of creating a sustainable library service that can continue to enable community events.

There are no additional costs to the service for administering the collection of Libraries Space Hire charges.

We are currently forecasting to collect over £120k of charges for space hire for 2018/19.'

10. By Councillor Davies of the Cabinet Member for Economic Development

'Could the Cabinet Member provide an update on Essex County Council's involvement with Basildon Council's Local Plan and whether there are any conversations with the Ministry for Housing, Communities and Local Government (MHCLG) on this matter?'

Reply

'Since the new administration took control of Basildon in May 2018, good progress has been made on the Local Plan, so no conversations have been required with MHCLG.

ECC officers have actively engaged with Basildon Council in the preparation of their Local Plan and supporting technical evidence, in accordance with the Duty to Co-operate. This reflects ECCs role as Highways Authority, Education Authority (including Early Years and

Childcare), Minerals and Waste Authority, Lead Local Flood Authority, lead adviser on Public Health, responsibilities for Adult Social Care and interests in economic growth and development.'

11. By Councillor Davies of the Leader of the Council

'Could the Leader explain how the local and regional Brexit Boards in the East of England have informed government policy?'

Reply

'The Boards are just one method of engaging in the LGA's efforts to influence government policy. As well as being the LGA's Brexit Lead Cllr Bentley recently chaired the East of England sounding board.

Since the referendum, ECC has worked closely with the LGA, providing local evidence and helping to shape local government's response to Brexit, notably raising the challenge faced by trading standards at UK ports and the potential for flexibilities in local government procurement and state aid rules to develop robust local supply chains.

ECC's report "*Taking back control: Essex's local solution to post Brexit economic growth*" has been championed by the LGA in its successful lobbying for the UK government to underwrite projects that secure EU funding before the exit date, as well as in helping to frame the principles of the UK Shared Prosperity Fund which will replace ESIF funds post 2020.'

12. By Councillor Mackrory of the Cabinet Member for Infrastructure

'Does the Cabinet Member now regret not supporting the Liberal Democrat Group's amendment to motion 4 at the October 2017 Council, for the Army and Navy Interchange to be included in the infrastructure package made to government?'

Reply

'May I thank the member for Springfield for the question.

The Motion tabled and carried at Full Council in October 2017 was intended to specifically highlight the need for investment in inter-urban routes rather than the issues of our urban centres and was in part deliberately worded for its intended audience at the Department for Transport and in particular Highways England. It referenced schemes where we have a shared interest, either Trunk roads or where there is an aspiration for a road to once again form part of this

strategic network. The Army & Navy simply doesn't fit within this classification or narrative.

Helping people move within our town centres is a priority for this administration as demonstrated through our commitment to a range of schemes including the improvements to Basildon Town Centre, Ipswich Road in Colchester and the Chelmsford City Growth Package. Improving the Army and Navy junction does remain of central importance to the administration, which is why I have recently established a task force to oversee its long-term improvement.'

13. By Councillor Mackrory of the Cabinet Member for Infrastructure

'Can the Cabinet Member give an interim report on the initial findings of the independent report into the Army & Navy flyover's structures? If a written answer is not yet possible a verbal report at Council will suffice until one is.'

Reply

'May I thank the member for Springfield for the question.

Since the decision to close the Army and Navy flyover was made in September a number of actions have been taken to resolve the safety concerns. Repairs are continuing along with investigation and testing of the structure. An Independent Principal Inspection was commissioned and has just completed with a final report being prepared over the next couple of weeks. I am committed to keeping people updated on all aspects of our work on the flyover and I look forward to providing further details as soon as I am able to do so.'

14. By Councillor Turrell of the Cabinet Member for Infrastructure

'Can the Cabinet Member please advise what the arrangements for providing LED Street lights on the remaining section of the A133 (Cymbeline way) in Colchester is please. The reason for this question is that there has been a number of serious accidents on the unlighted section of this road in recent times which highlights the need for the lights.'

Reply

'May I thank the member for Mile End and Highwoods for the question.

ECC does not currently have plans to install additional lighting on this route. With reference to accidents, you will appreciate that much

of the County's road network is unlit and people therefore are obliged to use the highway in accordance with the conditions. I have asked officers to review the accidents on this road over the past three years. There were 18 collisions during this period with five happening during the hours of darkness. A shared off-road path is provided along the length of the road offering a safe route for pedestrians and cyclists.'

15. By Councillor Baker of the Cabinet Member for Infrastructure

'Can the Cabinet Member provide members with an update on the partnership between Essex County Council and Jiangsu province.

The University of Essex has various links with Chinese institutions of higher education. Can the County Council encourage exchanges between the educational institutions in the county and China in order to promote mutual benefits?'

Reply

'May I thank the member for Parsons Heath and East Gates for the question.

The Council's 30-year partnership with Jiangsu provides Essex with a valuable channel into the world's highest-growth economy. This is being actively used by increasing numbers of Essex businesses, universities, colleges, schools, and museums.

The relationship with Jiangsu gives the Council privileged access to opportunities. These have been used to:

- Help 150 Essex schools twin with 150 Jiangsu schools.
- Bring business tourists to Essex.
- Help Essex businesses export.
- Create exchanges between Jiangsu museums and Colchester Museum.

Both Anglia Ruskin University and the University of Essex have ongoing commercial partnerships with Jiangsu counterparts which bring them student income as well as research and development collaborations and in-China consultancy sales. However, there is considerable scope to further increase exchanges between Essex universities and counterparts in China. The main things that Essex can trade with China is knowledge, best practice and advanced research. The following projects are under way to help achieve this:

- ECC has a partnership arrangement with the Jiangsu Department of Science and Technology. 12 Jiangsu hi-tech businesses will visit Anglia Ruskin University on 23rd November to meet ARU's 'Innovation 50' businesses and to

- plan ongoing innovation exchanges between ARU and Jiangsu
- Developing mechanisms to encourage knowledge and talent exchanges between our universities and counterparts in Jiangsu.
 - ECC has developed strong partnerships with the Jiangsu Department of Health and Family Planning. This has led to collaborations between Changzhou City Hospital and Colchester Hospital.
 - Jiangsu doctors are currently studying at Basildon University Hospital in a programme organised by ECC's International Trade Team.'

