



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, 09 October 2018	Council Chamber, County Hall, Chelmsford, CM1 1QH
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A handwritten signature in black ink, appearing to be 'Gavin Jones'.

**Gavin Jones**  
Chief Executive

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**Officer Support to the Council:**

Andy Gribben, Senior Democratic Services Officer

**Telephone:** 03330134565

**Email:** [Democratic.services@essex.gov.uk](mailto:Democratic.services@essex.gov.uk)

**Prayers** The meeting will be 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** 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**

- 1 Apologies for Absence**
- 2 Declarations of Interest**  
To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct

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10	<b>Clarification of answers provided in response to written questions asked by Members of the Council</b>	
11	<b>Oral questions of the Leader, Cabinet Member or the chairman of a committee</b>	
12	<b>Oral questions to the representative of the Essex Police, Fire and Crime Panel on any matter relating to the business of that Panel</b>	

### **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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#### **Access to the meeting and reasonable adjustments**

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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](mailto: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.

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## Minutes of the meeting of the Full Council, held in the Council Chamber County Hall, Chelmsford, Essex on Tuesday, 10 July 2018

**Present:**

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

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

**Prayers**

The meeting was 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.

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## Public Questions

1. The Chairman welcomed Mr Jones who spoke concerning the repair and subsequent protection of footpaths and byways and stated:

'I have been a resident of Great Dunmow for the last 3 years and very fortunate to live within a short distance of the Flitch Way. The County, District, Town and Parish councils promote the Flitch Way for everyone to enjoy, without prejudice to age or ability.

The Flitch Way is a bridleway and National Cycle Route between Braintree and Bishop's Stortford. It is maintained by a County Park Ranger with the help of small band of dedicated volunteers.

The bridleway from Rayne stops to the East of Great Dunmow. The route then follows two byways known locally as Grange Lane; path number 35\_5 & 18\_57, along with a short footpath and footbridge across the river Chelmer.

The Flitch Way Action Group is currently in negotiations with stakeholders to extend the western section of the bridleway through Great Dunmow. However, Grange Lane will still be used as part of the recreational route, linking the two sections.

The surface of the lane is appalling for at least 400m and unsuitable for its intended use. It is too narrow to be classed as a Byway Open All Traffic (B.O.A.T). The drainage under the lane is blocked; causing it to flood, even in a heat wave! The surface becomes a mud bath in wet conditions and the many potholes are up to 1½ feet deep.

An Essex Police Officer has stated 'a serious collision' could occur between parties using the lane due to its width. I have seen motorbikes ridden across the footbridge to join the lane, instead of using the fording point!

Grange Lane is being used by motorised vehicles to enter and leave the Chelmer via a 45 to 60° eroded river bank, 20 metres from the actual fording point. The lane is also used to access the adjacent private land by whatever route, causing damage to ditches, trees and plants; leaving various vehicle parts and other litter behind.

The cause of the deterioration; width, surface and drainage is not due to 'fair, wear and tear' as I have been told by ECC. It is due to excessive abuse by irresponsible 'off roaders' who are attracted to the muddy conditions.

The irresponsible use on and adjacent to Grange Lane has been reported to ECC and the Police by local stakeholders and members of the public. ECC have made no attempt to implement a Traffic Regulation Order for temporary restrictions to protect the routes surface, even after a request was made by the Town and Little Dunmow Parish Councils in 2012.

I believe the state of the lane will prevent or deter members of the public from using the route for recreational purposes, including the enjoyment of the whole or part of, the Flitch Way.

ECC can apply for a Public Space Protection Order, in accordance with powers granted under the Anti-Social Behaviour, Crime and Policing Act. This doesn't have to mean restriction of usage, but would make it an offence to act Anti-Socially on, or in the vicinity of the route.

I am certain the Highways Authority will comply with its legal responsibility to ensure the routes width; surface and drainage are conducive to their use as a footpath and Byway Open All Traffic.

Will ECC take steps to stop and deter future misuse of the byways and footpath to ensure safe use by all; including consideration to safeguarding the publicly funded repairs?'

Councillor Bentley, Deputy Leader and Cabinet Member for Highways, thanked Mr Jones for his question. He stated that a full written response would be provided. Subsequently the following statement was received:

'The extensive network of byways, bridleways and footpaths across Essex represent an invaluable resource enabling people to get around, promoting health and wellbeing and access to the Essex countryside; specifically in Great Dunmow linking to the wider Flitch Way.

Firstly, I would like to confirm that a section of Grange Lane is classified as a byway (Byway Open to All Traffic) on historical grounds as it is an old vehicular lane. There are no grounds for a downgrade from full highway rights as the only legal criteria is that it is not needed for public vehicular use.

Secondly, that Essex County Council are aware of the issues you have raised and that action is being taken:

- In respect of the flooding and poor surface issues I can confirm that Essex Highways are obtaining quotes for works to improve the drainage at this location as well as levelling and surfacing work on the heavily rutted section;
- We are aware that some drivers/riders have been acting irresponsibly when going onto the adjacent private land and along the river and have discussed this with the Environment Agency. We are working in collaboration with a nationally recognised 4x4 club to implement ways to greatly reduce the 'pull factor' for the irresponsible motorised users who misuse the public highway;
- While pedestrians can cross the River Chelmer, Essex Highways have been working with partners to investigate ways of putting in a bridge over the River Chelmer that is open to Bridleway users; and
- As you rightly note, motorised vehicles should not be using the footbridge that crosses the Chelmer. Essex Highways officers have spoken to Essex Police about taking action on this and other issues that are classified as

criminal offences under the Road Traffic Act 1988. However the prioritisation of policing is a matter for the police service.

Thank you again for question and I hope I have been able to reassure you that ECC are taking steps to improve access to byways and footpaths around Great Dunmow and prevent misuse.'

### **Councillor Jowers formally opened the meeting**

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

#### **1. Apologies for Absence**

Apologies for absence were received on behalf of Councillors Blackwell, Davies, Erskine, Henderson, Maddocks, McEwen, Reid and Whitbread. (Councillor Louis entered the Chamber later in the meeting at the start of the debate on Motion 2).

#### **2. Declarations of Interest**

The following Members declared Code Interests in relation to Motion 1:

- Councillor Gooding as Chairman and Trustee of the Active Essex Foundation
- Councillor Young as her spouse is a non-executive Director of Southend Hospital Trust

The following Members declared Code Interests in relation to Motion 3:

- Councillor Butland as an unpaid Director of North Essex Garden Communities Ltd
- Councillor Young as her spouse is on the Board of North Essex Garden Communities Ltd
- Councillor Guglielmi as an alternate Director of North Essex Garden Communities Ltd and as Director of the Lawford Housing Enterprise Trust
- Councillor Spence as Chairman of North Essex Garden Communities Ltd
- Councillor Honeywood as Cabinet Member for Housing at Tendring District Council

#### **3. Confirmation of the minutes of the meeting held on 15 May 2018**

##### **Resolved:**

That the minutes of the ordinary meeting held on 15 May 2018 be approved as a correct record and signed by the Chairman.

#### 4. Chairman's Announcements and Communications

##### Recent Deaths

##### Former Councillor Daphne White

The Chairman informed Members that former Councillor Daphne White had passed away on Sunday 10 June at the age of 83.

Daphne spent many years as the Southend Borough Councillor for Thorpe Ward and was appointed Mayor of Southend from 2007 to 2008. She was a County Councillor from May 1997 until April 1998 at which point Thorpe became part of the Southend Unitary Authority.

As an Essex County Councillor she served on the Community Health Board as well as the Highways and Transportation and Social Services Committees.

##### Former Councillor Nigel Baker

The Chairman also informed Members that former Councillor Nigel Baker had passed away on Sunday 24 June at the age of 83.

Nigel represented the County Division of Prittlewell from May 1989 until April 1998 at which point Prittlewell became part of the Southend Unitary Authority.

He served on numerous committees including the Environment, Fire and Public Protection, and the Library, Museum and Records Committees.

Members stood in remembrance.

##### National Democracy Week

The Chairman informed Members that last week had been National Democracy Week and many events took place to raise the profile of democracy within this Council and across the country.

The Chairman understood that the *Debate* and *Kids Quiz* were particularly well-received, and many thought-provoking discussions had taken place in the chamber. The children asked many interesting questions and learnt a lot about Members' roles here as County Councillors.

*The Democracy Workshop* and *When Women Rule* events were similarly inspirational, linking in with the celebration of the centenary of women getting the right to vote.

The Chairman expressed his thanks to those Members particularly Cllr Barker who participated and officers in Democracy and Transparency for organising and helping to raise the profile of Democracy in Essex.

## 5. Receipt of petitions and deputations

There were no petitions presented.

