



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, 08 October 2019	Council Chamber, County Hall, Chelmsford, CM1 1QH
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Gavin Jones
Chief Executive

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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.

		Pages
1	Apologies for Absence	
2	The Chief Executive's Report on Political Proportionality	4 - 4
3	Declarations of Interest To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
4	Confirmation of the minutes of the meeting held on 9 July 2019	5 - 32

5	Public Questions	
	A period of up to 30 minutes will be allowed for members of the public to ask questions or make representations on any matter relevant to the business of the Council. Speakers must have registered with Democratic Services by 10:30am seven days before the meeting.	
6	Chairman's Announcements and Communications	
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13	Oral questions to the Leader, Cabinet Member, chairman of a committee or the Council's representative on the Essex, Police Fire and Crime Panel.	

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](#) and by then following the links from [Running the Council](#) or you can go directly to the [Meetings Calendar](#) to see what is happening this month.

ECC Guest Wifi

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- Please log in to 'ECC Guest'
- Follow the instructions on your web browser

Attendance at meetings

Most meetings are held at County Hall, Chelmsford, CM1 1LX. [A map and directions to County Hall can be found on our website.](#)

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

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 find out by checking the [Calendar of Meetings](#) 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.

The Chief Executive's Report on Political Proportionality

Review of Political Proportionality

We have been notified that Councillor Jo Beavis, who was not a member of any political group, has joined the registered Non-Aligned Group. This triggers a review of the political balance of the Council's committees under the statutory rules. We would usually publish a report about this with the Council summons.

However, as Members will be aware, a by-election to elect a Councillor for the Clacton East Division is being held on 3 October 2019. It is likely that the newly elected Councillor will wish to join a political group. This will also trigger a review of proportionality.

Since the publication deadline for the Council summons is before the by-election, we will circulate a further report to Members setting out the revised political balance once the impact of the Clacton East by-election is known.

That report will include a recommendation asking Council to make any necessary changes to the political composition of committees.

The report will also be published on the Council's website.

Minutes of the meeting of the Full Council, held in the Council Chamber County Hall, Chelmsford, Essex on Tuesday, 9 July 2019

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

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

Prayers

The meeting was preceded by Prayers led by The Right Reverend Hugh Allan O. Praem, the Titular Abbot of Beeleigh and Chaplain to the Chairman of Essex County Council.

The Chairman, 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 Baker, Gadsby, Mackrory, Moore, Reid and Schmitt.

2. Declarations of Interest

Councillor Pond declared a Code Interest as an Honorary Fellow of the Chartered Institute of Librarians and Information Professionals.

3. Confirmation of the minutes of the meeting held on 14 May 2019

Resolved:

That the minutes of the meeting held on 14 May 2019 be approved as a correct record and signed by the Chairman.

4. Public Questions

The Chairman noted that no members of the public had registered to speak.

5. Chairman's Announcements and Communications

Death of former Councillor Elizabeth Dines

The Chairman informed Members of the death of former Councillor Elizabeth Dines who passed away on Friday 3 May at the age of 84.

He noted that she had been first elected to be an Essex County Councillor in May 1977 to represent the Division of Maldon and had served in many capacities including the Fire and Public Protection Committee, the Community Health Board, Highways and Transportation, Libraries, Heritage and Culture Committees, as well as being an Executive Board Member and Cabinet Member for Health and Social Services.

She had also been Vice-Chairman of the North Essex Health Authority Joint Board, and at various times a Member of Basildon District Council, Maldon District Council and a Magistrate.

Members stood in remembrance.

Essex Sensory Awareness Week

The Chairman reminded members that it was Essex Sensory Awareness Week and informed them that the County's new 'Sensory Action Alliance and Champion Co-ordinator' was to be present at a display in the Council Atrium to which Members were invited. There they could meet her and be informed about forthcoming projects and events in Essex.

Single-use Plastics Campaign

The Chairman also reminded Members that in the Council Atrium there had been a display which sought to assist everyone to reduce their use of single-use plastics. He informed Members that he had been asked by Councillor Walsh, the Cabinet Member for Environment and Waste, to bring the display to their attention and urge them to find the time to visit that display, learn more about the ongoing campaign and perhaps sign a pledge.

Essex Design Guide Award

The Chairman invited Councillor Ball, the Cabinet Member for Economic Development to speak and present the Essex Design Guide Award won by Place Services Planning Team.

Association of Local Authority Risk Managers 'Team of the Year' Award

The Chairman invited Councillor Barker, the Cabinet Member for Customer, Communities, Culture and Corporate to speak and present the ALARM Team of the Year won by the Assurance Service. Councillor Barker mentioned several officers by name and the Chairman noted that some of the team were present in the chamber.

Essex Cares Ltd

The Chairman invited Councillor Finch, the Leader of the Council, to speak concerning the rating awarded to Essex Cares Ltd. by the Care Quality Commission.

Patient Safety Award

The Chairman invited Councillor Spence, the Cabinet Member for Health and Adult Social Care, to speak and present an award for Improving Care for Older People won by the Provider Quality Team.

Connected Britain

The Chairman invited Councillor Bentley, the Deputy Leader and Cabinet Member for Infrastructure, to speak and present the Superfast Award for Overall Connectivity Project of the Year to the Superfast Essex Programme Team.

6. Receipt of petitions and deputations

The Chairman received a petition from Councillor Butland concerning school transport in Rayne.

7. Executive Statement

The Leader of the Council, Councillor Finch made a statement concerning 'Empowering Communities.

8. Essex Pension Fund Board Annual Report

Councillor Barker, the Chairman of the Essex Pension Fund Board, presented the annual report.

It having been moved by Councillor Barker and seconded by Councillor Platt it was

Resolved

That the report be received.

9. Motions**1. A Comprehensive and Efficient Public Library Service**

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

'Council calls upon Cabinet, in proper discharge of the Council's statutory duty to continue to provide a comprehensive and efficient public library service:

1. To undertake after reorganisation to provide in every library service point, no matter how staffed or with what partners, access to the whole stock of Essex Libraries through established reservation and stock circulation systems
2. To provide access in every library to ECC computer services and databases as now.

3. To take every opportunity that partnership working affords to secure maximum utilisation of library premises and facilities, and to restore service hours cuts made in the last ten years.'

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

'Council calls upon Cabinet, in proper discharge of the Council's statutory duty to continue to provide a comprehensive and efficient public library service:

1. To undertake after reorganisation to provide in every library service point, with paid staff trained and employed by Essex County Council, access to the whole stock of Essex Libraries through established reservation and stock circulation systems.
2. To provide access in every library to ECC computer services and databases as now.
3. To take every opportunity to secure maximum utilisation of library premises and library facilities, and to restore the library service hours, professional staff and book stocks cut over the last ten years.'

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

'Council calls upon Cabinet, in proper discharge of the Council's statutory duty to continue to provide a comprehensive and efficient public library service:

1. To ensure that the library strategy is adaptive to local and community needs and not "one size fits all".
2. To invest more in technology, modifying the services available in the library buildings and beyond – removing any barriers to access.
3. To collaborate with communities to design and deliver a service that fits their local need.

The amendment moved by Councillor Scordis and seconded by Councillor Davies was put to the meeting and **lost**.