16. By Councillor Robinson of the Cabinet Member for Health and Adult Social Care

'The Government's migration Advisory Committee forecasts "tremendous pressure" on social services provision as a result of restrictions on freedom of movement of EEA workers after Brexit.

Can the Cabinet Member advise if the council has a plan in place to deal with this pressure and what the plan is?

Does he agree that, in the light of this evidence, the Government's aim of reducing annual net migration to "tens of thousands" is extremely unrealistic?'

Reply

'It is not appropriate to think of this issue in terms of plans; you cannot easily plan for such a high level of uncertainty. Our approach is to be proactive, to actively engage with providers so that we can consider together how to recruit more British people into the profession. This is an ongoing issue which is heightened, rather than intensified, by Brexit.

As to your second question, the Council is not responsible for migration policy and it is not for the County Council to comment on government migration policy.'

17. By Councillor Baker of the Cabinet Member for Infrastructure

'Can the Cabinet Member please advise what he plans to do in order to stop the traffic chaos which often occurs on the Ipswich Road in Colchester due to roadworks?'

Reply

‘May I thank the member for Parsons Heath and East Gates for the question.

Essex County Council operates a permit scheme across the county through which we seek to coordinate all works and keep the road and lane closures occasioned by third party and ECC works to a minimum, as well as monitoring the safety of the works and ensuring that our asset is protected. Through this scheme, ECC can impose fines for example, for works that overrun. To view information regarding all works across Essex please visit www.roadworks.org.

You will be aware that ECC is currently delivering the A133 Ipswich road roundabout scheme with the aim to alleviate congestion, improve access for all forms of transport while supporting growth and economic prosperity of the town.

While efforts will be made to keep traffic congestion to a minimum throughout these improvements, it is recognised that works will be undertaken in traffic sensitive areas and there is likely to be disruption to normal traffic flows. Motorists are advised to allow extra time travelling through the area.

Our contractors are very proactive and are making improvements where they can.

As the project evolves we will review the traffic management however it is expected that the single lane running will be in operation throughout the scheme duration.

I’d like to thank people for their patience and co-operation while we undertake these improvements.’

18. By Councillor Aspinell of the Cabinet Member for Education and Skills

‘Can the Cabinet Member advise whether when renegotiating bus contracts in future, will ECC require bus companies to use Euro 6 low carbon buses?’

Reply

‘The County Council supports the introduction of Euro VI compliant engines on public transport vehicles as part of its drive to reduce emissions, improve air quality and get better health outcomes across the county.

This said, at present only a minority of buses in Essex currently meet Euro VI standards and while all new buses will do so, it will take some time for the whole fleet to become compliant. While in principle it would be possible for the county to specify the use of Euro VI

compliant vehicles in its contracts, in practice, this would risk excluding the majority of currently operational buses from being used on its contracts.'

19. By Councillor Kendall of the Cabinet Member for Health and Adult Social Care

'It is estimated that there are 5.7 million unpaid carers in England. Can the Cabinet Member confirm how many unpaid carers are there in Essex and how many of these carers in Essex have received a carers assessment in the past year that would help identify their own support needs? Can the Cabinet Member also advise what specific support is the County Council giving to unpaid carers in Essex?'

Reply

'I acknowledge the pivotal role citizens play in providing care and support to their loved ones. We know around 146,000 citizens are providing unpaid care in Essex; the value of which is estimated at £2.5 billion.

Carers aren't just pivotal to social care; the role they play is crucial to the sustainability of the NHS, and is central to prevention, reducing demand on a range of services. Carers play an imperative role in aiding effective discharge from hospital and enabling people to recover and maintain active lives within their communities.

In 2017-18:

- 12,500 carers were supported in Essex
- 1,953 new carers assessments were completed
- 1,305 reviews for existing carers were completed

So far in 2018 -19:

- 884 new carers assessments have been completed
- 626 carer reviews have been completed

We commission a support service for carers provided by Carers First, giving personalised support to carers through surgeries and social groups as well as providing support whilst they, or the person they are caring for, is in hospital.

As well as providing assessments, reviews and support for carers, where appropriate we will also offer personal budgets (direct payments). We produce plans for approximately 3000 of our most vulnerable carers, supporting them to plan for emergencies now and in the future. Extensive information and guidance is also available through Carers First and the Living Well Website.

We also facilitate the community and voluntary sector to offer a range of activities to support carers to be socially active, reducing isolation and loneliness. Finally, we fund the Alzheimer's Society to deliver Community Dementia Support Services, including a Navigator model that works with families, supporting people to adapt to living with dementia.

Looking to the future, we are leading work with partners from across the health and social care system to better understand the impact of the current carers offer and work collaboratively to develop and deliver an ambition that better enables, empowers and supports carers to achieve positive outcomes.'

20. By Councillor Kendall of the Cabinet Member for Children and Families

'Can the Cabinet Member advise what specific steps is Essex County Council taking to put pressure on the Government to release the £1.7 billion promised for child and adolescent mental services?'

Reply

'In 2015, the government pledged an extra £1.4 billion over five years to transform Child and Adolescent Mental Health Services (CAMHS) and last year a further £300m over 3 years. The government are putting a great emphasis on children's mental health and we are seeing this funding through the CAMHS local transformation plan monies (LTP) that are released to the CCG's by the government. We have been working hard to ensure that a) they have been released and b) they have been invested in timely fashion to support young people in Essex, via the EWMHs Collaborative Commissioning forum. We have been heavily influential in terms of the investment of these funds.

In my capacity as member of the LGA I work on behalf of all councils across the country and I can confirm that there is work going on in this area too.

Currently we are working with the NHS Long Term Plan leads for "mental health" and "healthy childhood and maternal health" to raise our concerns and influence the development of their plans in order to increase funding and standards for Children Young People's Mental Health (CYPMH) post 2021 and ensure the full funding is released. We responded to the Government's green paper on transforming CYPMH provision which also highlighted our concerns back in March 2018

We also responded to the National Audit Office's VFM project in children's mental health in June 2018 further highlighting our concerns.