## 6. Executive Statement

The Leader of the Council, Councillor Finch confirmed that there was no Executive Statement on this occasion.

## 7. Motions

### Promoting the Benefits of Physical Exercise

It was moved by Councillor Gooding and seconded by Councillor Spence:

‘This Council recognises the importance of physical exercise in avoiding social isolation, safeguarding physical & mental health and tackling obesity and associated diseases such as diabetes.

This Council therefore commits, in line with our “health in all policies” approach, to work with all Councillors and staff of Essex County Council to encourage physical exercise.

This Council also calls upon all partners to:

1. Work in collaboration to ensure the success of the Active Essex programme; in particular to translate the lessons of the Sports England pilot in Basildon, Colchester and Tendring across the county.
2. Promote a whole system approach through the emerging joint health and wellbeing strategy.
3. Recognise that education starts young and therefore promote school participation in physical exercise, particularly the “daily mile”.

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

‘This Council recognises the importance of physical exercise in avoiding social isolation, safeguarding physical & mental health and tackling obesity and associated diseases such as diabetes.

This Council therefore commits, in line with our “health in all policies” approach, to work with all Councillors and staff of Essex County Council to encourage physical exercise. This Council also calls upon all partners to:

1. Work in collaboration to ensure the success of the Active Essex programme; in particular to translate the lessons of the Sports England pilot in Basildon, Colchester and Tendring across the county.

2. Promote a whole system approach through the emerging joint health and wellbeing strategy.
3. Recognise that education starts young and therefore promote school participation in physical exercise, particularly the “daily mile”; by encouraging primary and other schools, particularly those in urban areas, to adopt an overarching walk to school policy.
4. Prevent further development that will be built fully or partially upon parks, open green spaces and school playing fields.’

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

‘This Council recognises the importance of physical exercise in avoiding social isolation, safeguarding physical & mental health and tackling obesity and associated diseases such as diabetes. This Council therefore commits, in line with our “health in all policies” approach, to work with all Councillors and staff of Essex County Council to encourage physical exercise.

This Council also calls upon all partners to:

1. Work in collaboration to ensure the success of the Active Essex programme; in particular to translate the lessons of the Sports England pilot in Basildon, Colchester and Tendring across the county.
2. Promote a whole system approach through the emerging joint health and wellbeing strategy.
3. Recognise that education starts young and therefore promote school participation in physical exercise, particularly the “daily mile”.
4. To display health information, calories, sugar, salt fat etc in all food sold in our own food outlets in our own buildings

Ten Members having stood in their places the amendment moved by Councillor Smith and seconded by Councillor May was put to a named vote and was **lost** by 15 votes for, 48 against and 1 abstention.

Those Members voting for the motion were Councillors:

J Abbott	D J Kendall	C Sargeant
B Aspinell	M Mackrory	L Scordis
J Baker	P May	K Smith
J Deakin	C Pond	A Turrell
D Harris	S Robinson	J A Young

Those Members voting against the motion were Councillors:

J F Aldridge	A Goggin	V Metcalfe
T Ball	R J Gooding	R Mitchell
S Barker	I Grundy	G Mohindra

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J Beavis	C Guglielmi	Dr R Moore
K Bentley	M Hardware	J Moran
A Brown	A M Hedley	M Platt
M Buckley	J Henry	R Pratt
G Butland	S Hillier	J M Reeves
J Chandler	P Honeywood	W Schmitt
P Channer	A Jackson	A Sheldon
T Cutmore	E C Johnson	C Souter
M Durham	S Lissimore	J Spence
B Egan	J Lumley	M Steptoe
D Finch	R A Madden	L Wagland
R Gadsby	B Massey	S Walsh
M Garnett	L McKinlay	A Wood

The Chairman, Councillor J Jowers abstained.

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

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

## 8. Adjournment

The Chairman with the approval of Council adjourned the meeting in order to receive a question from a member of the public who having registered to speak had been delayed and unable to pose his question at the allocated time.

2. The Chairman welcomed Mr Manclark, a resident of Canvey Island, who spoke concerning the start time of meetings of Council and stated:

'Holding your Full Council meetings from 10am on a weekday means that you have to be retired and able to afford the fares to travel or you have to be self-employed and able to take time out from your work to be able to attend these meetings.

This rules out very many people who would love to be here but cannot afford to take time out, or get time off work because they are employed.

This problem also prevents the electorate in outlying districts of Essex attending to hear any problems they may have of being aired and surely helps account for the low turnout in the elections because they do not feel fully represented.

In the interests of democratic accountability, will council consider holding these Full Council meetings at 7.30pm evenings to give more people living or working in every area and district of Essex the opportunity to attend these meetings?

To get here for 10am from Canvey Island by public transport I have to leave home at 8am. I have to pay fares because I cannot use my bus pass until 9am. Door to door it is a two-hour journey for me. I do not drive.'

Councillor Finch, The Leader of the Council, thanked Mr Manclark for his question. He stated:

'We welcome members of the public to our meetings, but know that not everyone can attend County Hall at these very specific times. This is why we introduced audio broadcasting in 2015. Audio broadcasting allows residents to 'listen live' over the internet or 'listen later' to the whole meeting or only items they are interested in at a time convenient to them. You can also access all the reports and notes from Council meetings online.

Further, many County Councillors (over 70%) also serve on District Councils where meetings are held in the evening. If County Council meetings were also moved to the evening, Members would potentially be unable to meet their commitments at District level. Many County Councillors hold surgeries or can be contacted at different times of the day to assist constituents.

Finally, as we continue to minimise costs for local residents hosting meetings in the evening would generate additional pressures through staffing and facilities management costs.'

The meeting was reconvened at 11.15am.

## **9. Motions continued**

### **20mph Zones**

It was moved by Councillor Scordis and seconded by Councillor Harris:

'This Council recognises the benefits and advantages of 20mph zones which include; public safety, increasing walking and cycling, lower emissions and lower noise pollution. This Council calls upon Cabinet to expand on its current 20mph policy by:

1. introducing mandatory 20mph zones outside all schools,
2. introducing 20mph zones for appropriate residential streets if requested by the majority of residents (if this is at Parish level then they would also need to give their support) and
3. setting up a budget provision funded from capital programmes to fund this expansion to the policy due to the lengthy process of the Local Highway Panels.'

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

'This Council recognises that there are both advantages and disadvantages of 20mph zones. This Council therefore calls upon the Place Services and Economic Growth Policy and Scrutiny Committee to review the current 20mph policy. This review should include, but not be confined to:

1. The introduction of mandatory 20mph zones outside all schools,
2. The introduction of 20 mph zones for appropriate residential streets if requested by the majority of residents.
3. The budget provision required from the Capital Programme and the impact this could have on other schemes and the revenue budget.'

Councillor Scordis with the approval of Council accepted the amendment moved by Councillor Mitchell and seconded by Councillor McKinlay which then became the substantive motion.

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

### **Affordable Homes and Infrastructure**

It was moved by Councillor Robinson and seconded by Councillor Mackrory:

'This Council notes that thousands of people in Essex struggle to afford a decent home, in particular, many on low incomes working on delivering services on behalf of this Council. Without a decent home, it is difficult to obtain work and in other ways contribute to society.

This Council believes that only with radical action by councils can the country build the large total of affordable housing that it desperately needs and that there is also a role for a new agency – non-government and non-profit – to take a key role in acquiring land at low cost.

This Council welcomes

- (a) the recent study from Catriona Riddell Associates for the County Councils Network (CCN), calling for a re-introduction of strategic planning, to closer align planning and infrastructure and to accelerate housing delivery.
- (b) the new report from the Town and Country Planning Association for the CCN, including its backing for
  - (i) a stronger role for counties in planning,
  - (ii) closer collaboration between the two tiers in county areas, especially in the proposed Statement of Common Ground,
  - (iii) counties to improve their ability to plan for infrastructure and service provision,
  - (iv) new minimum standards, so that homes cater for elderly and disabled people and

- (v) clear recognition of the role counties can play in solving the housing affordability crisis in the forthcoming Affordable Housing Green Paper.
- (c) the work that this and other county councils are doing to deliver housing and endorses the recommendation for extra resources for counties to start building homes.

This Council:

- 1 requests the Leader of the Council to write to all Essex MPs asking for their backing for the report. (as described in (b))
- 2 requests that the Cabinet consider a revision to the Policy Framework such that the default position for disposing of any of its own surplus open land should be to enable affordable or specialist housing rather than open market disposal and
- 3 requests that the Cabinet continues to work with all planning authorities to promote Garden Communities in Essex and support a high percentage of affordable housing within all Garden Communities.'

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

'This Council notes the challenge for thousands of people in Essex and across the country, in being able to afford a decent home.