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

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

2. Essex Education Emergency

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

‘The Council considers that a state of emergency should exist relating to Essex Education. It is concerned that proposed library cuts and previous school transport cuts and adult community learning are eroding educational opportunities. In addition, it is concerned that school funding is in crisis with 91% of schools having had their per pupil funding cut equal to a loss of £134.4m.

Therefore, this Council calls upon the Cabinet to:

1. Resist the ongoing cuts to school budgets and call on Government to invest in more funding to schools
2. Support the coalition of trade unions campaigning against school cuts.
3. Call on the Government to fully fund and fully implement the recommendations of the school teachers review body on teachers’ pay.
4. Review the impact of school transport cuts with a view to alleviating hardship.
5. Maintain a comprehensive library service professionally staffed with enhanced book stocks.’

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

‘The Council recognises that school funding has not kept pace with inflation. Therefore, the Council calls on Government to invest in more funding in schools.’

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

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

3. Social Mobility and Social Justice

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

‘This Council is committed to ensuring the best outcomes for people across Essex. As we work towards this for our residents, we will continue to focus on improving social mobility, increasing levels of aspiration and providing conditions for individuals to fulfil their potential and benefit from the growing economy and opportunities in our County.

To achieve this, we understand that hard working people who are just about managing should see the rewards of that hard work and therefore we will continue to adopt a focused and targeted approach.

To improve the opportunities for hard working people, we ask the Leader and the Cabinet to work to:

1. Improve social mobility and social justice
2. Increase levels of aspiration
3. Provide conditions for individuals to fulfil their potential and benefit from the growing opportunities in our County.

We call on our partners in local authorities, law enforcement, health, education and business to join the Council in delivering positive and sustainable results.’

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

‘This Council is committed to ensuring the best outcomes for people across Essex. As we work towards this for our residents, we will continue to focus on improving social mobility, increasing levels of aspiration and providing conditions for individuals to fulfil their potential and benefit from the growing economy and opportunities in our County.

To achieve this, we understand that hard working people who are just about managing should see the rewards of that hard work and therefore we will continue to adopt a focused and targeted approach.

To improve the opportunities for hard working people, we ask the Leader and the Cabinet to work to:

1. Improve social mobility and social justice
2. Increase levels of aspiration
3. Provide conditions for individuals to fulfil their potential and benefit from the growing opportunities in our County.

4. Run a fully comprehensive library service, acknowledging that libraries play a vital role in social mobility.
5. Continue to subsidise bus services at evenings and weekends.
6. Respond to the drivers of disadvantage, deprivation and inequality across the county.

We call on our partners in local authorities, law enforcement, health, education and business to join the Council in delivering positive and sustainable results.'

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

'This Council is committed to ensuring the best outcomes for people across Essex. As we work towards this for our residents, we will continue to focus on improving social mobility, increasing levels of aspiration and providing conditions for individuals to fulfil their potential and benefit from the growing economy and opportunities in our County.

To achieve this, we understand that hard working people who are just about managing should see the rewards of that hard work and therefore we will continue to adopt a focused and targeted approach.

To improve the opportunities for hard working people, we ask the Leader and the Cabinet to explain how they will provide the funding for:

1. Improve social mobility and social justice
2. Increase levels of aspiration
3. Provide conditions for individuals to fulfil their potential and benefit from the growing opportunities in our County.

We call on our partners in local authorities, law enforcement, health, education and business to join the Council in delivering positive and sustainable results.'

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

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

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

10. 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 26 May and 18 June 2019.

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

Resolved

That the report be received.

11. 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

Oral questions of the representative of the Essex Police, Fire and Crime Panel.

(1) That paragraph 16.12.7 of the Constitution that states:

‘16.12.7 Essex Police, Fire and Crime Panel

A Member may ask any question of the representative of the Essex Police, Fire and Crime Panel.’

be removed and subsequent paragraphs renumbered.

(2) That paragraph 16.12.6 be amended by

(i) the addition of

(v) the Member appointed by Essex County Council as its representative on the Essex Police, Fire and Crime Panel.

(ii) movement of the word ‘or’ from the end of sub-paragraph (iii) to sub-paragraph (iv)

Content and length of speeches and debates

- (3) That paragraphs 16.9.6 (ii) (a) and (b) of the Constitution be amended to read
- ‘(a) there will be a maximum time limit of 40 minutes per motion and any amendments thereto;
 - (b) the maximum length of time for the consideration of all such motions will be 160 minutes;’

Structural changes

- (4) That with effect from 1 August 2019 the following changes are made to the constitution:
- (1) Paragraph 4.3.5 be amended to read
Executive Director, Finance and Technology
 - (2). Paragraph 4.4
Replace ‘Executive Director, Corporate and Customer Services’ with Executive Director, Finance and Technology
 - (3) Paragraph 12.2.4(f)
Replace ‘Executive Director, Corporate and Customer Services’ with ‘Chief Finance Officer’
 - (4) Paragraph 15.3.1 (v)
Replace ‘Executive Director, Corporate and Customer Services’ with ‘Chief Finance Officer’
 - (5) Paragraph 15.3.2
Replace with:

15.3.2 To the Executive Director, Corporate and Customer Services
 - (i) To be the Proper Officer under Section 115 of the Local Government Act 1972.
 - (ii) To be responsible for:

-
- a. Democratic Services
 - b. Emergency Planning
 - c. Health and Safety
 - d. Business Continuity
 - e. Legal Services
 - f. Information Governance
- (iii) To be responsible for the Council's Democratic, Governance and Assurance framework, including democratic support, scrutiny, performance, audit, risk, health and safety, business continuity and insurance and its powers to prevent and detect fraud.
 - (iv) To act as a Deputy in respect of the management of the finance and property of an individual lacking capacity in accordance with the Mental Capacity Act 2005.
 - (v) To authorise the making and issue of any formal documents and to authenticate documents on behalf of the Council.
 - (vi) To exercise the Council's functions relating to
 - (a) Registration of Births, Deaths and Marriages
 - (b) Coroners.
 - (vii) To exercise the Council's functions relating to publication of material and relations with the press.
- (6) Paragraph 15.3.5

Replace paragraph 15.3.5 with:

15.3.2 To the Executive Director, Finance and Technology

- (i) To act as the Council's officer appointed under section 151 of the Local Government Act 1972 and to make such decisions as are necessary for the proper administration of the Council's financial affairs.
- (ii) To be responsible for:
 - a. all financial management including treasury management and income collection
 - b. external funding
 - c. all the Council's powers and duties with respect to pensions including the Essex Pension Fund and the Council's involvement with other pension schemes

Note: The Executive Director, Finance and Technology is not empowered to change the managers of the Pension Fund or, unless the Chief Executive agrees, to agree the early termination of the employment of any Executive Director or the Monitoring Officer.