The LGA are also speaking to NHS programme leads about how we can help to strengthen local accountability and oversight for the spend and reforms.'

21. By Councillor Abbott of the Cabinet Member for Infrastructure

'Despite many years of requests to ECC, there is still no commitment to prevent the nuisance and danger posed by large HGVs along the narrow sections of Oak Road Rivenhall End. A proposed extension to the 7.5T weight limit designed to stop HGVs running down the footways on the section that leads to the A12 has been put on hold. HGVs also continue to get stuck on the section of Oak Road either side of the railway bridge and this can cause dangerous queuing back on to the A12. HGVs sometimes hit the bridge or stop underneath it with inches to spare and the police are increasingly being called out to incidents. Recently trains had to be slowed over the bridge until an inspection could be carried out following a strike which caused serious damage to an HGV.

Does the Cabinet Member recognise that HGV strikes to a bridge carrying the main London-Norwich railway line are a very serious matter and that measures to prevent such strikes are now essential?

As well as the current LHP scheme request for clearer conventional signage, will he support urgent investigation of a reactive warning system that alerts drivers (some of whom simply ignore the weight and height limit signs) to stop well before they reach the bridge?'

Reply

'May I thank the member for Witham Northern for the question.

A decision was taken in July 2017 by the then Highways portfolio holder to defer a decision on a proposed one-way environmental 7.5 tonne weight limit that would have restricted access for HGVs to Oak Road. Due to the current junction arrangements on the A12, banning HGVs on Oak Road could lead to some significant diversions and implications for other communities and the initial proposal was met by objections from local residents and businesses who use this road particularly for agricultural purposes. However, the decision to not proceed at this stage was based mainly on the fact that Highways England's proposed A12 improvement scheme indicate that the Rivenhall junction is highly likely to be affected and that it is best to wait until further details are announced to see how this might

improve the situation for all road users and local communities in the long term.

I do recognise the importance of the railway bridge at Rivenhall End. It is a structure owned by Network Rail and they have not approached ECC with any concerns or requests for improvements at this location. It is something that will be discussed with them next time a meeting is held between Essex Highways and Network Rail. Essex Police have not reported concerns over highway issues in relation to bridge strikes either.

The railway bridge is already subject to a height restriction and signage is in place on the approach, including signs on the A12 shortly before the Oak Road junction. I understand that the Braintree Local Highways Panel is undertaking reviews into whether additional signage can be installed in the vicinity in order to provide further advance warning to HGV drivers before they reach the bridge. All proposals for additional signing at this location will be dealt with as a local matter and will be decided by the Braintree Local Highways Panel.'

22. By Councillor Abbott of the Cabinet Member for Infrastructure

'It has been revealed that prior to the public consultation on the A120 route options in early 2017, quite detailed junction plans had been drawn up for all five routes in 2016, including the large interchanges at the Braintree and A12 ends of the proposed new road as well as individual crossings and junctions for local lanes, PRow and the proposed waste site at Rivenhall Airfield.

The consultation on the 5 routes was based on simplistic route lines across the countryside, with no such junction details shown.

Why was the full route option information available at the time withheld from both the public consultations and the various forum meetings designed to engage with community representatives?

Is the Cabinet Member concerned that, notwithstanding the minimum legal requirements for this stage of consultation, that the consultation process could be challenged and potentially found to be flawed?'

Reply

'May I thank the member for Witham Northern for the question.

The announcement of option D as ECC's preferred route for an improved A120 between Braintree and the A12 in June 2018 was the culmination of an evidence led process involving detailed

technical assessment and public consultation. The project required close working with Highways England and was carried out in strict adherence to Highways England's Project Control Framework methodology, the process used for developing this kind of road scheme

Extensive consultation was carried out with close to 3,000 residents, businesses and road users responding. In line with the Project Control Framework requirements the consultation concentrated solely upon route choice with indicative junction locations shown on both the plans and fly through videos.

Indicative junction layouts were produced purely to ensure that sufficient knowledge about feasibility was available to assist with costing the options. These layouts were and remain illustrative in nature and were not consulted upon. This is because Project Control Framework requirements dictate that junction designs are a separate part of the development process undertaken once a route option has been selected. When Highways England make a decision on a route option full consultation on the design of junction layouts will be undertaken.'

23. By Councillor Deakin of the Cabinet Member for Education and Skills

'Can the Cabinet Member advise what this council does to support young women in Essex schools regarding Period Poverty. The issue of period poverty is an important one for young women around the country and indeed in this county, the need to provide sanitary protection for those most vulnerable is a basic human right which this council ought to support.

Thousands of girls in this country are missing school because they cannot afford sanitary products which is not acceptable and detracts their education.

In a Plan International UK survey of 1,000 girls, 49% said that they had missed an entire day of school because of their period. Critically, of those, 59% had lied about why, claiming that something else had caused their absence. This shows that action is needed to support the young women to continue to attend school with the appropriate sanitary products in place.'

Reply

'This is obviously a big issue and it is unconceivable that in 2018 period poverty affects so many children right across the country.

It should be recognised that schools are accountable for their budgets and spending decisions so whilst the council may wish to raise this matter as a high priority ultimately it would be a decision of schools to use their budget in this way.

I can confirm that the Children's Partnership Board have had discussions about child poverty more widely, reviewing progress against the indicators of child poverty in our strategy. We are also currently in the process of updating our Child Poverty Strategy and will have discussions about how we can make best impact across these areas.'

14. Oral Questions of the Leader, Cabinet Member or the chairman of a committee upon any matter relevant to the business of Council

Members asked questions of the Leader of the Council, Cabinet Members or the chairmen of committees. A recording of the questions is available [on the Council's website](#).