This Council believes that councils can play a role in developing sustainable communities with more affordable homes.

This Council welcomes:

- (a) The recent study for the County Councils Network (CCN), calling for a re-introduction of strategic planning, to closer align planning and infrastructure and to accelerate housing delivery.
- (b) The new report from the Town and Country Planning Association for the CCN, including its backing for
  - i. A stronger role for counties in planning,
  - ii. Closer collaboration between the two tiers in county areas, especially in the proposed Statement of Common Ground,
  - iii. Counties to improve their ability to plan for infrastructure and service provision,
  - iv. New minimum standards, so that homes cater for elderly and disabled people and
  - v. Clear recognition of the role counties can play in solving the housing affordability crisis in the forthcoming Affordable Housing Green Paper.

This Council:

- 1) requests that the Leader and Cabinet work with Essex MPs to promote the TCPA report.
- 2) continues to give emphasis to opportunities for affordable housing, as well as housing for elderly and disabled people, in the disposal of surplus property.
- 3) recognises that the creation of new sustainable communities, such as Garden Communities, give particular opportunities for affordable housing.'

Ten Members having stood in their places the amendment moved by Councillor Spence and seconded by Councillor Mohindra was put to a named vote and was **carried** by 49 votes for, 14 against and 2 abstentions.

Those Members voting for the motion were Councillors:

J F Aldridge	R J Gooding	V Metcalfe
T Ball	I Grundy	R Mitchell
S Barker	C Guglielmi	G Mohindra
J Beavis	M Hardware	Dr R Moore
K Bentley	A M Hedley	J Moran
A Brown	J Henry	M Platt
M Buckley	S Hillier	R Pratt
G Butland	P Honeywood	J M Reeves
J Chandler	A Jackson	W Schmitt
P Channer	E C Johnson	A Sheldon
T Cutmore	S Lissimore	C Souter
M Durham	D Louis	J Spence
B Egan	J Lumley	M Steptoe
D Finch	R A Madden	L Wagland
R Gadsby	B Massey	S Walsh
M Garnett	L McKinlay	A Wood
A Goggin		

Those Members voting against the motion were Councillors:

J Abbott	D J Kendall	L Scordis
B Aspinell	M Mackrory	K Smith
J Baker	P May	A Turrell
J Deakin	S Robinson	J A Young
D Harris	C Sargeant	

The Chairman, Councillor J Jowers and Councillor C Pond abstained.

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

#### **10. The Pension Board Annual Report**

Councillor Barker, the Chairman of the Essex Pension Strategy Board and of the Investment Steering Committee and Portfolio Holder for Culture, Communities and Customer, presented the Annual Report of the Essex Pension Fund Board(s), covering the period from 1 April 2017 until 31 March 2018.

Having been moved by Councillor Barker and seconded by Councillor Hedley the report was **noted**.

#### **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 22 May and 19 June 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 it was

#### **Resolved:**

That the list of Approved Bodies in appendix 3 of part 26 of the Constitution be amended by the insertion of '102A. North East London Foundation NHS Trust'

#### **13. Adjournment**

With the agreement of Council, the Chairman adjourned the meeting for luncheon at 12:34. The meeting reconvened at 13:34.

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**14. Written Questions**

The published answers to the 17 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 Sargeant of the Deputy Leader and Cabinet Member for Infrastructure.**

'To meet the changing local demographics of East Clacton and Holland on Sea, Essex County Council is expanding Holland Haven School from a 300 to a 420-school roll for the September 2019 intake; at a cost of £1.4 million.

I am very much in favour of this and thank the Cabinet Member for Education, Councillor Gooding, for being instrumental in achieving this.

However, before this considerable development takes place; please could the Council, within its £1.4 million programme, install a pedestrian crossing across the Frinton Road (the B Road and the link between Clacton and Frinton and Walton).

This will enable pupils to walk safely to and from school via the Frinton Road school gate that already exists (as do tactile kerbing slabs on both pavements).

This would in itself increase the number of local schoolchildren walking/scootering/cycling to and from school each day – instead of being driven and causing traffic and parking issues. The crossing would also assist people of all ages crossing the busy Frinton Road to reach the bus stops, shops, library, public hall, pub and seafront – 24/7. This is in keeping with the Council's published Sustainable Travel and Environmental objectives.

There are already serious parking and traffic issues well known to the Highways and the Parking Partnership from the current 300 school roll which needs resolving. To this end, I have engaged with the school and Sustrans to encourage greater walking, scootering and cycling to school, however, many parents without a safe crossing, are reluctant to allow their children to cross the busy road by these modes. Little wonder road surveys indicate low foot fall crossing.

At a recent full Council meeting you extolled the virtues of creative thinking to everyone in the Chamber. Quite right. Essex County Council must allow Highways and Education to shake off the old silo mentality and work in a co-ordinated and joined up approach! There are 15 months for Essex County Council to be ahead of the curve by

planning and being ready for the 420 children and staff (an extra 120 pupils and new staff; and probably as many cars) to descend on the school.

Please could some of the £1.4 million be diverted to provide a pedestrian crossing as, after all, the safety of our residents is our primary concern.'

### **Reply**

'May I thank the Member for Clacton East for the question.

I recognise the local concerns around this issue as demonstrated by the petition you submitted at Full Council in May 2018 to which I responded. I am also aware that the provision of a pedestrian crossing generated much discussion at the Development and Regulation Committee where the school expansion application was approved in February 2018. As a result of this discussion the Committee Chairman wrote a letter to ECC's Highways and Education Portfolio Holders to highlight some of the highways issues that arise through school expansion applications. As the new portfolio holder with responsibility for Highways I will be reviewing these issues jointly with the Cabinet Member for Education and responding to the Chairman of the Committee. I applaud your work to encourage higher rate of walking and cycling to school and I would like to invite you to attend a Highways Surgery so that we may discuss the local issues at Holland Haven School in more detail.'

## **2. By Councillor Young of the Cabinet Member for Health and Adult Social Care**

'I read in the press last week of three Care Homes earmarked for closure: Trippier House in my Division, the Poplars in Walton and Well House in Brightlingsea. All claim that Essex County Council owes them money as from March 2017 and they are losing thousands of pounds per month. Not only is Trippier House home to my most vulnerable residents it provides employment to many of my constituents. Can I have the portfolio holder's assurance that Essex County Council is paying care providers what is needed to accommodate our most vulnerable residents, and that all that can be done is being done to save these homes from closure.'

### **Reply**

'All three of these homes are owned and operated by Essex County Care Limited (ECCL). This provider has decided to close the properties and has served notice to this effect. We are working closely with ECCL, their residents and families to ensure the safe transfer of residents to other care homes.

I can confirm that we do not owe ECCL any money. There was a delay in processing an increased rate, in line with inflation, for the 2017/18 financial year and the back-pay was made to ECCL last month.

Residential care placements are made via our Integrated Residential and Nursing (IRN) framework that gives providers such as ECCL a great amount of flexibility in what they charge us. I am confident that this allows suppliers to provide services that are of an appropriate quality. Indeed 78% of the older people's residential care homes in Essex are rated by the Care Quality Commission as either good or outstanding, this is 4% above the national average.

Furthermore, I am confident that we have a very robust process in place that measures and improves the quality of residential care homes across Essex. Our Quality Innovation team – through initiatives such as Prosper – targets specific issues within homes with the aim of increasing the quality of care. We also run 'communities of practise' which aim to share best practice between providers; these are enormously successful and highly valued by the market. We also have workforce initiatives which aim to promote the profession, especially to school leavers, and facilitate training programmes for care staff.

Let me close by once again assuring you that we are working very hard with the residents in these homes, and their families. We are doing everything in our power to ensure that they to continue to receive the support they need.'

### **3. By Councillor Young of the Cabinet Member for Education**

'My constituents in Wivenhoe are once again feeling the effects of the change in the Home to School Transport Policy from catchment school to nearest school as we witness Heddingham Omnibus Company pulling out of the 87 Service most students switched to when free school transport ceased. This means that worried parents have little option but to pay £600 per child to get a place on a commissioned service run by 'New Horizon' or 'Heddinghams'. The Labour Group tabled a motion calling on Essex County Council to start franchising their own services for bus transport. Can I ask the portfolio holder how this idea is progressing and could he look at the Wivenhoe to Brightlingsea route as a pilot for such a franchise arrangement? At the moment, parents face high costs or worry over capacity and this isn't fair.'

#### **Reply**

'I thank Councillor Young for her question. She is, of course, well aware of the statutory and policy position in that there is no requirement for councils to make transport arrangements for pupils who are not entitled, where parents have chosen a school further away than

a nearer available one.