- (iii) To exercise the functions of the Council in relation to the pay and conditions of directly-employed teachers who are subject to the School Teachers Pay and Conditions.
 - (iv) To act as the Accountable Body representative on all matters in respect of which the Council has agreed to act as or has been appointed as Accountable Body (including the South East Local Enterprise Partnership).
 - (v) To authorise the making and issue of any formal documents and to authenticate documents on behalf of the Council.
 - (vi) To exercise the Council's powers to trade and to make any decision which the Council may make as a shareholder in any company.
 - (vii) To decide how technology is provided and used by the Council.
 - (viii) To develop strategies for trading and commercial activities to be undertaken by or on behalf of the Council.
- (7) Paragraph 15.3.7
- Insert a new paragraph 15.3.7(iii) To manage the payroll service.
- (8) Paragraph 1.7(ii)
- Replace reference to the Executive Director, Corporate and Customer Services with reference to Chief Finance Officer.

12. Written Questions

The published answers to the 19 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 Beavis of the Cabinet Member for Economic Development

'I am impressed and value the Member Buddy Support Officer to advise County Councillors on Highway updates in their Divisions. Would the Cabinet Member consider a similar approach to give advice to County Councillors on development, community infrastructure, Garden Communities and Section 106 in their Divisions?'

Reply

'I would like to thank Councillor Beavis for the question, especially as in my new Cabinet Member role I am passionate about great place-making.

To implement a dedicated officer resource as you suggest, would be to provide a service for the five hundred plus strategic planning applications we are consulted on annually. This would have an additional cost impact on the Council to facilitate this, which would need to be considered as part of the normal budget setting process.

This said, my approach is one of having supportive relationships, and my Planning Officers are working very closely with the District Councils to assist them with the preparation of their Local Plans.

Additionally, through the Planning Portfolio Holder meetings, there are also a number of new steps to engage directly on some of the strategic issues facing Local Planning Authorities, some of which you note. The importance of this has been increasingly recognised and will now be moving to quarterly meetings.

This Council also supports the District Councils with the planning for, and delivery of, the Garden Communities; ensuring that there are even more great places to live, work, and play for residents and businesses across Essex.'

2. By Councillor Beavis of the Leader of the Council

'How many Local Highways Panels in Essex have taken up the offer of additional match-funding offered by the Leader of Essex County Council?

Which Panels are they?

How is the Leader continuing to work with those Panels that did not take up the offer? Small schemes improve local communities and in some cases save lives.'

Reply

'The following districts offer additional match funding – Basildon, Brentwood, Colchester, Chelmsford, Epping Forest, Tendring and Uttlesford. We continue to encourage match funding for local schemes and will work with Parish Councils if they wish to invest in their local communities. A working group has been set up to see if we can tap into other funding sources to deliver those schemes which are of great importance in local areas.'

3. By Councillor Sargeant of the Cabinet Member for Customer, Communities, Culture and Corporate

'Holland Library cost only £27,933 to run in 2018/19. It issued 16,526 items and has 18,686 visitors – plus the thousands not picked up by the immature counting system. The budget for 2019/20 is £36,085. It has been identified for closure in the Library Strategy.

If the Council is trying to save money why has it wasted so much by installing WeWatt kiosks for charging electrical gadgets in Witham, Chelmsford and Harlow libraries?

A recent Freedom of Information Request has revealed that the alternatives to WeWatt, and others' experience of WeWatt considered during the procurement by the Customer Services Director, under the scheme of financial delegation, to support the former Community Hubs Project are unknown. I am told that 'The Council does not hold this information'. Also unknown are usage figures for these kiosks or any method of assessment of their value for money. What is known is that the three kiosks cost £26,206.56.

Does the Cabinet Member share my extreme disappointment at the apparent disregard for the public purse, lack of financial management and record keeping of usage for these WeWatt kiosks and does the Cabinet Member also share my concern that money is being spent in this way in times of limited financial resources and much valued community services are threatened with closure?

Reply

'The community hubs project explored a number of ideas to improve the sustainability of the library service, to attract new audiences and develop new ways for customers to engage with the service. The WeWatt bikes were one of the initiatives that came out of this project and helped to demonstrate how organisations can become more sustainable.

Although we do not have usage figures for the WeWatt kiosk bikes, they are frequently seen to be in use in the locations you mention, particularly by young people.

The Community Hubs programme of work also included reviewing and updating the mobile library service to ensure it is fit for purpose, implementing charges for hire of meeting space to maximise usage, and delivering a public engagement exercise to help ECC develop its draft proposals for the future of library services in Essex.'

4. By Councillor Pond of the Deputy Leader and Cabinet Member for Infrastructure

'In respect of each of the three park and ride operations in the county, would the Cabinet Member please state:

1. The number of passenger journeys on each service for every year since 2011-12;
2. The annual amount for each year since 2011-12 by which expenditure exceeded income;
3. The cumulative loss funded over that period by the taxpayers of Loughton on the basis of its population as a proportion of that of Essex,

and in relation to Essex National Concessionary Travel Scheme (ENCTS) travel on these services:

4. The basis of calculation of the figure of the £447,000 cost of the ENCTS travel stated in the recent consultation;
5. as to whether this represents the extra income that would be obtained if every ENCTS journey paid the full adult fare or the ENCTS reimbursement paid over by ECC,

and in respect of the Colchester P&R operation:

6. what were the results of the 6-month survey promised of the extended hours at the end of February 2019, in the format of number of journeys made for each day?’

Reply

‘I thank Cllr Pond for his question, and I will take each point in turn to provide a detailed answer:

1. The number of passenger journeys for each Park and Ride Scheme is shown below:

	Sandon	Chelmer Valley	Colchester
11/12	825,085	302,166	-
12/13	770,651	380,256	-
13/14	776,875	395,767	-
14/15	765,077	405,728	-
15/16	810,830	484,266	155,166
16/17	881,078	501,507	172,782
17/18	891,072	445,196	230,040
18/19	845,025	428,994	251,598

2. The table below details the net loss for Chelmsford and Colchester Park & Ride sites from 2015/16 to 2018/19. For technical reasons only the last 5 years of data can be provided.

Due to the cross-town services in Chelmsford, Chelmer Valley and Sandon expenditure is combined.

Sites	2015/2016	2016/2017	2017/2018	2018/2019	Cumulative loss since 2015/16 - 2018/19
Chelmsford	£138,868.92	£ 339,714.02	£ 143,651.20	£ 23,739.88	£ 645,974.02
Colchester	£ 607,764.19	£ 542,102.06	£ 686,847.32	£ 509,588.23	£ 2,346,301.80

3. With regards to how the costs fall on tax payers in Loughton, in the County context 'Tax Payer' would normally refer to council tax rather than those paying income tax, and those numbers are difficult to obtain

Therefore, this calculation uses the population of Loughton (according to the 2011 census) as 31,106 or 2.2% of the Essex overall population. Based on a total cumulative loss over the period of £2.992m, this comes to £65,830 per person or c.£16k per person per year over the 4 year period. Similarly, for concessionary fare payments of £1,536,525, 2.2% would give a figure of c.£33,800 per person or c£8k per person per year over 4 years.

4. The £447k figure is the value of the concessionary fare reimbursement paid by the Countywide Concessionary fare scheme into the Park and Ride Scheme to compensate it for not charging pass holders. The County Council currently has a 'fixed pot' arrangement for the scheme, whereby the level of reimbursement is static.

To simplify a complex process, for each operator a 'Gross Revenue Foregone' figure is calculated by counting the number of concessionary passes transaction of all types on a service by service basis and multiplying that figure by the average fare paid by fare paying passengers on each service, these then being combined, first to an individual operator figure and then to an overall GRF figure for Essex.