The questions asked were:

From	To	Topic
Councillor Kendall	The Cabinet Member for Health and Adult Social Care	Potential Commissioner for Autism and Asperger's
Councillor Robinson	The Deputy Leader and Cabinet Member for Infrastructure	Contract for highways maintenance and pollution monitoring.
Councillor Harris	The Leader of the Council	The effectiveness of IT devices supplied to members working abroad.
Councillor Scordis	The Deputy Leader and Cabinet Member for Infrastructure	Possible introduction of solar powered streetlighting.
Councillor Scordis	The Leader of the Council	The Council's position on North Essex Garden Communities.
Councillor Abbott	The Cabinet Member for Environment and Waste	Waste Transfer Stations and landfill.

Councillor Buckley	The Leader of the Council	Plans to commemorate the centenary of the end of the First World War.
Councillor Pond	The Deputy Leader and Cabinet Member for Infrastructure	Bridge strikes at Roding Road, Loughton, bridge closures and the need for a system of advance warning for road users.
Councillor Pond	The Leader of the Council	Establishment of an occasional working group involving authorities in the historic County of Essex.
Councillor Deakin	The Cabinet Member for Children and Families	Anti-social behaviour close to the NACRO housing service in Coval Avenue, Chelmsford.

15. Oral Questions of the representative of the Essex Police, Fire and Crime Panel on any matter of that Panel

There were no questions.

Chairman

Motions

Members have given notice that they intend to move the following motions in accordance with paragraph 16.8.2 of the Constitution.

Courts have made it clear that the Public Sector Equality Duty applies to the Council when it is considering these motions, even if they are motions without legal effect. There is not a general requirement for an equality impact assessment but regard should be had to the equality duty when drafting and considering motions.

The equality duty requires Council to have due regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes it unlawful to discriminate etc on the grounds of a protected characteristic.
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

1. **No Confidence in the Leader and Cabinet Member for Customer and Corporate**

Moved by Councillor Sargeant and seconded by Councillor Abbott:

'This Council has no confidence in the ability of the Leader and Cabinet Member for Customer and Corporate to deliver in the future a comprehensive and effective public library service for Essex, which is the County Council's statutory duty.'

2 **Responding to drug gangs, knife crime and county lines in Essex**

Moved by Councillor Beavis and seconded by Councillor Madden

'This Council recognises the impact of drug gangs, knife crime and county lines as a local, regional and national issue.

This Council commends the work of multi-agency statutory and voluntary partners in Essex, Southend and Thurrock in relation to these issues, particularly given the judgement of "Outstanding" by Her Majesty's Inspectorate of Probation, following a recent inspection.

This Council is pleased to see this work is being recognised by the Home Office in awarding the sum of £640k to the Police Crime and Fire Commissioner's Office to further expand this multi-agency work.

This Council therefore:

- Calls upon all political parties to work together to drive down the impact of drug gangs, knife crime and county lines on the residents of Essex.
- Requests that the People and Families Policy and Scrutiny Committee has oversight of and contributes to the multi-agency strategy and its development.'

3 Essex Police Force

Moved by Councillor Mackrory and seconded by Councillor Wood:

'This Council acknowledges and commends the hard work of the Essex Police Force in the most challenging of times.

This Council notes:

- That the previous Essex Police and Crime Commissioner cut 800 uniformed officers from the workforce.
- That the present Police, Fire and Crime Commissioner has recruited an additional 150 uniformed officers thereby leaving a shortfall of 650 officers.
- That the UK's Senior National Coordinator for Counter-Terrorism highlighted that neighbourhood policing was now at risk and that withdrawing police on the ground could mean losing the relationships and trust within communities.
- That violent and drug related crime in Essex is at record levels.
- That Essex Police face significant and on-going financial pressures.
- That Essex Police receives the second lowest funding per resident of any police force in the country.
- That the vital and valuable police service across Essex needs additional resources to cope with increasing pressures.

The Council recognises that the safety of its residents is paramount and therefore resolves:

That the Chief Executive writes to the Police, Fire and Crime Commissioner for Essex, copied to the County's Members of Parliament and Minister of State for Policing and the Fire Service, requesting that:

- Essex Police are funded properly by the Home Office in order to carry out their duties effectively.
- That additional resources are provided to Neighbourhood Policing Teams in order to strengthen the working relationships between the Force and local communities in the county.
- That there should be no cuts to frontline policing in Essex.'

The Leader's Report of Cabinet Issues

This report is to receive the minutes of the Cabinet meetings held on 16 October and 22 November 2018.

The minutes of the meetings are attached as appendices to this report.

Recommendation

To receive the minutes of the Cabinet meetings held on 16 October and 22 November 2018.

Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Tuesday 16 October 2018

Present:

Councillor	Cabinet Member Responsibility
D Finch	Leader of the Council (Chairman)
S Barker	Customer and Corporate
R Gooding	Education and Skills
S Lissimore	Culture and Communities
L McKinlay	Finance, Commercial and Traded Services
J Spence	Health and Adult Social Care
S Walsh	Environment and Waste

Councillors J Beavis, I Henderson M Mackrory, C Pond and L Scordis were also present.

1. Membership, Apologies, Substitutions and Declarations of Interest.

The report of Membership, Apologies and Declarations was received and the following were noted:

1. There had been no changes in membership since the last meeting;
2. Apologies for absence had been received from Councillors K Bentley (Deputy Leader and Cabinet Member for Infrastructure), D Madden (Cabinet Member for Children and Families) and G Mohindra (Cabinet Member for Economic Development).
3. No declarations of interest were made.

2. Minutes: 18 September 2018

The minutes of the meeting held on 18 September 2018 were agreed as a correct record and signed by the Chairman

3. Questions from the public

None.

4. 2018/19 Financial Overview as at the Half Year Stage (FP/085/02/18)

The Cabinet was updated on the forecast financial position of the Council's revenue and capital budgets as at the half year stage of the 2018/19 financial year. Members noted a forecast under spend of £238,000 (0.03%), against a

net budget of £915.9m, which was an improvement on the reported position at Quarter 1. The figure assumed full commitment of the Emergency Contingency (£4m), which if not required would result in a full year forecast under spend of £4.2m.

The Cabinet was also informed of an under spend of £8.9m on capital against the current budget of £300.1m. After taking account of budget change requests contained within the report, there would be an under spend of £198,000.