The Council's policy is consistent and equitable for all children in the county. There can be and is no justification for the wider Essex taxpayer to fund any special arrangements for any specific areas based upon the preference of a particular school, above another closer school.

In regard to Councillor Young's comments about bus franchising and other powers included in the Bus Services Act 2017, at this time the Council is in the process of reviewing and revising its passenger transport strategy and has not finalised the approach it intends to adopt towards the future regulation of the transport network in Essex.'

**4. By Councillor Scordis of the Deputy Leader of the Council and Cabinet Member for Infrastructure**

'Regarding the new proposals for the A120, can the portfolio holder explain why option D was chosen and why the preferred options of Braintree and Colchester Council, B and C were rejected? Were the Garden Communities considered in the process?'

**Reply**

'May I thank the Member for Abbey for the question.

To confirm that, following an evidence led process involving detailed technical assessment and public consultation, Essex County Council selected Option D as the preferred route for an upgraded A120 between Braintree and the A12.

Colchester Borough Council stated that their most preferred routes were Options B or C. Braintree District Council originally responded without making a preference beyond rejecting Option A. Subsequently, and relatively recently, Braintree indicated a preference for Option C.

Option D was selected as it was the best performing option assessed using our decision making framework. This framework, which aligns with Department for Transport assessment criteria, looked at how the scheme meets objectives, its cost, its acceptability, its impact on the environment and its overall value for money. For example, Option D:

- represents the best value for money with the highest benefit to cost ratio of 3.75;
- has the lowest impact on the environment in terms of its footprint, and lower number of river and rail crossings;
- has the largest reduction in traffic through local villages; and
- is affordable being significantly less expensive than other options

Garden Communities although an important feature in their own right

and while the scale of growth proposed was considered in the planning for the A120, they were not a consideration that influenced the selection of any particular route option. The A120 needs upgrading regardless of Garden Communities, being a strategic trunk road affording connectivity between a major port and a major airport and needing to provide first class connectivity between these and important economic centres in Essex and Suffolk

You can find more about the A120 favoured route and decision-making process at [www.a120essex.co.uk](http://www.a120essex.co.uk).

**5. By Councillor Scordis of the Deputy Leader of the Council and Cabinet Member for Infrastructure**

‘Please can the portfolio holder tell me how much is being spent this financial year on cycling infrastructure and how many cycling routes are currently planned?’

**Reply**

‘May I thank the Member for Abbey for the question.

Essex County Council is committed to fulfilling the aims and objectives of the Essex Cycling Strategy 2016. Infrastructure is a key component of this strategy and to enable a start on our ambitious plans ECC have committed £3m over the next three years on cycling infrastructure with £500,000 in the capital programme for the current financial year.

We are presently evaluating a number of possible routes for implementation, but priorities include schemes including:

- A Basildon flagship route going north from the Town Centre to connect with leisure and employment areas.
- Flagship routes in Braintree and Colchester, these are currently being evaluated using the new Department for Transport, Local Walking and Cycling Infrastructure Plans tools and methodology.

Essex County Council were selected by the Department for Transport to be part of the Local Walking and Cycling Infrastructure Plans programme which aims to develop network plans for both walking and cycling in the five principal towns and cities in Essex. This will enable ECC to prioritise investment decisions in subsequent years to be based upon a robust methodology which considers future demand and the propensity to both walk and cycle.

In addition to the Council’s capital commitment, other ways of improving cycling infrastructure are being pursued:

- Securing additional funding, for example the Local Enterprise Partnership funded £15m Chelmsford City Growth Package,

which includes a number of crossings, public realm enhancements and cycle routes.

- The Council through its Strategic Development and Travel Planning function influences both developers and Local plans to identify and construct many cycle facilities reducing the burden on the public purse.
- Local Highway Panels also have a role to play and many have and continue to prioritise cycle route improvements.'

**6. By Councillor Henderson of the Deputy Leader of Council and Cabinet Member for Infrastructure**

'Could the portfolio holder confirm if he has assessed with Ringway Jacobs the viability of using recycled mixed plastic waste to repair Essex roads and potholes as other Councils are considering this lower-cost option. The mix is cheaper and longer lasting than conventional tarmac surfacing and could reduce the amount spent on maintenance and help to deal with the ever-increasing concerns on how to reduce and dispose of waste.'

**Reply**

'May I thank the Member for Harwich for the question.

As you would expect for an authority that delivers the volume of highways surfacing that we do here in Essex, we have taken a close look at the widespread promotion of plastic roads in all its various guises. While there is undoubted potential for this approach in future, product development remains in its infancy – the recycled plastic only being used in the binder material and therefore constituting approximately 0.5% of the material laid. There is also no evidence that its use reduces cost or extends the life of the surface at present.

I do however recognise that finding a use for our waste is of paramount importance, and with research and development moving at a rapid pace I am hopeful that a viable product isn't far from becoming a reality. We are fortunate that through our Strategic Highway Partnership we have access to world leading research and development on this issue of surfacing and we will continue to work closely with them to ensure the best and most cost effective products are used on the roads of Essex'

**7. By Councillor Mackrory of the Deputy Leader and Cabinet Member for Infrastructure**

'Does ECC have a policy for recovering the cost of replacing highway infrastructure from vehicle drivers caused by road traffic collisions?'

If so how much has been recovered over the last five years and from how many incidents?’

### **Reply**

‘May I thank the Member for Springfield for the question.

Essex highways have an agreed process for the recovery of money from third parties who have either caused damaged directly to assets on the Essex network or have caused Essex to incur costs to make safe, or return the highway to a safe condition following an incident. Over the last 5 years, Essex Highways has handled more than 7,274 claims logged since the start of the financial year 2013/14. The claims team have invoiced a total of £1.7m relating to incidents up to the end of the financial year 2017/18. Essex County Council have directly received £2m of recoveries during this same period as the Essex Highways claims team diligently pursue old claims to maximise the returns to the council. So far in 2018/19 Essex County Council have received £0.3m of further recoveries as the claims team actively pursue a number of live claims.

In recent times there has been more focus on recovering damage costs from third parties, with particular attention to improving the culprit identification rate. We recently ran an awareness campaign aimed at giving more guidance to those out on the network on the information required to identify culprits. Further externally focused campaigns are planned in the next few months.’

### **8. By Councillor Mackrory of the Cabinet Member for Health and Adult Social Care**

‘With the number of Care Homes closing nationwide and now in Essex, what contingency plans are in place to accommodate displaced residents?’

### **Reply**

‘Essex County Care Limited (ECCL) have recently announced the closure of three residential care homes in Essex. In total these homes have 65 residents, 50 are funded by the council. We currently have around 270 vacant beds in the county at homes contracted to us. Many more beds will be available at non-contracted homes which we could access if needed. I am therefore confident that residents displaced by the current closures will be able to find alternative placements. We have well-rehearsed processes to work with residents, their families and the market to ensure the safe transfer of residents when homes close. We are doing everything in our power to ensure that residents move safely to alternative homes of their choice.’

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

‘What new initiatives are Essex County Council promoting and funding to tackle the problem of loneliness across the County?’

**Reply**

‘People of all ages are impacted by loneliness and isolation, but this is particularly evident in older people, young parents and people with mental health issues or with disabilities. Social isolation has been shown to impact more on risk of death than blood pressure, being overweight or moderate smoking. As such I fully recognise the absolute need to address this and the new Joint Health and Wellbeing Strategy strongly advocates for this.

With partners from the voluntary sector and statutory partners we have established a Social Isolation and Loneliness Forum which looks at how we can tackle this across Essex. Work has involved four linked approaches: identifying people; helping people understand what support is available; ensuring that support is available; and a planned campaign to raise awareness and stimulate action.

We have completed a period of voluntary and community sector-led mapping of current support available and worked with CCGs to look at the role of GPs amongst others play in identifying lonely and isolated people. We have also developed and funded a service to help those identified to find a local solution.

Additionally, Essex County Council are starting to work with local place-based Facebook administrators to understand the opportunity of these groups as a focus for local action. At the inaugural meeting of these administrators, loneliness was again identified as a key issue impacting on their places and we will be looking at how we can best work with them to tackle this issue in their communities.

We believe that we can still do this work better. We will work with partners to devise a new model of community support which we will invest in to expand our reach and expand local capability to support loneliness and isolation and I’d welcome each member’s input into this.

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

‘The number of young people suffering from mental health issues is on the increase across Essex. However, it is very difficult for County Councillors and Youth Strategy Groups to obtain detailed analysis of the different mental health issues in their areas. Will the Cabinet

Member take action to try and ensure that this information is made readily available to help us target limited resources to the areas most needed?’

### **Reply**

‘Mental health is a critical issue and is one of the key themes in the emerging Joint Health and Wellbeing Strategy for Essex. It is an all-age issue, and considerable work has already been undertaken to help identify early indications of mental illness among young people.