The level of reimbursement paid to each operator is then calculated as the percentage of the total gross revenue foregone for all operators that is represented by the individual operator's gross revenue foregone. So, if an operator gets 5% of the total gross revenue foregone for Essex, the get 5% of the total fixed pot.

The reimbursement figure for Park and Ride Services figure does not distinguish between use by older persons pass holder and by holders of disability passes, as the system does not distinguish pass use at that level. Over all there are some 15,000 disability pass holders in Essex, approximately 5.48% of the total passes in circulation. Assuming this applied to a Park and Ride use, around 94.52% of the park and ride reimbursement would be generated by older person's pass use.

5. The consultation was made on the basis of ENCTS passengers paying £1.50 rather than the full adult fare. The £1.50 charge does in fact represent the percentage of the full fare that the Park and Ride Scheme receives from each

concessionary pass use on the services, since the level of the fixed pot for the scheme is based on the 'Net Revenue Forgone' (NRF) by bus operators, which adjusts the GRF to allow for a significant level of 'generated travel' – i.e. travel which would not have occurred if the scheme had not existed. This is necessary to ensure that the concessionary fare scheme meets the statutory requirement that it should aim to leave the operator no better and no worse off than they would have been had the scheme not existed.

On this basis if all the current pass users continue to travel at their current level and pay the £1.50 then the revenue accrued income would approximate the same level of income as the current level of concessionary reimbursement provides. One of the aims of the consultation is to help identify what current users of bus passes on Park and Ride services would do if asked to pay the reduced charge in future. This should allow us to get a better understanding of the impact on revenue.

6. We will send the requested figures by email as this represents a large volume of data to include in this document.

5. By Councillor Henderson of the Cabinet Member for Education and Skills.

'What was the total number of Council subsidised bus services supporting routes in 2010 and how many is it to date
(a) across the whole county and
(b) within the Tendring District.'

Reply

'Care should be taken in simply comparing numbers of supported local bus services between two years because of the dynamic nature of the bus network. Services change regularly, are commercialised or re-designed and re-numbered. It is therefore not possible to draw conclusions as to the overall level of service provision from these numbers. ECC has only withdrawn low performing services. Changes in number cannot therefore be attributed to any service withdrawal exercise.

- (a) across the whole county we currently have 161 contracts which gives 216 services across the County. In 2010, there were approx. 265 services under contract to ECC which also includes shopper bus services operated by Community Transport providers.
- (b) Within the Tendring district we have 17 contracts which gives 20 services (these include services to towns and villages outside the district). In 2010, there were 26 contracted local bus services in the Tendring district (these include services to towns and villages outside the district).

6. By Councillor Henderson of the Cabinet Member for Children and Families.

‘What was the total number of those employed on full time contracts working within the social services department designated to support families and children in 2010 and what is that number now?’

Reply

‘The current headcount in our Children’s Services department are as follows:

2010 Headcount – 1,549 FTEs – 1,368.7

2019 Headcount – 1,355 FTEs – 1,256.7

I would like to remind Cllr Henderson that staff numbers do not necessarily relate to better outcomes for children and families. This is reflected by Ofsted, who rated ECC’s Children Services as ‘Inadequate’ in 2010. Our Children’s services are currently rated ‘Outstanding’ by Ofsted following an inspection in November 2018.’

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

‘In response to my last question about cycling, why is no cycling provision being provided in large capital works schemes, including Ipswich Road and St Botolph’s, despite you claiming we are a pro-cycling council?’

Reply

‘Cycling provision is being provided in large capital works schemes such as Ipswich Road/Harwich Road and St Botolph’s. With St Botolph’s, we are undertaking public engagement at this stage to find out what people think and to help inform the design going forward and would ask that you support us in urging users of Colchester’s network to engage with the scheme and have their say on the proposals put forward.

With regards to Ipswich Road/Harwich Road, the scheme upgrades and improves the existing zebra crossings on the A133 to signal controlled crossings. We are also installing a new formalised zebra crossing on Ipswich Road South where there is an existing informal crossing located at a poor location in terms of safety. We have also reviewed the length of the existing segregated and unsegregated shared cycle/footway making improvements to the widths where viable. In cases, where there are existing site constraints, which do allow the provision of segregated cycleways to an Acceptable Design Standard, we have provided shared facilities, as opposed to providing below standard segregated cycleways.

An east to west route runs alongside the A133 which is lightly used probably reflecting the fact that the corridor is used for longer distance movements. Most cycle routes or desire lines, whichever points of the compass they try to link up, would be better

provided away from what will always be a heavily used traffic intersection. Overall, we feel we have the balance right at the junction.

St Botolph's is currently in consultation however there are proposed cycling improvements for:

- Introduction of an shared use facility with improved surface condition and width throughout the junction (carriageway width has been taken to achieve this).
- Introduction of Toucan crossing to enable cyclists to cross carriageway lanes safely.
- Raised table across Britannia Way to enable a prioritised route into the town centre for cyclists and pedestrians.
- Review of existing cycle signage and implementation of improvements to ensure safe and efficient wayfinding.

Essex County Council takes the safety of cyclists in Essex very seriously. We have a Cycling Strategy which covers the whole county in its scope but which is of course very dependent upon ideas and suggestions that relate to important localities such as Colchester. If you look at the Essex Cycling Strategy 'Safety' is a very important thread running through the entire document as is health and tackling congestion.

Essex County Council is also committed to fulfilling the other aims and objectives of its Cycling Strategy and Infrastructure and coherent networks are key components. To support our strategy we have also published draft cycle network plans for all District areas of Essex on our website. The Colchester Cycling Action Plan (CAP) highlights a strategic cycle network we would like to see built in Colchester. However, the CAPs are a draft document and we are continually looking to make improvements. To this end we are developing a list of emerging schemes in each District/Borough, we will therefore ensure that a link from Elmstead Market to the town is included for consideration in future reviews of the Essex Cycle Network.

We are currently working on a plan to identify a clear vision for Colchester which will include sustainable transport.

We need a strategic approach to help solve the issues that are currently in existence on Colchester's transport network. Looking to the future, we need to progress in a way that ensures that what we have in Colchester can be used and enjoyed for generations to come.'

8. By Councillor Scordis of the Cabinet Member for Customer, Communities, Culture and Corporate

'Considering that the County Council has highlighted isolation and mental health wellbeing in the Essex Health and Wellbeing Strategy, how is closing libraries across Essex in line with this strategy?'

Reply

'We recognise the valuable role library services play in helping to reduce social isolation and improve wellbeing as part of a broad matrix of services, activities and support provided by the Council, other authorities and communities.'

The service will continue to aid a reduction in social isolation through Council-run libraries, by supporting community-run libraries, delivering outreach activities and by adding extra mobile library stops where needed.

Essex Libraries will continue to offer a wide range of books on health and there are booklists on a number of health-related topics, including the four booklists from the Reading Well scheme. The Reading Well booklists include lists of self-help books for people with long term conditions, for mental health, for people with dementia and for young people. The titles are recommended by health professionals to help people manage their own health and wellbeing.