The following information was provided in response to questions by Councillors Henderson, Mackrory and Pond:

- There was no evidence linking the reported increase in bad debt with changes to the Social Care charging policy. The situation was likely to have arisen due to less rigorous enforcement during a time of staff change, and this was now being addressed. The Cabinet Member for Health and Adult Social Care undertook to meet with the Opposition Group Leaders to discuss the issue in more detail.
- The Leader of the Council welcomed Cllr Henderson's thanks to the Cabinet Member for Children and Families for following up the issues of gang culture and London local authorities' placement of homeless families in Essex.

The Leader had himself raised the issues with Jules Pipe, Deputy Mayor of London and was willing to raise them with other Council leaders where appropriate. He asked Members to make him aware of any confirmed examples. The Leader commented that placing local authorities were required to provide a S208 notice to receiving authorities, but this was frequently overlooked.

The Leader of the Council undertook to provide to Councillor Pond data to offering a best assessment of the overall financial impact of out-placement. The complexity of the task and the need to restrict the resources devoted to it was acknowledged

- The non-delivery of savings in respect of Grants to Voluntary Organisations reflected a decision not to implement a proposed reduction in grant levels due to the reduction in care that was likely result.
- The level of long term Council indebtedness referred to in Appendix E to the report would be affected by decisions yet to be taken regarding the 2019/2020 Capital Programme. The Capital Programme was currently being reviewed in full.
- An unprecedented increase in numbers of children with Special Educational Needs (SEN) had led to pressures on the SEN Home to School Transport budget. Work was in progress to review future

projections in relation to SEN, with a view to managing the situation more effectively.

- The Leader of the Council confirmed that everything possible was being done to progress recruitment to vacant posts in Economic Development, and to overcome any identified challenges.
- The need for effective enforcement of all bus lanes, including that at Loughton Station, was acknowledged. Car drivers using bus lanes at the expense of public transport should expect to be fined.

Cabinet Members undertook to provide written responses to Councillor Mackrory as set out below:

Leader of the Council

- To comment on the amount of contingency required to cover the cost of alternative placements in response to increasing instances of provider failure;
- To clarify whether individuals were being declared 'intentionally homeless' by their local authority prior to being moved out of London to Essex;
- To explain the reasons for the £5.4m reduction in the budget for the BDUK Superfast Broadband Programme, and detail the level of Programme activity to date during the current financial year;
- To explain the reasons behind seemingly repeated budget re-profiling in relation to the A414 Harlow to Chelmsford Route Based Strategy.

Cabinet Member for Education and Skills

- To report on the outcome of work by the Essex Partnership Board on the causes and impact of placement of homeless individuals and families in Essex;

Resolved:

1. That funds be drawn down from reserves as follows:
 - i. £150,000 from the Essex Education Service (EES) for Schools Reserve to the Education Traded portfolio for additional staff costs whilst a new team structure is put in place;
 - ii. £122,000 from the Local Projects Reserve to the Leader portfolio to cover costs incurred to date for the Essex Association of Local Councils;
 - iii. £103,000 from the Communities Initiative Fund Reserve to the Reserve for Future Capital Funding, via Culture and Communities portfolio, to match expenditure incurred to date in relation to grants to third parties for community improvements;
 - iv. £97,000 from the Community Initiatives Fund Reserve to the Culture and Communities portfolio to support expenditure incurred to date, in relation to grants to third parties for community improvements;

- v. £92,000 from the Transformation Reserve to the Children and Families portfolio in relation to redundancies resulting from the Adoption Review;
- vi. £47,000 from Reserve for Future Capital Funding to Customer and Corporate portfolio to fund revenue costs associated with accessible rooms;
- vii. £30,000 from the Transformation Reserve to the Children and Families portfolio to provide one off funding for the Dad Factor project which is part of the sustainability programme within Children and Families;
- viii. £30,000 from the Transformation Reserve to the Environment and Waste portfolio in respect of the Green Assets Country Park project (previously approved FP/633/04/14 however requesting re-approval in line with financial regulations given time lapsed) to cover costs incurred in the resurfacing works on car parks; and
- ix. £20,000 from the EES for Schools Reserve to the Education Traded portfolio to cover business improvement costs.

2. That funds be appropriated to reserves as follows:

- i. £2.1m to the Adult Digital Programme reserve from the Health and Adult Social Care portfolio due to the delayed implementation of the Digital Programme Project; to be utilised in 2019/20;
- ii. £128,000 to be returned to the A130 PFI Equalisation Reserve from the Infrastructure portfolio in respect of an over estimated accrual at the end of 2017/18; and
- iii. Transfer of £4.9m to the carry forward reserve from the following portfolios, to bank under spends in the current year to support the delivery of next year's budget:
 - a. £3.6m from Finance, Commercial and Traded RSSS
 - b. £736,000 from Leader RSSS
 - c. £350,000 from Customer and Corporate RSSS and
 - d. £202,000 from Leader portfolio.

3. That the following adjustments be approved:

- i. Move of the School Advertising Scheme currently operating as a Traded Service within EES for Schools (Finance Commercial and Traded portfolio) to Education and Skills portfolio;
- ii. Amendment of the capital budget as shown in Appendices C (i) and C (ii) to report FP/085/02/18, which allows for capital slippage of £12.4m, capital budget additions of £7.4m, capital budget reductions of £10.9m and advanced works of £1.3m;
- iii. Transfer of £48,000 from the Carry Forward reserve to the General Balance – this is the remaining balance from 2017/18 which is no longer required;
- iv. Virement of £198,000 to Customer and Corporate RSSS from Central and Other Operating Costs to offset non-delivery of savings;
- v. Virement of £142,000 from Finance, Commercial and Traded Services RSSS to Customer and Corporate RSSS following a transfer of posts into the function;

- vi. Virement of £42,000 from Health and Adult Social Care portfolio to Children and Families portfolio to part fund the Head of Essex Social Care Academy post; and
- vii. Virement of £26,000 from Customer and Corporate RSSS to Culture and Communities portfolio following the re-assignment of one member of staff back to Trading Standards.

Cabinet Secretary's note

Following the meeting, it was noted that the table which had been published at Appendix D of report FP/085/02/18 was incomplete. An updated, correct version of the report has been published with the agenda on the [Essex County Council website](#).