Quality management information is essential and we are currently reviewing what key performance indicators are available or can be developed. This will indeed be discussed at the Health and Wellbeing Board next week.

I understand the desire to drill this information down to local level and will work in this direction but must offer three caveats. Firstly, information may not be available at district council level when the NHS is organised by CCGs. Secondly, we must avoid reaching such detail that anonymity is threatened. Thirdly, I need to achieve a balance between the resource dedicated to tackling the issue against those assembling the information.

I would encourage any Youth Strategy Group across the county to join and collaborate with the quadrant based Children’s Locality Partnership Boards, this cross-representation can help in identifying at a very local level how best these groups can support the specific needs of young people.’

### **11. By Councillor Baker of the Leader of the Council**

‘The Government is due to meet on the weekend of the 7<sup>th</sup>/8<sup>th</sup> July 2018. My understanding is that a draft White Paper will be discussed and agreement sought by the Government on its plans on leaving the EU in March 2019.

My questions relate to the above White Paper and to the critical need for members of ECC to work together in order to achieve the best outcome for the people of Essex following our leaving the EU.

1. Could the Cabinet Member provide a summary of the key features of the White Paper as it relates to the work of local authorities and to ECC in particular; and
2. Would the Cabinet Member stress the need to members of the Cabinet to consider once again setting up a cross-party working group, comprising members and senior officers of ECC, in

preparation for the UK exiting the EU in order to mitigate the risks and capture the opportunities for UK and EU citizens, businesses and major organisations, in particular hospitals, universities, sea ports and airports, across Essex?

I would respectfully refer the Cabinet Member to the previous questions I have asked in relation to the UK leaving the EU at the July 2017, December 2017 and February 2018 meetings of the Full Council.'

### **Reply**

'Once the White Paper is published I will ask officers to prepare a summary of the key features for circulation to all Members. If it is possible to do so this will include implications for local authorities.

I believe ECC's engagement with Brexit through the cross-party work of the LGA continues to be the right approach at this time. When there is greater clarity from the negotiations at a national level we will of course consider new approaches to engaging with this hugely important issue for Essex.'

### **12. By Councillor Smith of the Deputy Leader and Cabinet Member for Infrastructure**

'It has been many months since the new traffic lights were installed for the Westley Green housing development, at the junction of Dry Street and the Nethermayne (A176). Will the Cabinet Member for Highways please step in now and ensure that these traffic lights are activated to prevent further accidents?

### **Reply**

'May I thank the Member for Basildon Westley Heights for the question.

This traffic signal installation is being provided by Redrow Homes in connection with their Dry Street housing development. I can confirm that ECC is working with Redrow Homes and UK Power Networks in order to get the lights connected to the grid. We recognise the need for a speedy resolution of this issue and we are also progressing an interim solution of connecting the signals to a private connection. I have asked officers to resolve this issue as quickly as possible and to keep you updated on progress.'

### **13. By Councillor Smith of the Leader of the Council**

'On Brexit Day (29 March 2019) will Essex County Council be fully

supporting communities across the County celebrate our liberation from the EU with the same spirit of V.E. Day?’

### **Reply**

‘It is of course for the Government to decide if any formal National commemoration of Brexit takes place. However, conflating Brexit with the end of WW2 is both wrong and inappropriate. During WW2 the Royal Air Force lost over 70,000 personnel.

This question, tabled on the day where we will witness a magnificent flypast as part of the RAFs centenary celebrations honouring all those that have served, trivialises their sacrifice. My thoughts and condolences are with the families and friends of all branches of the armed forces who have lost loved ones in service to our Country. ‘

#### **14. By Councillor Abbott of the Deputy Leader and Cabinet Member for Infrastructure**

‘In his letter of 8th June 2018 to the North Essex Local authorities regarding his Examination of their joint Section 1 Local Plan, the Inspector found against those authorities on multiple grounds in respect of the quality of evidence used for their proposals for a series of "Garden Communities" (GCs) along the A120 corridor.

Whilst the Inspector set out the known uncertainty regarding funding for the A120, he also clearly stated that the full development of the West Tey settlement (by far the largest of the GCs) would rely on the A120 as an "essential link" and that the different route alignments of the A120 have "quite different implications" for the relationship between the A120 and West Tey.

Does the Cabinet Member therefore accept that one of the Inspector's strongest concerns about the GCs was the lack of certainty on supporting major transport infrastructure? And in that context, can the Cabinet Member explain why his recommendation on behalf of ECC (as a partner authority to the North Essex Local Authorities) is to support Route D for the A120 between Braintree and the A12 which would have no direct relationship with West Tey?’

### **Reply**

‘May I thank the Member for Witham Northern for the question.

The A120 as everyone knows is not fit for purpose and hasn't been for very many years now. The recommendation to Highways England of option D as ECC's preferred route represents an important step in seeking to upgrade this strategically important road. This decision was arrived at using an evidence led process involving detailed technical assessment and public consultation. This work demonstrated that

Route D represents the best value for money scheme with good benefits across a range of criteria. It will dovetail with the A12 widening and in terms of gaining entry to the RIS2 programme it is the best fit with likely investment levels available from Government. We recognise that not everyone will be pleased with the outcome of this work, and we will of course continue conversations with those who could be directly affected, but it is important that we continue to make the case with our partners to secure this vital infrastructure investment for Essex.

The A120 requires a route upgrade regardless of the Garden Communities work. That the Planning Inspector saw the A120 as a key issue is in fact very helpful as it assists our case for investment, but we were very clear during our work that any one of the A120 options would be able to complement the Garden Community proposals. As I read matters the Inspector is simply confirming that infrastructure is an essential element of the larger local plan proposals and that government agencies need to provide more certainty about the surety of the investment programmes, to lend confidence that road and indeed rail projects will be delivered. What we have done in our A120 work is to make it very easy for this degree of confidence to be had by presenting government with a scheme which is ready for detailed planning and delivery.'

**15. By Councillor Abbott of the Deputy Leader and Cabinet Member for Infrastructure**

'As I have previously raised with successive Cabinet Members at Full Council, a number of rural footpaths (public rights of way) in the areas I represent continue to become routinely blocked at this time of year from encroaching thick vegetation such as brambles and nettles. This can lead to them becoming impassable and that results (as currently) in justified complaints from residents.

Whilst accepting the resource pressures that ECC is under, has the Cabinet Member considered the legal implications of the one cut per year policy which can lead to some footpaths becoming obstructed to the point where they cannot be used - effectively interfering with highway rights?

What time limit does ECC apply in requiring private owners to remove obstructions that they are responsible for?

How is the obstruction of rural footpaths compatible with the priorities of supporting healthy living and giving residents positive choices in getting about without using their cars?'

**Reply**

'May I thank the Member for Witham Northern for the question

Under our current budgetary constraints Essex Highways undertake a proactive annual cut. While the majority of Rights of Way are only cut once during our annual cutting programme, we do endeavour to cut Essex County Council's Promoted routes such as the 'Essex Way', the 'St Peter's Way' more than once. Those public rights of way on our cutting programme can be seen on our mapping pages of our website. Where cutting is requested on a path not contained in the programme an assessment will be made on site as to whether it should be added to future programmes or cut on an ad-hoc basis. These issues can be reported online from our report a problem page.

Essex County Council prioritises its limited resources to maintain the Public Right of Way (PROW) network and are currently looking for continued and increased support from local communities to help with local PROW. Some Parish councils have entered into a service level agreement with ECC to maintain the vegetation on their priority routes. Parish councils make an application to Essex Highways with a schedule of paths that they wish to take responsibility for cutting and ECC enable them through a grant. However, being entered on this agreement does not mean that the path is cut again by Essex Highways, as those paths listed by the Parish are removed from our cutting schedule, since the funding has been transferred. The Council also help organise a scheme which involves a different type of service level agreement where over 75 farmers and landowners also cut paths on their land, or land within their control.

ECC and Essex Highways also help community groups volunteer through the Parish Paths Partnership scheme to clear up seasonal growth. Groups identify paths that need attention and organise a work party to clear the vegetation. The volunteers are supported by our PROW Inspectors. A list of which parishes are cutting under a service level agreement or who is volunteering under the Parish Paths Partnership scheme can be found on our web pages.

The time limit which ECC apply for private owners to remove obstructions that they are responsible for depends on the nature of the obstruction along with current conditions. The PROW Inspectors are heavily involved in the initial process of enforcement action, and where necessary, the Enforcement and Liaison Officer is brought in. The timescales can vary on each case.