Increased outreach could mean for example that new mums can get together at a baby and toddler Rhymetime in the local school or village hall. Knit and natter groups could meet in the community centre or code clubs could take place in a local youth centre or church hall.

Community-run libraries can do a lot to reduce social isolation by bringing communities together to run them, focusing on local needs and revitalising community venues where people can meet, socialise and help each other.'

9. By Councillor Davies of the Leader of the Council

'Free TV licences for over 75s are going to be scrapped by 2020 apart from where one person in the household receives pension credit benefit. Would the Leader consider a campaign with partners, local authorities and DWP to alert residents of their entitlement to pension credit? This could involve using ECC buildings including offices and libraries with a poster/general information promotion.'

Reply

'I certainly agree with the principle behind the question that ECC should help everyone should take advantage of entitlements where they are available. Although we do not administer TV Licences or Pension Credit Benefit, I will contact the relevant organisations to explore what can be done to encourage the awareness of the scheme.'

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

'In early June, rural roadside verges in Rivenhall Parish were cut, which I believe was on behalf of ECC. Areas of wildflowers were cut down including red campion and poppies. Whilst some of this cutting was at junctions, where it is accepted sight lines are important, most was not.

Can Cabinet Members please outline what the current policy is for rural verge cutting (and the use of chemicals around signs) and why it takes place in some areas so early in the season.

Does ECC support the work of Plantlife, which since 2013 has been urging authorities that a "cut less, cut later" approach could significantly improve the biodiversity of verges and potentially save money too.

As part of the devolution agenda, would ECC consider involving all parish councils in a scheme in which they could nominate verges to be managed as priority biodiversity verges which would include both a "cut less, cut later" approach and specific projects to seed verges with appropriate native wildflowers.'

Reply

'Essex County Council has a long and proud record of identifying and maintaining Special Roadside Verges in Essex and around 63 km of road verge across Essex have already been designated as Special Roadside Verges. The designated Special Verges are marked on the ground with wooden posts at either end (and a central post for long verges). The posts have a white PVC plaque to warn contractors that the area within the posts is specially protected and no unauthorised management should occur. There is a cutting programme for the Special Verges, tailored to the species and habitat for which they are important.

Officers within the service are also currently looking to explore further opportunities across the range of partners that provide this service to see if our approach can be expanded to significantly improve the biodiversity of verges across the County and potentially save money too.'

11. By Councillor Abbott of the Cabinet Member for Customer, Communities, Culture and Corporate

'The libraries consultation states that Tier 4 libraries are not required for a legally compliant service and that without being run by volunteers they will be closed. In written and verbal communications with me, the Cabinet Member has reconfirmed this in respect of the Tier 4 village libraries such as at Silver End in the division I represent.

Yet ECC repeatedly states that "no decisions have yet been made" on the future of libraries. If "no decisions" have yet been made, what other options exist for Tier 4 village libraries where there is no volunteer group to run the library? Or is the "no decisions" statement simply a technical comment on the fact that we are not quite yet at the point in time when Tier 4 closures are confirmed?'

Reply

'The draft strategy was published for public consultation so that we could get people's views on our proposals before making any decisions. We have been very clear that no decisions have been made nor will be made until the strategy comes back to Cabinet.'

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

'If a congestion charge is forced onto any section of the A127, will the highway contractor (Ringway Jacobs) be paid to install and operate the A127 congestion charge?'

Reply

'I'm afraid Cllr Smith is mistaken in his understanding of the issue in this instance.

Basildon BC and Essex CC have been issued with a government direction concerning measures to mitigate identified air quality issues on and adjacent to the A127 in Basildon, as part of the national air quality plan. As part of this work it is proposed to implement a 50mph speed limit on the A127 itself which will reduce emission levels to satisfactory levels.

On the roads immediately adjacent to the A127 we have been asked to review the case for a chargeable clean air zone to benchmark our other proposed measures against – something we will undertake in partnership with DEFRA.

However, to be clear, there is neither any plan for congestion charging nor indeed the implementation of a chargeable clean air zone on the A127 itself.'

13. By Councillor Smith of the Cabinet Member for Finance, Property and Housing

'For the 2018/19 financial year (broken down by each individual Borough / City / District), how much do each of these lower tier local authorities hand over to Essex County Council in council tax and business rates?'

Reply

'As the billing authorities, the lower tier authorities in Essex have a statutory duty to collect council tax and business rates. This includes the council tax for the precepting bodies, which include Essex County Council and the Police Fire and Crime Commissioner. The amount of council tax collected by the billing authority for Essex County Council is dependent on the Essex County Council precept. As part of a local share back agreement, Essex County Council also contributes £1.3m towards improving performance in collection of council tax, with a shareback of £4.5m being paid from Essex County Council to the billing authorities in 2018/19.

Business rates are distributed according to a nationally agreed formula, with 9% of rates collected locally being passported to Essex County Council.'

Authority	Council Tax £'000	Business Rates £'000
Basildon	73,470	7,203
Braintree	63,507	3,878
Brentwood	39,820	2,578
Castle Point	37,194	1,256
Chelmsford	80,018	7,019
Colchester	75,700	5,570
Epping Forest	65,440	3,093
Harlow	31,265	4,223
Maldon	29,558	1,194
Rochford	38,237	1,525
Tendring	57,104	2,314
Uttlesford	44,241	3,840
Total for ECC	635,553	43,693

14. By Councillor Kendall of the Deputy Leader and Cabinet Member for Infrastructure

‘With the National Grid forecasting that the number of plug in electric cars and vans could reach 9 million by 2030, what action is Essex County Council taking to ensure that there are more public access charging points installed across the County to meet the demand and how many charging points are the County Council proposing to install on County Council owned land over the next five years?’

Reply

‘Government has confirmed that it will end the sale of all new conventional petrol and diesel cars and vans by 2040 as part of the plan to tackle air pollution and by 2050 the aim is that there will be zero emissions by vehicles in the UK. The council is aware that sales of diesel vehicles continue to decline, and the sale of alternative fuel vehicles is increasing. In particular that plug in hybrid electric vehicles and hybrid electric vehicles are currently the most popular alternatives to diesel or petrol only vehicles. However, it is highly likely that from the 2020s, take up of Electric Vehicles (EVs) will accelerate significantly.

To reflect this shift, the council is gearing up to support the implementation of EV infrastructure and recognise that it is desirable that planning applications to borough, city and district should include an 'electric vehicle charging scheme' for housing and business/commercial developments. As part of our commitment to support the transition, guidance has been provided to local authorities and developers through the refreshed Essex Design Guide, which was launched in 2018.

For residents who are purchasing an electric vehicle and who have access to off-street parking there are government schemes available to assist in the capital costs of installation of a charge point through the Electric Vehicle Home-charge Scheme. The

Council expects that the majority of vehicle charging will occur overnight in a residential setting. However, it is appreciated that some EV owners will require a 'top up' charge during the day. To this end ECC has started to facilitate charge-points across Essex at several locations, which include two park and ride sites in Chelmsford; Sandon Park and Ride (CM2 7RU) and Chelmer Valley Park and Ride (CM3 3PR). Each park and ride site has two dual 7kW eVOLT charge-points operated by Electric Blue.