5. Sourcing of Integrated Community Equipment Service (FP/235/08/18)

The Cabinet's authority was sought to enter into a contract with Essex Cares Limited (ECL) for provision of the Integrated Community Equipment Service (ICES) until 31 March 2020. Cabinet's agreement was also sought to the proposed sourcing options for the equipment contract.

In presenting the report, the Cabinet Member for Health and Adult Social Care announced a change to recommendation 2.2 regarding the timescale for extension of the Section 75 Agreement with Essex Clinical Commissioning Groups. This is reflected in Resolution 2 below.

In response to a question by Councillor Mackrory, the Cabinet Member for Health and Adult Social Care advised that an extension to the current contract was being sought to allow consideration of all options for future delivery of the service, with a view to achieving maximum value for money. He commented that public concern regarding the proposed destruction of equipment had now been addressed, and that customer satisfaction ratings were high.

Resolved:

1. That it be agreed to contract with Essex Cares Limited (ECL) for provision of the Integrated Community Equipment Services (ICES) until 31 March 2020.
2. That it be agreed to extend the Section 75 Agreement with Essex Clinical Commissioning Groups relating to Equipment Contract until 31 March 2020 or until the termination of the Pressure Area Contract.
3. That procurement of the Pressure Area Care element only of the procurement package approved by Cabinet on 20 February 2018 (FP/048/01/18) be continued, including increasing the contract length to up to eight years.
4. That up to £1m of equipment held by ECL in their stockroom be purchased at the expiry of the contract for onward progression to the future provider

of ICES, and a potential scrap risk of £600,000 be accepted in respect of those items in the decontamination process at point of transfer to a future provider, if required.

5. That the Director, Adult Social Care, in consultation with the Cabinet Member for Adults and Health, be authorised to award the Pressure Area Care contract for up to eight years, following completion of the OJEU procurement process, providing he is satisfied that a formal evaluation and due diligence has been completed.
6. That a further report be submitted to the Cabinet in 2019 to agree the future of the ICES service upon expiry of the arrangements with ECL.

**6. Decisions taken by or in consultation with Cabinet Members
(FP/241/09/18)**

The report of decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet was noted.

7. Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Thursday 22 November 2018 at 10.00am.

There being no further business, the meeting closed at 10.30am.

.....
Chairman

22 November 2018

Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Thursday 22 November 2018

Present:

Councillor	Cabinet Member Responsibility
K Bentley	Deputy Leader and Cabinet Member for Infrastructure (Chairman)
S Barker	Customer and Corporate
R Gooding	Education and Skills
L McKinlay	Finance, Commercial and Traded Services
D Madden	Children and Families
J Spence	Health and Adult Social Care
S Walsh	Environment and Waste

Councillors J Aldridge, T Ball, J Beavis, A Davies, M Durham, I Grundy, I Henderson, D Kendall, M Mackrory, M Maddocks, C Pond, J Reeves, C Sargent, L Scordis, M Steptoe, A Turrell, L Wagland, P Weston and J Young were also present.

1. Membership, Apologies, Substitutions and Declarations of Interest.

The report of Membership, Apologies and Declarations was received, and the following were noted:

1. There had been no changes in membership since the last meeting.
2. Apologies for absence had been received from Councillor D Finch (Leader of the Council), Councillor S Lissimore (Cabinet Member for Culture and Communities) and Councillor G Mohindra (Cabinet Member for Economic Development).
3. The following Code interests were declared regarding Agenda Item 5 (Consultation on Essex Future Libraries Strategy) - Minute 6 below refers:
 - Councillor K Bentley, in that part of Mersea Island falls within his Electoral Division of Stanway and Pyefleet;
 - Councillor R Gooding, in that Stansted Library falls within his Electoral Division of Stansted; and
 - Councillor C Pond, in that he is an Honorary Fellow of the Chartered Institute of Library and Information Professionals (CILIP);

2. Minutes: 16 October 2018

The minutes of the meeting held on 16 October 2018 were agreed as a correct record and signed by the Chairman

3. Questions from the public

The Chairman welcomed three members of the public who had registered to speak on Agenda Item 5 (Consultation on Essex Future Libraries Strategy).

a) Councillor Patricia Moore (Colchester Borough Councillor, Mersea and Pyefleet Ward)

Councillor Moore was concerned that West Mersea Library had been placed in tier 3, which she believed ignored both the special circumstances of the location (frequently cut off by the sea) and of the Island's deprivation and ageing population. The building was much used by community groups for which there were no other venues available. Under the scoring system, West Mersea was two points away from tier 2 and Councillor Moore requested that consideration be given to placing it in this tier, in the light of the special circumstances she had described.

b) Councillor Robert Davidson (Colchester Borough Councillor, Mersea and Pyefleet Ward)

Councillor Davidson stated that he understood the need for financial savings. However, he believed Mersea to have special circumstances due to its ageing population, deprivation levels and the poor levels of education, skills and training amongst its population. The library offered the only venue for free access to the internet, and this facility was much used. He echoed Councillor Moore's comment that West Mersea was only two points short of category 2. In his view, the scoring system was flawed in that it did not drill down sufficiently to reflect local circumstances, and he requested that consideration be given to placing West Mersea Library within tier 2.

Response by Councillor Susan Barker, Cabinet Member for Customer and Corporate

Councillor Barker advised that she had visited West Mersea Library. She stated that all responses to the Consultation would be considered in detail. The aim of the process was to help libraries remain open, but assistance from local communities would be required for this to be possible.

c) Councillor Maureen Caton (Chairman, Stansted Mountfitchet Parish Council)

Councillor Caton expressed serious concern regarding the proposals in relation to Stansted Library, stating that the assessment methodology was flawed and lacked transparency. A document had been sent to the Cabinet Member setting out in full the views of the local community.