Essex's footpaths are maintained to the best condition possible within the budgetary constraints - across the entire Highway Service. ECC have to prioritise resources across the whole of the highways service, as well as those in PROW. Strategies and priorities across the whole of the service have to be managed and wherever possible ECC will promote walking and cycling, while maintaining existing assets.'

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

‘Bearing in mind the changes now being consulted on for Harwich and Clacton Hospital, could the portfolio holder respond on behalf of Essex County Council, after studying the detail of the co-situation information supplied, keeping the interests of North East Essex residents to the fore.’

**Reply**

‘North East Essex Clinical Commissioning Group is currently consulting until 10 September on future plans for both Harwich and Clacton Hospital.’

I confirm that I will submit a response to the consultation on behalf of Essex County Council and I am happy to receive any comments from local affected county councillors to inform my response.

It is worth noting that this consultation follows the positive news in April that both sites have secured capital funding from government, worth £3m for Harwich and worth £15m for Clacton. I welcome that news and I welcome the consultation by the CCG on how that money can be used to transform services.’

**17. By Councillor Harris of the Deputy Leader and Cabinet Member for Infrastructure**

‘Could an update be given on numbers/percentages of street lights in Essex converted to LED please?’

**Reply**

‘May I thank the Member for Maypole for the question.’

Essex Highways manages 127,000 street lights across Essex. Essex County Council, with the support of interest free Government loans, has funded the conversion of approximately 40,000 street lights (37% of the total) to LED and this programme will be completed by the end of 2018/19. To date 32,000 of the 40,000 targeted conversions have been completed. This includes the conversion of 17,000 lights that remain on throughout the night and 15,000 high wattage lights within the part-night lighting system. A further 8,000 conversions in the part night lighting system will be completed by the end of this financial year.’

**15. 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:

<b>From Councillor</b>	<b>To the Cabinet Member for</b>	<b>Topic</b>
Smith	Deputy Leader and Cabinet Member for Infrastructure	Commissioning of new Traffic lights at Cherrydown East, Basildon
Abbott	Deputy Leader and Cabinet Member for Infrastructure	The condition of a pedestrian refuge near Collingwood Road, Witham
Abbott	Education	Fairness of school transport policy in rural areas.
Pond	Economic Development	Response to local plans and disposal of school playing fields.
Pond	Leader of the Council	The football World Cup and celebrating any success of the England Team.
Young	Health and Adult Social Care	Care home closure in Colchester and independent living schemes in Colchester.
Harris	Leader of the Council	The provision of affordable housing in Garden Communities
Mackrory	Leader of the Council	Funding for Adult Social Care
Kendall	Deputy Leader and Cabinet Member for Infrastructure	Review of Ringway Jacobs Contract
Kendall	Leader of the Council	The Leader's views on Brexit
Deakin	Education	Support for Essex Pride 2019 by Essex Youth Service
Deakin	Deputy Leader and Cabinet Member for Infrastructure	Briefing on result of consultation about Badow Bus Gate.
Scordis	Culture and Communities	Introduction of third party reporting centres for hate crime at ECC premises.
Scordis	Deputy Leader and Cabinet Member for Infrastructure	Need for repair at Victor Road, Colchester
Robinson	Deputy Leader and	The condition of the Army and

Robinson	Cabinet Member for Infrastructure Leader of the Council	Navy Flyover in Chelmsford and when it was last inspected Proposed action to be taken to MPs to implement motion on affordable housing.
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**16. Oral Questions of the representative of the Essex Police, Fire and Crime Panel on any matter of that Panel**

The Chairman advised Members that in the absence of Councillor Maddocks, the Essex County Council representative, he would respond to questions.

Members asked questions details of which are available on the [audio recording of the meeting](#).

The Question asked was:

Councillor Young	Regarding a lack of Police resources available in Colchester for screening events during football World Cup matches.	Councillor Jowers, Chairman of Essex County Council responded on behalf of the representative
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**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 Essex Joint Health and Wellbeing

Moved by Councillor Whitbread and seconded by Councillor Spence:

'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.'

## **2 Lower Thames Crossing**

Moved by Councillor Mohindra and seconded by Councillor Bentley

'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.'

## **3 Devolution**

Moved by Councillor Pond and seconded by Councillor Smith

'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.'

#### **4 Academies**

Moved by Councillor Young and seconded by Councillor Davies

'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.'

# The Leader's Report of Cabinet Issues

This report is to receive the minutes of the Cabinet meetings held on 17 July and 18 September 2018.

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

## **Recommendation**

To receive the minutes of the Cabinet meetings held on 17 July and 18 September 2018.

## **Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Tuesday 17 July 2018**

### **Present:**

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
D Finch	Leader of the Council (Chairman)
K Bentley	Deputy Leader and Infrastructure
S Barker	Customer and Corporate
R Gooding	Education and Skills
D Madden	Children and Families
G Mohindra	Economic Development
J Spence	Adults and Health
S Walsh	Environment and Waste

Councillors J Aldridge, C Pond, M Durham, I Henderson, M Mackrory, L Wagland 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 Councillors Sue Lissimore, Cabinet Member for Culture and Communities and Councillor Louise McKinlay, Cabinet Member for Finance, Commercial and Traded Services.
3. No declarations of interest were made:

### **2. Minutes: 19 June 2018**

The minutes of the meeting held on 19 June 2018 were agreed as a correct record and signed by the Chairman.

Arising from consideration of minute 4 (Annual Report 2017-18), the Leader of the Council apologised to Councillor Mackrory that he had not received responses to his questions as recorded. He undertook to arrange for them to be provided within 48 hours of the meeting.

### **3. Questions from the public**

None.

#### 4. 2018/19 Financial Overview as at the First Quarter Stage (FP/086/02/18)

The Cabinet's attention was drawn to the second sentence of paragraph 5.1.1 i. of the report, in which the word 'offset' should be replaced by 'exacerbated' such that it would read:

'The gross forecast reflects an over spend of **£2.5m** on expenditure *exacerbated* by a pressure on income of **£1.3m.**'

The Cabinet received the forecast financial position of Essex County Council's (ECC) revenue and capital budgets as at the first quarter of the 2018/19 financial year, noting a forecast over spend on revenue of £7.1m (0.8%) against a net budget of £916.3m. This compared to a £4.9m (0.5%) over spend at Quarter 1 last year.

This assumed full commitment of the Emergency Contingency (£4m) which, if not required, would result in a full year forecast over spend of £3.1m.

The Cabinet also noted an under spend of £8.2m on capital against the current budget of £298.6m. After taking account of budget change requests within the report, there would be an under spend of £4.2m.

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

- The current budgetary position was in line with that at the same period last year, demonstrating a level of movement to be expected within a large and complex organisation.
- The draw down of £2.5m from the Transformation Reserve to the Infrastructure portfolio related to implementation of a Local Highways Panel decision. The funds had been held in the Reserve as a temporary measure.
- Commenting on paragraph 5.1.1 (ii), the Cabinet Member for Adults and Health stated that he was satisfied that the operational difficulties being experienced by one of the contractors related to issues other than pricing. Measures were in place to ensure that service-users were protected from any impact. Monitoring was also being undertaken to verify that the service was being delivered effectively in both urban and rural areas.
- The Cabinet Member for Children and Families commented on the measures in place to mitigate the impact of families being moved to Essex by London boroughs, without support or help with either housing or social needs. He also undertook to meet with Councillors Mackrory and Pond to discuss the Bright Futures project.

- The Children and Families budget was currently stable and on target. The risk of overspend was being managed through early intervention work aimed at keeping families together, thereby minimising the number of Looked After Children.
- The Cabinet Member for Environment and Waste undertook to advise Councillor Mackrory of the timescales for completion for the Notley Zip Wire and Belhus Woods play area projects.
- Savings of £1m on the Beaulieu Park Schools project would be diverted to other projects where savings were less likely to be achievable. The sum could not be made available for the installation of solar panels.
- Changes to the policy for Home to School Transport had delivered savings. However, there were challenges arising from the significant increase in demand for Special Educational Needs Home to School transport, delivery of which was a statutory responsibility (as well as a moral one). Work was ongoing to identify ways in which commercial operators could be supported and the Cabinet Member for Education and Skills would welcome scrutiny involvement in this if appropriate, as well as involvement in a review of the policy.
- Infrastructure would be given priority in development of the Garden Communities project.
- Proposed initiatives relating to creation of a Greener Essex would involve commitment of the funds held within the Carbon Reduction Reserve by the end of the financial year.
- The Cabinet Member for Children and Families commented on the ongoing work both nationally and locally to begin to address gang-related activity, which the Government had acknowledged as an issue of national importance. He offered to provide a briefing outside the meeting.
- The replacement of the Transformation Support Unit by the Delivery and Assurance Team reflected a remodelling of the service to ensure that it met current requirements and could offer the necessary portfolio of skills.
- The increase in the Waste Reserve reflected prudent planning in response to the proposed levels of home construction across the County, and the associated increase in waste volumes.
- The Leader of the Council undertook to provide a written response to Councillor Henderson regarding the level of the income target for Traded Services.