Essex Housing, our in-house developer, also seeks to provide electric charging points at its housing sites across the county. We have recently installed charging points at our flagship scheme at Goldlay Gardens and are currently installing them at our Moulsham Lodge site in Chelmsford which completes in October, with many more in the pipeline.

In addition to this we are establishing electric car clubs out of those two sites so that all residents can take advantage of a more sustainable method of travel, even if they can't afford to purchase an electric car themselves. This is something we'll look to do in future developments too.

The council recognises the need in future to have a reliable and extensive public charging infrastructure to keep plug-in-electric vehicles moving, which is proportionate to the increase in take up of Electric Vehicles. That is why we have recently submitted a bid for an on-street charging pilot with the Office for Low Emission Vehicles; we have bid for an ultra-rapid charging station in Braintree with Innovate UK; and are exploring options for concession type arrangements including expanding the Plug in Suffolk network in to Essex. We will of course continue to work with government, businesses, and local councils to ensure that we are enabling EV charging infrastructure which meets future demand.'

15. By Councillor Kendall of the Cabinet Member for Education and Skills

'If the County Council really is serious about trying to tackle climate change and air pollution by encouraging more residents to leave their cars at home and try other forms of transport, then why are budgets to ECC funded local bus services being cut?'

Reply

'To be clear, Essex County Council's subsidised services make up only 15% of the entire network, with the remaining 85% being run commercially. The services we fund are those which are not commercially viable and are funded by the Essex taxpayer. We at the council want to ensure that we deliver the best services at the best value to the taxpayer.

Your question alludes to the recent consultation on our evening and Sunday services policy which would only support services after 10pm in the week, 11pm on Saturdays or after 7pm on a Sunday where there is an average of 6 or more people travelling on them. It is not good for CO₂ emissions, climate change or the Essex taxpayer for ECC to be subsidising buses that are running virtually empty. If these journeys are removed, it will have a very small impact on bus users across the county (only 0.07%

of the total number of journeys across the county for withdrawn weekday services or 0.06% for Sunday). Our consultation was met with a balanced response with passengers interested in ECC looking more closely at shaping services to meet local needs and devolving some services. This is something we will explore further.

In terms of promoting public transport generally, we continue to invest around £9m in local bus and community transport in Essex annually. We also invest £18m in the network through the concessionary fares scheme; and £25m in transporting children to school. This scale of council taxpayer investment, which amounts to almost 9% of ECC's tax base, is significant and demonstrates our ongoing commitment to public transport.'

16. By Councillor Deakin of the Deputy Leader and Cabinet Member for Infrastructure

'There have been bouts of heavy rainfall in recent weeks, causing a lot of flooding here in Chelmsford.

The PR1 road leading up to the Army and Navy roundabout - Van Diemens Road flooded meaning pedestrians couldn't use the pelican crossing.

There are many heavily used underpasses which regularly flood, forcing pedestrians and cyclists off the underpass and onto ground level to cross some very busy roads. Here are just some examples:

- Under Parkway leading from Central Park to Victoria Road South, used by school children and commuters going to the station and those working close by, including our own staff.
- Under Waterhouse Lane which links West and Admirals Park with Central Park, used as a main route to schools by many children (with and without their parents), as well as commuters.
- Under Princes Road which links Longstomps Avenue with Vicarage Road and is the direct route for children attending the Moulsham Infant, Junior and High Schools, as well as shoppers at Tesco.

An occasional clean-out of the drains or waiting until enough people complain before any action is taken is no longer satisfactory. Investment in maintaining these vital arteries to our city is now needed. I am sure Members from across Essex can also cite instances of regular flooding in their areas too.

Will the Cabinet Member assure us this will not be ignored any longer, that action will be taken before we have another winter and yet more flooding?'

Reply

'There are a number of subways along Parkway and other routes in the city and not all of them were designed with pumps when they were first constructed. We are aware that there are a number of flooding issues and along with the City Council we try to keep them and the drains as clear as possible. Officers have already been tasked with looking into this in more detail to see if there is anything they can suggest as a more permanent resolution.'

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

‘There is a narrow walkway linking Kings Road to Rainsford Road in Chelmsford which has woefully poor lighting and needs upgrading.

This pathway is extensively used by adults and school children as it gives quick access from the Boarded Barns and Melbourne housing estates to Admirals Park. It reduces the walk to school, into the city centre and Writtle.

As the evenings will be drawing in, many residents don't feel particularly safe using the walkway because it is so poorly lit.

Will the Cabinet Member please upgrade the lighting on this pathway to something more appropriate, which allows its users to feel safer?’

Reply

‘The County Council has an approved a business case that will see all existing street lights in Essex being upgraded to LED lanterns and it is anticipated that the project will be completed by the end of March 2023. To ensure that this upgrade is delivered in an efficient manner the service will be installing the upgrades on a district by district basis. These lights will be included within this upgrade and we will be publishing the programme information later this year.

In the meantime, any new lighting requests would need to be submitted as a possible scheme to be funded by the Local Highways Panel. However, I would anticipate that this would need substantial justification as the reduction in energy and maintenance costs and associated savings for ECC were the main aims of the approved business case. The local parish council can also look to provide street lighting on the highway as a public amenity, but this would be their asset entirely, not linked to the authority. The parish council would be solely responsible for all costs associated including installation, maintenance, repairs, testing and energy.’

18. By Councillor Mackrory of the Cabinet Member for Customer, Communities, Culture and Corporate

‘Can the Cabinet Member give an update on what this Council's plans are for the future of the Essex Record Office?’

Reply

‘The Essex Record Office remains Essex’s premier storehouse of over 1000 years of history. As the authority continues to review its property holdings to ensure that we use our buildings as efficiently as possible, and recognising the quantum of housing that is currently being built around the ERO building, we will continue to review the use of the parts of the ERO site that are not used to store, maintain or offer public access to their records.

Conference facilities and wedding hires are just two examples of how we are best making use of the ERO to gain income and ensure financial sustainability.'

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

'Given that the Adult Social Care green paper has been postponed six times what representations has this Council made to government to bring the publication forward in order that there be certainty of funding for the provision of care to our ever-growing elderly population.'

Reply

'Essex County Council has made repeated representations – directly, through the LGA/CCN and through Essex MPs – as to the importance of the Green Paper. Equally, we recognise the complexity and sensitivity of the issues.

On 21 June 2019 I met with the Secretary of State Matt Hancock in company with the Health and Wellbeing Board Chairs from Suffolk and Norfolk. On their behalf I led a proposal seeking a 3-year financial settlement from 2020 thus reducing the urgency of, but not eliminating the need for, a Green Paper. At his request this was subsequently followed up in writing with the Secretary of State. Essex MPs have also been engaged, several indicating strong support for the approach.

Having said all this, we will continue to push, and support the LGA in their call for early publication.'