Councillor Caton asked why ECC had not consulted the Parish Council regarding the placing of the Library in tier 4, given that both councils had been in negotiation for some seven years regarding the relocation of the

library within a new shared hub building, and ECC had agreed to enter into a lease with the Parish Council for the library's share of that building. The Parish Council had first learnt of the current proposals via social media. Councillor Caton believed that the assessment of library usage leading to the placing of the library in tier 4 had been skewed by reduced customer access during building work and the use of temporary accommodation.

Councillor Caton expressed the desire of the Parish Council to retain the library, and to continue to work in partnership with ECC.

Response by Councillor Susan Barker, Cabinet Member for Customer and Corporate

Councillor Barker acknowledged the particular circumstances regarding Stansted Library, stating that a meeting with the Parish Council was due to take place shortly.

4. Variation in the Order of Business

The Chairman agreed to vary the order of business to allow Agenda Item 5 (Consultation on Essex Future Library Services Strategy) to be considered as the next item of business. For ease of reference, the debate on the item is recorded in the order in which it appeared on the agenda (minute 6 below refers).

5. Future Resourcing Services to Deliver ECC's Workforce Strategy (FP/160/05/18)

(Information contained within a confidential appendix was taken into account in reaching a decision on this issue – minute 11 below refers)

The Cabinet's agreement was sought to bring the Council's permanent recruitment in-house, and to use framework agreement(s) to provide temporary recruitment solutions at the expiry of the current combined contract in September 2019, on an interim basis whilst a longer-term solution is fully explored.

The following information was provided in response to comments and questions by Councillors Henderson and Mackrory:

- The unit cost quoted in the report for temporary staffing appeared high as it was inclusive of salary.
- It was proposed to bring permanent recruitment in-house for reasons of cost-effectiveness, and to facilitate the building of a talent pool capable of meeting the Council's future staffing requirements. Staff employed by the current contractor would be offered a transfer to the Council under the provisions of TUPE (Transfer of Undertakings – Protection of Employment Regulations).

Resolved:

1. That permanent recruitment and resourcing activity be brought in-house.
2. That funding of £335,000 one-off costs, including investment in technology solutions, relating to the in-house permanent recruitment service, from the Transformation Reserve, be agreed, to be spent and profiled in accordance with Table 7 contained within report FP/160/05/18.
3. That it be noted that budget transfers between portfolios will be required to centralise the budget for the in-house permanent recruitment team; this is required to realise the full-year saving of £449,000 in the Medium-Term Resource Strategy (MTRS) (£224,500 part year saving in 2019/20).
4. That an external OJEU compliant framework be used to provide temporary worker solutions for a maximum period of three years (2+1), whilst long term options are explored. The total annual contract value is likely to be in the region of £17.5m.
5. That the Cabinet Member for Customer and Corporate be authorised to award one or more call-off contracts under framework agreements for temporary worker solutions upon consideration of a further report.
6. That the Cabinet Member for Customer and Corporate be authorised to award one of more call off contracts under framework agreements to provide talent attraction and selection services, to support the in-house permanent recruitment function upon consideration of a further report.

6. Consultation on Essex Future Library Services Strategy (FP/217/08/18)

Councillors Bentley, Gooding and Pond declared Code interests in this item (Minute 1 above refers).

Revised versions of Appendix 1 (Essex Future Library Service 2019-2024 draft strategy) and Appendix 2 (Essex Library Services Needs Assessment, together with an explanatory note concerning the changes, had been circulated following publication of the agenda.

The Cabinet's agreement was sought to consult on the draft Essex Future Library Services Strategy for a 12-week period from 29th November 2018 to 20th February 2019.

As this item concerned a decision to go out to consultation, the Monitoring Officer had advised in advance of the meeting that, in accordance with paragraph 20.15 (xix) (c) of the Council's Constitution, it **may not** be called in. The Chairman reminded those present at the meeting of this advice, and confirmed that the decision on implementing the finalised Strategy, to be taken by the Cabinet in Summer 2019, would be subject to call-in.

Members considered the proposals in detail, and the Cabinet Member for Corporate and Customer responded as follows to questions and requests for clarification by Councillors Aldridge, Henderson, Kendall, Mackrory, Pond, Reeves, Sargent, Scordis, Steptoe, Turrell, Wagland and Young:

- The period between the end of the consultation period and the submission of the final Strategy to the Cabinet was sufficient to allow time for detailed consideration of what was expected to be a large response.
- The proposals were a response to changes in how people learn and use information, which had contributed to a reduction in library visits. Although there was a need for financial savings, investment was still taking place (such as the refurbishment of the Children's Library in Chelmsford), and there was no specific target in relation to the amount of savings to be achieved by implementation of the proposed Strategy.
- As the process under consideration was one of consultation, it was not possible at this stage to give accurate details concerning the meaning of 'reduced hours', as this would depend on needs and desires in relation to individual localities. However, a full library service would continue to be provided across the County.
- The aim of the Strategy was to build a different kind of library network, improving customer experience by providing attractive environments which offered more and were places where people wanted to be. The current service was no longer delivering what people wanted. The hope was to enable as many libraries as possible to remain open, and the consultation was a genuine, bespoke exercise to establish how this could be achieved. There were no pre-determined outcomes, and thoughts and suggestions from individuals and communities were essential, as were contributions from County Councillors concerning library use in their electoral divisions. All registered library users would be invited to respond to the consultation.
- ECC support to tier 3 libraries would vary depending on the outcome of discussions with community groups. Examples could include the provision of staff, or financial assistance towards the cost of a lease. Expressions of interest from parish councils and others regarding the possible lease or purchase of individual buildings would be welcome in due course, but proposals were at a strategic level only at present. No detailed information, for example in relation to potential discounts, was currently available.
- With regard to any libraries which closed, liaison would take place with parish councils concerning alternative locations for the provision of free internet access (although analysis had shown that computer use within libraries was currently reducing and changing). Alternative provision would also be made for ECC-sponsored facilities which used the building. Books could be made available to the local community. The home library

service, already provided by volunteers, could take responsibility for delivering items such as talking books.