**Resolved:**

1. That funds be drawn down from reserves as follows:
  - i. £2.5m from the Transformation Reserve to the Infrastructure portfolio for pothole repairs;
  - ii. **£1.2m** from the Transformation reserve to the Reserve for Future Capital Funding (via the Infrastructure portfolio) for Local Highway Panels (LHP) to allow more schemes to be delivered where district councils are also willing to contribute;
  - iii. **£1m** from the Transformation reserve to the Infrastructure portfolio to support our aspiration for devolving works to as local a level as possible, building on the work of the Place Scrutiny Task and Finish Group;
  - iv. **£200,000** from the Transformation reserve to the Infrastructure portfolio for keeping Essex tidy, improving the appearance of highways and verges;
  - v. **£1m** from the Insurance Reserve to the Finance, Commercial and Traded Services Recharged Support Services portfolio following successful recovery from the insurers of MITIE in relation to the John Ray School fire of 2013 (5.1.13ii);
  - vi. **£842,000** from the Private Finance Initiatives (PFI) Equalisation reserves to the Education and Skills portfolio in relation to Debden School PFI (**£502,000**) and Clacton Secondary schools' PFI (**£340,000**);
  - vii. **£338,000** from the Community Initiatives Fund Reserve to the Reserve for Future Capital Funding (via the Culture and Communities portfolio), to match expenditure incurred to date in 2018/19 in relation to the Community Initiatives project
  - viii. **£64,000** 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;
  - ix. **£35,000** from the Transformation Reserve to the Infrastructure portfolio for Traffic Control Centre extended opening hours (evening and weekends);
  - x. **£20,000** from the Transformation Reserve to the Economic Development portfolio for Hillhouse within Essex Housing

2. That funds be appropriated to reserves as follows:
  - i. **£2.9m** to Reserve for Future Capital Funding from the Education and Skills portfolio for the contribution to Special Education Needs and Disabilities (SEND) capital project;
  - ii. **£315,000** to the Private Finance Initiative (PFI) Equalisation reserve from the Education and Skills portfolio in relation to Building Schools for the Future PFI.
  
3. That the following be approved:
  - i. Amendment of the capital budget as shown in Appendices C(i) and C(ii) which allows for capital slippage of **£3.7m**, capital budget additions of **£338,000**, capital budget reductions of **£1m** and advanced works of **£442,000**.
  - ii. Virement of **£115,000** to the Finance, Commercial and Traded Services portfolio from Other Operating Costs portfolio to establish the Commercial Team.
  - iii. Transfer of **£655,000** to the Community Initiatives Fund reserve from the Innovation reserve to continue to fund the small grants scheme for Essex communities
  - iv. Virement of **£1.053m** to the Finance, Commercial and Traded Services Recharged Support Services portfolio from Customer and Corporate (**£779,000**), Education and Skills Non DSG (**£39,000**), Health and Adult Social Care (**£161,000**), Customer and Corporate Recharged Support Services (**£74,000**) portfolios, to allocate existing Organisation Design savings targets across the services within the Corporate and Customer Services function.

**5. Recommissioning a Framework Agreement for External Fostering Providers (FP/086/05/18)**

The Cabinet's agreement was sought to the procurement of a multi-provider framework agreement to be used to purchase external foster care placements, where the Council's in-house foster carers do not have capacity. The ten year plan for in-house foster care will see capacity increase.

The Cabinet Member for Children and Families responded as follows to questions by Councillors Mackrory and Young:

- With reference to the 70:30 price:quality weighting to be applied during evaluation of the tenders, the Cabinet Member was satisfied that sufficient controls were in place to guarantee quality of provision. Not only had the Council specified its own standards, but, in order to be accepted as a

provider within the Framework, all agencies must be registered with Ofsted and rated by them as either 'good' or 'outstanding'.

- The needs of individual young people were being taken into account, with a strong emphasis on placing children near to their homes and families (within 20 miles) where appropriate, making it possible for them to continue their schooling, placing siblings together and meeting the needs of those with disabilities. Efforts were made to enable children to remain with their families wherever possible, and Essex had one of the lowest numbers in the country of children in care.

**Resolved:**

1. That a competitive procurement be undertaken for a multi-provider framework agreement for external foster care placements which:
    - Is procured using a competitive single stage process;
    - Lasts for a maximum period of four years;
    - Is anticipated to be re-opened after two years or when required at the Council's discretion; and
    - Is procured using evaluation criteria based on a price:quality split of 70:30.
  2. That the Director for Commissioning: Children and Families may award the framework agreements to the successful bidders under the framework.
  3. That the Director of Strategic Commissioning and Policy, Children and Families, in consultation with the Cabinet Member for Children and Families, be authorised to make decisions about any refresh of the framework.
- 6. Future of the Tendring PPP Contract for Schools (FP/170/06/18)**  
(Information contained within a confidential appendix was taken into account in reaching a decision on this issue – minute 10 below refers.)

The Cabinet's agreement was sought to end the Public Private Partnership (PPP) agreement relating to 12 primary schools in Tendring entered into by the Council in 2001 under the Private Finance. A review of the contract had shown that the Council and the schools concerned could save money by ending the current contract and refinancing it.

The Leader of the Council and the Cabinet Member for Education and Skills provided the following information in response to questions by Councillors Mackrory, Young and Pond:

- The 12 primary schools concerned are not academies.
- The schools are generally in agreement with the proposal, with any concerns relating to uncertainty about facilities management provision once the contract has ended.

- The funds from school reserves (£8.7m) referenced in paragraph 5.3 of the report will be met from the Schools PFI Reserve.
- The Council will continue to consider funding projects via PFI or PPP where this offers a financial advantage.
- Loans obtained from the Public Works Loan Board continue to offer good value for money.

**Resolved:**

1. That notice be given to terminate the Tendring PPP Contract which relates to 12 primary schools in Tendring, subject to the schools concerned entering into a binding commitment to pay the Council their share of the costs of termination (including future finance costs and half the savings on finance costs from their budget share).
2. That the timing of the issue of the notice be agreed by the Executive Director for Corporate and Customer Services after consulting with the Cabinet Members for Finance, Commercial and Traded Services and Education and Skills.
3. That authority be delegated to the Cabinet Member for Finance, Commercial and Traded Services (in consultation with the Cabinet Member for Education and Skills, Executive Director for Corporate and Customer Services (S151 Officer), the Director of Education and the Director, Legal and Assurance) to approve:
  - The recommended option for the replacement facilities management plans and individual schools budgets agreed with the affected schools;
  - The final validation of the financial assumptions by Essex County Council's specialist advisor, Local Partnerships;
  - The final termination sum payable under the contract up to a maximum value as set in paragraph 1.8 of the confidential appendix to report FP/170/06/18;
  - Any relevant documentation required to give effect to the termination of the Tendring PPP Contract including any loan documentation, agreements with the schools, PPP Contractor and its funder or any other relevant parties; and
  - The issue of any necessary certificates under section 3 of the Local Government (Contracts) Act 1997 in respect of the Termination Agreement and any other certificate(s) which may be required.
4. That the forward financing of the necessary financial and legal advisory fees up to a maximum limit as set out in paragraph 1.9 of the confidential appendix to report FP/170/06/18 be agreed, to be reimbursed from the schools' PFI reserves upon termination.

**7. Decisions taken by or in consultation with Cabinet Members  
(FP/175/06/18)**

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

**8. Date of Next Meeting**

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

**9. 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 Part 1 of Schedule 12A of the Local Government Act 1972 (information relating to the financial or business affairs of any particular person).

**10. Confidential Appendix: Future of the Tendring PPP Contract for Schools  
(FP/170/06/18)  
(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 6 above refers).

The meeting closed at 10.49am.

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**Chairman**

**18 September 2018**

## Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Tuesday 18 September 2018

### Present:

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
D Finch	Leader of the Council (Chairman)
K Bentley	Deputy Leader and Infrastructure
S Barker	Customer and Corporate
R Gooding	Education and Skills
S Lissimore	Culture and Communities
L McKinlay	Finance, Commercial and Traded Services
D Madden	Children and Families
G Mohindra	Economic Development
J Spence	Adults and Health
S Walsh	Environment and Waste

Councillors J Aldridge, J Baker, T Ball, J Beavis 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 I Henderson (for whom Cllr L Scordis substituted), M Mackrory (for whom Cllr J Baker substituted) and C Pond.
3. No declarations of interest were made.