13. 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 ECC [website via the online audio recording of the meeting.](#)

The questions asked were:

Question asked by	Answered by	Subject
Cllr Wood	Cabinet Member for Children and Families	Recent legal proceedings
Cllr Scordis	Deputy Leader and Cabinet Member for Infrastructure	St Botolphs, Colchester
Cllr Deakin	Deputy Leader and Cabinet Member for Infrastructure	Use of glyphosate on highway verges

Cllr Deakin	Leader of the Council	Shire Hall, Chelmsford
Cllr Young	Cabinet Member for Waste and Environment	Spend on energy reduction and green infrastructure
Cllr Young	Cabinet Member for Communities, Culture, Customer and Corporate	Libraries consultations
Cllr Smith	Deputy Leader and Cabinet Member for Infrastructure	Congestion charging
Cllr Pond	Deputy Leader and Cabinet Member for Infrastructure	Accessibility of railway stations
Cllr Abbott	Deputy Leader and Cabinet Member for Infrastructure	Potential impact of 5G mobile signals on human health
Cllr Abbott	Deputy Leader and Cabinet Member for Infrastructure	Pothole repairs
Cllr Butland	Deputy Leader and Cabinet Member for Infrastructure	Proposed electric vehicle charging facilities in Braintree
Cllr Henderson	Cabinet Member for Children and Families	Recent legal proceedings
Cllr Henderson	Deputy Leader and Cabinet Member for Infrastructure	Use of yellow and red tape on the highway

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

There were no questions.

**Chairman
8 October 2019**

Council Issues

Part 1 - Amendments to the Constitution

1 Written Questions

- 1.1 The current deadline for the submission of written questions is 10:30am on the Wednesday prior to Council. Answers are required to be collated and published and distributed before the meeting.
- 1.2 The number of questions has increased over the last ten years. In 2009 the average number of written questions at a meeting was six. So far in 2019 the average has been nineteen. The number of questions has increased in recent year and in order to prepare and distribute a list of questions before the meeting, the Democracy Team generally asks for answers to be supplied on the Friday, which gives the Cabinet Member and officers two working days to answer the question. Questions can be complex and frequently involve collecting information from services.
- 1.3 If the deadline could be brought forward from 10:30 on the Wednesday to 9am a week before the meeting this would increase the time to prepare responses by 50% which would be very helpful.

Recommendation:

- 1.4 To amend paragraph 16.12.1 of the Constitution to read:

'16.12.1 Written Questions asked by Members of the Council

A Member may, if notice has been given in writing to the Chief Executive before 9:00am seven calendar days before the Council meeting, ask the Leader, Cabinet Member or Chairman of a Committee any question on any matter in respect of which the Council has powers or duties.'

2 Membership of the Health and Wellbeing Board

- 2.1 The Health and Wellbeing Board is established in accordance with Section 194 of the Health and Social Care Act 2012 and constituted to meet local requirements. In this way, the Act determines some statutory requirements about membership and the council can add to that statutory membership in order to meet local needs. For example, the Act states that there shall be at least one elected county member and Essex County Council has determined that there are three members.
- 2.2 Members of the board are split into three groups:
- Those members that are automatically included by virtue of holding a particular post or office. For example, the Essex County Council's Chief Executive is a member of the Health and Wellbeing Board as is the Essex Police, Fire and Crime Commissioner.
 - Those members who are appointed by one or more external organisations, such as the Clinical Commissioning Groups to represent organisations of that type.
 - Those members who are appointed by the board on the nomination of a group of organisations (such as district councils or voluntary groups) but whose appointment needs to be approved by the Board.
- 2.3 For the first two categories the representative holds office at the pleasure of the appointing group and the Council can expect the appointing organisation to regularly review membership. However, with regards to the third category of members there is no process for reviewing that appointment meaning that in practice appointments may last forever.
- 2.4 It is recommended that the constitution of the Board is changed so that every member of the board appointed in this way has a term of office of four years after which a new nomination is sought. Clearly there is no reason why the appointing bodies cannot re-appoint the same person if they so wish but this process at least means that appointment will at least be reconsidered.

Recommendation:

- 2.5 To insert a new paragraph within 8.1.8 of the Constitution to read:

'Where the Board appoints a member of the Board on the nomination of others, the appointment shall be for a term of four years (or such shorter period as may be specified at the time of appointment) and the member shall hold office until the expiry of the term of office or until they cease to be a member or employee of the organisation which proposed them as a candidate for appointment. When a member ceases to hold office, a new nomination

shall be sought as set out in the table above. Anyone standing down is eligible for reappointment.'

3 Revised Terms of Reference for the Essex Pension Fund Strategy Board (PSB), the Essex Pension Fund Investment Steering Committee (ISC) and the Essex Pension Fund Advisory Board (PAB) and the updating of other matters including officer delegations,

- 3.1 The Constitution Working Group at its meeting on 9 September 2019 considered the proposed revised Terms of Reference for the PSB, ISC and PAB, and updated other matters including officer delegations (as set out in appendices A, B, C and D) and recommend the amendments to Council.

Recommended:

- 3.2 To approve the amendments to the Constitution as shown in Appendices A,B,C and D to the report.

3.3 Background

- 3.4 The Pension Strategy Board has been reviewing its constitution. There are three main bodies which oversee the pension fund:

- The Essex Pension Fund Strategy Board (PSB). This is a committee of the Council which includes non ECC members (this is permitted by law)
- The Essex Pension Fund Investment Steering Committee (ISC). This is a committee of the Council
- The Essex Pension Fund Advisory Board (PAB) which is a statutory body which does not make decisions but is required by law to help and support the Council discharge its function as administering authority for the fund.

- 3.5 The proposed changes to the terms of reference and other matters are attached as appendices A, B, C and D to the Council Issues report. We have attached clean copies but 'tracked changes' versions are available at any time before the meeting emailing full.council@essex.gov.uk. Appendices A, B, C and D to this report show the proposed final wording of the changes proposed to the Constitution. These include:

- Essex Pension Fund Strategy Board (PSB) – Appendix A.
shows the revised paragraph to be inserted in place of 8.1.5 in the Constitution.
- Essex Pension Fund Investment Steering Committee (ISC) – Appendix B
shows the revised paragraph to be inserted in place of 8.1.6 in the Constitution.
- Essex Pension Fund Advisory Board (PAB) – Appendix C
shows the revised paragraph to be inserted in place of 8.1.7 in the Constitution.
- Other Matters including Officer Delegations – Appendix D
shows the revised articles and paragraphs to be inserted in place of

Article 13.3, paragraph 15.3.2 and the new paragraph 15.3.10 in the Constitution.

- 3.6 All terms of reference have been reviewed by the PSB. These documents have also been reviewed by the Fund in consultation with the Independent Governance and Administration Advisor (IGAA). In carrying out this review, the IGAA has provided advice on best practice in other LGPS administering authorities and expectations of what should be included in the terms of reference in national guidance for the PAB.