- An undertaking was given to publish door counter figures for the last five years, although they were an unreliable indicator of actual library use.
- Although Members had been formally briefed on the proposals as the agenda for this meeting was published, certain aspects had been leaked in advance via social media, meaning that they may have become aware initially via informal sources.
- Consideration would be given to the possible retention of Holland-on-Sea library as a community facility.
- If available, more specific cost information relating to aspects of the proposals would be provided upon request.
- The nature of the proposals meant that pre-scrutiny had not been considered as a possibility on this occasion.
- The Cabinet Member welcomed the suggestion by Councillor Wagland that responses to the Consultation be publicised as they were received, to help encourage and inspire other respondents. She also confirmed that she would be willing to engage with local councils and community groups as they worked up individual proposals.
- The interrelationship between the static and mobile libraries, and the potential for them to complement each other, would be considered as part of the forthcoming review of the mobile library service.
- The Cabinet Member undertook to meet with Councillor Aldridge concerning various aspects of the proposals if he would find it helpful, and also with a community group at Great Wakering concerning a joint use proposal. She also agreed to raise with Rochford District Council the possibility of joint use of library premises for that Council's offices, and to liaise with Wivenhoe Town Council concerning the possibility of that Council taking on responsibility for Wivenhoe Library.
- The potential impact of the proposals on women and children had been considered as part of the Equality Impact Assessment.
- Poor stock levels were unlikely to be a factor in the declining use of libraries due to regular stock rotation across the County.
- Library usage tended to increase when people were attracted in by other events and activities.

- The Cabinet Member for Education and Skills stated that he had already received representations from some schools and pre-schools concerning the library proposals, and he was taking steps to ensure that the issues were fully understood and taken into consideration. Library use by schools and pre-schools varied considerably across the County.

The Cabinet Member for Customer and Corporate undertook to provide written responses to Councillors as set out below:

- To Councillor Mackrory: details of the percentage reduction in book purchases over the last 10 years. (Councillor Mackrory had expressed the view that this may be a contributory factor in the reduction on loans);
- To Councillor Pond: information and access details concerning the current location of the Chelmsford and Essex Collection;
- To Councillor Henderson: details identified as part of the Equality Impact Assessment in terms of the potential effect of the proposals on those living with severe deprivation.

Resolved:

1. That the draft strategy and needs assessment appended to report FP/217/08/18 be publicly consulted upon for a 12-week period from 29th November 2018 to 20th February 2019.
2. That a further report seeking approval for the final strategy be submitted to the Cabinet in Summer 2019, following consideration of the public comments.

7. Integrated Residential and Nursing Framework extension and re-procurement (FP/164/05/18)

A revised version of Appendix B to the report (2019/2020 Pricing Matrices for Nursing and Residential Care) had been circulated following publication of the agenda.

The Cabinet's agreement was sought to extend the existing framework agreement for Integrated Residential and Nursing Care (IRN) beyond its expiry in February 2019 until June 2019, to allow time for the establishment and procurement of a fresh framework.

In presenting the report, the Cabinet Member for Health and Adult Social Care highlighted the innovative and imaginative nature of the proposals under consideration.

Responding to a question by Councillor Mackrory, the Cabinet Member explained how the proposal aimed to improve the stability of the care market and benefit service users. He undertook to reply in writing to Councillor Pond to provide information on the differing price points set for each district, as referred to within the Financial Implications.

Resolved:

1. That tenders be invited for a framework agreement for service providers across Essex to deliver residential and nursing care services, with initial pricing to be based on the pricing matrices set out in Appendix B to report FP/164/05/18, using a one-stage process compliant with the light touch regime. Call-off contracts under the framework will be awarded via a ranked list or through mini competitions. The framework contract will be awarded for six years with annual refreshes under which all providers can review their prices and new providers can be admitted to the framework.
2. That the current IRN Framework Contract be extended from 8 February 2019 to 7 June 2019.
3. That the Cabinet Member for Adults and Health be authorised to award the new IRN Framework contracts following completion of the procurement process and to re-open competition at least once each year for the annual refreshes and any additional review points as required (after the price and quality criteria) to meet with corporate, legislative or ECC outcomes.
4. That the Director, Adult Social Care be authorised to award the new IRN Framework Contract to new entrants, following the review points.

8. Decisions taken by or in consultation with Cabinet Members (FP/258/10/18)

The report of decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet was noted.

9. Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Thursday 18 December 2018 at 10.00am.

10. Exclusion of the Press and Public

Resolved:

That the press and public be excluded from the meeting during consideration of the remaining item of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 3 of Schedule 12A of the Local Government Act 1972 – information relating to the financial or business affairs of any particular person).

11. Confidential Appendix: Future Resourcing Services to Deliver ECC's Workforce Strategy (FP/160/05/18)
(Press and public excluded)

The Cabinet noted the Confidential Appendix to report FP/170/06/18 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 5 above refers).

There being no further business, the meeting closed at 11.25am.

Chairman
18 December 2018

Council Issues

1. Changes to Membership of Committees

Recommendation:

That Council notes the following changes made by officers under delegated powers in accordance with notification given by the Leader of the Conservative Group:

- Councillor Mark Durham replaces Dr Richard Moore as a member of the Development and Regulation Committee.
- Councillor Ron Pratt is appointed as a member of the People and Families Policy and Scrutiny Committee.
- Councillor June Lumley is appointed as a member of the Health Overview Policy and Scrutiny Committee.

2. Membership of the Investment Steering Committee

The Council is required by law to allocate seats on committees to registered political groups. It must then accept nominations made by those political groups to go on the body.

The Non-Aligned group has been allocated one seat on the Investment Steering Committee of the Essex Pension Fund. The Leader of the Non-Aligned Group, Cllr Chris Pond, has notified the Council that his group does not intend to make a nomination to this Committee owing to the other commitments of the members of the group.

Membership of the Investment Steering Committee carries automatic membership of the Essex Pension Fund Strategy Board.

Regulation 15 of the Local Government (Committees and Political Groups) Regulations 1990, states that if a group fails to make a nomination to a committee seat which has been allocated to it then the Council may make such allocation as it thinks fit.

This seat may therefore be allocated to any member of the County Council.

Recommendation:

That the Council appoints a member of the Council to the vacant seat on the Investment Steering Committee allocated to, but not filled by, the Non-Aligned Group.