### 2. Minutes: 17 July 2018

The minutes of the meeting held on 17 July 2018 were agreed as a correct record and signed by the Chairman, subject to the following amendment to minute 4 (2018/19 Financial Overview as at the First Quarter Stage):

Insertion of the words 'of the financial impact of the policy to Essex County Council' after the word 'review' in the final line of the eighth bullet point, such that this would now read:

'Changes to the policy for Home to School Transport had delivered savings. However, there were challenges arising from the significant increase in demand for Special Educational Needs Home to School transport, delivery of which was a statutory responsibility (as well as a moral one). Work was ongoing to identify ways in which commercial

operators could be supported and the Cabinet Member for Education and Skills would welcome scrutiny involvement in this if appropriate, as well as involvement in a review of the financial impact to Essex County Council of the policy.'

### 3. Questions from the public

None.

### 4. Concessionary Fares Scheme 2019/20 (FP/128/04/18)

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

The Cabinet considered the options for a scheme of reimbursement (including any legal challenges that may arise) in relation to the English National Concessionary Travel Scheme. Authority to negotiate and agree a final scheme was delegated to the Cabinet Member for Education and Skills, in association with the Director for Highways and Transportation.

The following information was provided in response to questions by Councillors Scordis and Baker:

- Although introducing concessionary travel for young people in post-16 education would be desirable, it was unlikely to be affordable. It would continue to be borne in mind for the future.
- The decline in passenger numbers reflected the national position. The reasons for this were unclear and likely to be complex, but contributory issues such as bus reliability and bus service reduction would be raised as part of the negotiations on the Concessionary Travel Scheme. Legislation required the Scheme to be negotiated and provided on an annual basis.

#### Resolved:

1. That the Director for Highways and Transportation be authorised to negotiate on behalf of Essex County Council over the 2019/20 English National Concessionary Travel Scheme within the parameters laid out in the confidential appendix to report FP/128/04/18.
2. That the Cabinet Member for Education and Skills be authorised to approve and publish the final scheme, provided any settlement falls within the upper limit as set out in the confidential appendix to report FP/128/04/18.
3. That the Director for Highways and Transportation be authorised to publish a default scheme on or before 1 December 2018.

## **5. Housing Related Support Services Procurement (FP/192/07/18)**

The Cabinet's authority was sought to re-commission contracts for services to provide support to help people maintain their accommodation and to go to the market to carry out two single stage procurements in respect of Floating Support Services and Homelessness Accommodation Based Support Services, which together make up Housing Related Support Services.

In response to questions raised by Councillor Baker, Councillor John Spence, the Cabinet Member for Adults and Health, advised that statutory responsibility for homelessness services lay with City, District and Borough Councils. The provision being made by this Council was supplementary and had been prioritised, despite financial constraints, as Essex residents were concerned at levels of homelessness and were keen for help to be offered to those affected. Councillor Spence commented that all agencies providing homelessness services were aware that some homeless people preferred not to be housed.

### **Resolved:**

1. That a seven-year contract, with the ability to terminate with 12 months' notice should there be further funding pressures on ECC budgets, be procured, to commence on 1 April 2019, for one provider to provide a Floating Support Service within Essex using the Open (one-stage) procedure and evaluation criteria based on 70% price and 30% quality subject to reaching a minimum quality threshold.
2. That seven-year contracts for Homelessness Accommodation Based Support Services be procured with a number of providers using the Open (one-stage) procedure and evaluation criteria based on 70% price and 30% quality to commence on 1 April 2019, subject to reaching a minimum quality threshold.
3. That the Executive Director, Economy, Localities and Public Health be authorised to award the contracts following the competitive procurement for:
  - a) Floating Support Services; and
  - b) Homelessness Accommodation Based Support Services.

## **6. Essex Joint Health and Wellbeing Strategy 2018-22 (FP/206/07/18)**

The Cabinet was asked to endorse the Essex Joint Health and Wellbeing Strategy 2018-2022 (JHWS) which has been adopted by the Essex Health and Wellbeing Board, including the proposed JHWS priorities, actions timescale and ownership.

The following information was provided in response to questions by Councillors Baker and Scordis:

- Concerning the issue of buy-in from health bodies across the County, the Essex Health and Wellbeing Board was attended by the key decision makers from such bodies, all of whom had contributed to and approved the Joint Health and Wellbeing Strategy. In addition, a meeting of key decision makers in North East Essex was also planned to consider the particular issues affecting that part of the County.
- Essex Schools, Essex Football Association, Essex Youth Service and other relevant bodies all had a role to play in addressing obesity and this would be set out in detailed action plans associated with implementation of the Strategy. In addition, the Council was working with Basildon, Colchester and Tendring Councils on a bid to Sport England for funding for a project designed to bring about 'whole system change' with regard to levels of physical inactivity.

### **Resolved:**

1. That the Joint Health and Wellbeing Strategy 2018-2022 and associated Action Plan as set out in Appendix 1 to report FP/206/07/18, be endorsed.
2. That the Council should play its part in delivering the Action Plan as set out at Appendix 1 of the Strategy.

### **7. Decisions taken by or in consultation with Cabinet Members (FP/187/07/18)**

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

### **8. Dates of Future Meetings**

It was noted that future meetings of the Cabinet would take place on the following dates:

#### **2018**

Tuesday 16 October

Tuesday 18 December

**Thursday 22 November**

#### **2019**

Tuesday 22 January

Tuesday 23 July

Tuesday 26 February\*

Tuesday 17 September

Tuesday 19 March

Tuesday 22 October

Tuesday 16 April

Tuesday 26 November

Tuesday 28 May\*

Tuesday 17 December

Tuesday 18 June

**2020**

Tuesday 21 January  
Tuesday 25 February  
Tuesday 17 March

Tuesday 21 April  
Tuesday 26 May

**\* Change from previously agreed date****9. Date of Next Meeting**

It was noted that the next meeting of the Cabinet would take place on Tuesday 16 October 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 Part 1 of Schedule 12A of the Local Government Act 1972 (information relating to the financial or business affairs of any particular person).

**11. Confidential Appendix: Concessionary Fares Scheme (FP/128/04/18)**  
(Press and Public excluded)

The Cabinet noted the Confidential Appendix to report FP/128/04/18 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 4 above refers).

The meeting closed at 10.19am.

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**Chairman**  
**16 October 2018**

## Council Issues

### 1. Amendments to the Constitution

#### a) Part 26 - Appendix 3, List of Approved Bodies

Appendix 3 of part 26 of the Constitution is a list of Approved Bodies. Members appointed as County Council representatives may claim expenses for attending meetings.

The list of Approved Bodies is extensive and it is inevitable that the various organisations, over time, change their names or terms of reference. Some errors to be corrected and rationalisations to ease administration have also been identified.

#### Recommendation

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 Basildon Bus Forum’
  - b) ‘The East of England LGA Employment and Skills Panel’
  - c) ‘The East of England Regional Transport Forum’ and
  - d) ‘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**

Paragraph 8.1.2 of the Constitution, Audit, Governance and Standards Committee (the terms of reference) at sub-paragraph 7 mentions ‘the Head of Internal Audit’. However, all local authorities are required by statutory guidance to identify a ‘Chief Audit Executive which is presently the Head of Assurance.

#### **Recommendation**

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

#### **c) Amendment to the Code of Conduct for Members**

On 19 September the Audit, Governance and Standards Committee deliberated upon the recent consultation of all members and a proposal to review the Code of Conduct for Members.

This would mean that members with an interest in an item would be permitted to be present in the room

- (a) if the Committee is following a process under which a member of the public might be permitted to address the committee; and
- (b) the member is present for the purposes of addressing the committee or answering questions asked by the Committee.

Members would not be permitted to be present during the debate or on any vote or decision on an item in which they have an interest which would otherwise require them to leave the room.

### **Recommendations**

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**

The Cabinet in February 2018 agreed that the procurement of gas and electricity services using a variable price system during which energy may be bought for a variable period of time. In order for this to work we have been advised that the Council needs to act quickly to take advantage of offers on the market. This means that orders over £2m may need to be placed at very short notice, based on professional advice.

At present, a decision to place an order over £2m would be:

- A key decision
- Required to be taken by a Cabinet Member
- Subject to call-in.

This may not be appropriate if the purchase is for routine goods and services within the scope of a contract awarded by the Council.

Following consultation with the members of the Constitutional Working Group and with their approval, it is proposed to amend the Constitution so that routine purchases for electricity or gas placed within the scope of a contract authorised by the Cabinet or a Cabinet Member are not a key decision.

The effect of this will be that such decisions can be taken by the Executive Director regardless of value and are not subject to call in.

It is also proposed that the Cabinet may apply this to other procurement activity if it is considered similar circumstances apply.

### **Recommendation**

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’