PSB Terms of Reference – Appendix A

- 3.7 Many of the changes shown in Appendix A are minor, but there are some substantive changes and the reasons for those changes are set out below.
- 3.8 Membership – additions have been made to clarify how PSB members are nominated or appointed, as well as confirming that the Constitution does not permit non-Essex County Council members to have substitutes. No changes have been proposed to the existing membership.
- 3.9 Term of office – additions have been made to clarify the term of office for each category of PSB member, and the circumstances whereby that could be extended, as well in regard to re-appointment and resignation. Previously the term of reference was at the discretion of the Board.
- 3.10 A paragraph has been added to clarify attendance and participation at meetings of the PSB by PAB members.
- 3.11 Role and Functions – additions have been made, to provide clarity on the principal aim of the PSB, as well as additional specific functions which the PSB already undertakes including new entries at points (vi), (x), (xi), (xii) and (xiii). These have been added as we consider they are integral to the operation of the PSB, including setting strategy, agreeing business plans and, in particular, rewording to clarify that the responsibilities of the PSB include administration, governance and communication (not just funding and investments).
- 3.12 new section added to outline that the PSB can delegate a range of functions to officer(s) of the Administering Authority, and processes to be followed if that were to occur. This simply declares the existing position.
- 3.13 Quorum – new section added to stipulate that at least 4 members must be present for the meeting to be quorate, and at least 3 of those present must be Essex County Council members.
- 3.14 Chairing – articulating how the roles of the Chairman and Vice-Chairman of the PSB will be elected (which maintains the current position, which is that the Chairman is appointed by ECC at the annual meeting and the vice chairman is appointed by the PSB but must be a county councillor).
- 3.15 Training – a paragraph has been added to clarify expectations in relation to training for PSB members.

ISC Terms of Reference – Appendix B

- 3.16 The proposed revised ISC terms of reference is attached at Appendix B. The key changes and the reasons for them are summarised below.
- 3.17 Membership – additions have been made to clarify who the members of the ISC are, and how they are nominated or appointed, including the Chairman and Vice-Chairman.
- 3.18 Essex Pension Fund Advisory Board – a paragraph has been added to clarify attendance and participation at meetings of the ISC by PAB members.
- 3.19 Role and Functions – additions have been made, mainly focussing on the new responsibilities relating to asset pooling, responsible investments and cost transparency.
- 3.20 Training – a paragraph has been added to clarify expectations in relation to training for ISC members.

PAB Terms of Reference – Appendix C

- 3.21 It is considered that an expanded PAB terms of reference will provide greater clarity on the roles and responsibilities for PAB members (including the Independent Chairman) and for potential PAB members, so they can better understand the expectations associated with being a PAB member. This is particularly important given that the procedural rules of Essex County Council's Constitution do not apply to the PAB, as it is established under different legislation to local authority committees. The proposed revisions to the PAB terms of reference are detailed as follows.
- 3.22 Introduction – additions have been made to explicitly state that the Council's procedural rules in the Constitution do not apply to the PAB and to clarify its powers. This is to remind everyone that the PAB is not a local authority committee or a decision-making body.
- 3.23 Remit of the Board – this section has been split into two; the first sections (A) and (B) effectively repeat the legal responsibilities the PAB has, and the second section expands on what this might include on a practical level. The elements relating to escalation have been moved to later in the terms of reference. The final paragraphs in this section clarify the role of PAB compared to the administering authority, and how PAB members are required to work together in the best interest of the Fund rather than purely focussing on their individual roles.
- 3.24 Appointment and membership of the Board – this section now includes clarity on how appointments will be made to the PAB to ensure a robust process is always carried out through an Appointments Panel.
- 3.25 Meetings of the Board – this section suggests an increase in the quorum (from 3 to 4) given the size of the PAB and that adopted by other Funds. This section now includes further operational points around the number of

meetings, dealing with urgent matters, voting and access to meetings by non-PAB members.

- 3.26 Reporting and Escalation – This section has been expanded to include a further internal stage before escalating to the National LGPS Scheme Advisory Board (LGPS SAB) so as to provide sufficient opportunity for the administering authority to respond to concerns.
- 3.27 Standards and Conflicts of Interest – for clarity this now includes the legal definition of a conflict of interest that applies to the PAB (to avoid confusion with local authority rules relating to interests of PSB or ISC members). Additional paragraphs have also been added to apply the majority of the Essex County Council's Members' Code of Conduct to the PAB and to highlight the individual legal requirements in relation to reporting breaches of the law in relation to pension fund matters.
- 3.28 The following new sections have been added to provide further clarity on how the PAB should operate, given that the Council's operating procedures that relate to local authority committees do not apply to the PAB:
- 3.33 Term of office – clarifying how long members will sit on the PAB before a further recruitment must take place and clarifying options for extending existing appointments.
- 3.34 Chairing – explaining the role of the Chairman of the PAB.
- 3.35 Knowledge and Understanding – this section has been expanded to clarify the legal responsibilities in relation to knowledge and understanding for PAB members.
- 3.36 Remuneration and Expenses – clarifying that PAB members can claim travel and subsistence allowances in line with Essex County Council's scheme of allowances. It also provides for a further payment to be made to PAB scheme member representatives where they are not carrying out PAB duties during permitted paid absence from their usual employment. This would, for example, allow a small payment to be made to a retired scheme member carrying out PAB duties during their own time or an employee who was having to take annual or unpaid leave to carry out PAB duties. It also clarifies how remuneration and expenses will be determined for the Chairman.
- 3.37 Receipt of advice and information – confirming that the PAB can request information, and when and how that information will be provided to the PAB.
- 3.38 Administration – clarifying the administration support that is provided to the PAB, including development of agendas, meeting papers and records of meetings.
- 3.39 Accountability – reminding everyone that ECC is the administering authority for the fund and that the PAB is accountable to Essex County Council (i.e. not directly to PSB).

- 3.40 Publication of Board (PAB) Information – confirming the legal requirements to publish various information about the PAB, and where this will be published.

Other Matters including Officer Delegations – Appendix D

- 3.41 The other pension related proposed changes to the Constitution, including officer delegations, is attached at Appendix D. The key changes, which relate to article 13.3 and 15.3.2 of the Constitution as well as a new article 15.3.10 and the reasons for these changes are summarised below.
- 3.42 The Director, Essex Pension Fund is now added to the list of officers with delegated functions (new 15.3.10) so there is a proposed clarification of the split of pension fund responsibilities between the Director, Essex Pension Fund and the Executive Director, Finance and Technology (i.e. the Section 151 Officer) (see changes to 15.3.2). The Executive Director for Finance and Technology retains full responsibility for the Fund at Corporate Leadership Team level but the scheme of delegation will in future delegate authority to the Director of the Essex Pension Fund.

Part 2 :

1 Change to the Membership of a Committee

Recommendation:

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

- Councillor Malcolm Maddocks replaces Councillor Wendy Schmitt as a member of the Corporate Policy and Scrutiny Committee.

Membership

There are 11 members including:

All Voting* Members	How Nominated or Appointed
7 Members of the Council	Appointed by the Council
1 Member Councillor representing Borough, City and District Councils in Essex	Nominated by Essex Borough and District Leaders/Chief Executives
1 Member Councillor representing Southend on Sea and Thurrock Unitary Councils	Nominated jointly by and from either Southend-on-Sea and Thurrock Councils
1 member representing other Employing Bodies	Nominated by other employers at the employer forum or such other process as agreed by the Chairman and the Director for Essex Pension Fund and must be in the employment of or hold office in relation to an EPF employer.
1 member representing Scheme Members	Nominated by Unison and must be a member of the Essex Pension Fund

*voting is subject to other provisions within this document.

The Constitution does not permit non Essex County Council members to have substitutes.

Term of office

Members	Term of office
7 Members of the Council	1 year as appointed at the annual meeting of the Council or as changed from time to time by the Constitution.
1 Member Councillor representing Borough, City and District Councils in Essex	4 years from the relevant Borough, City and District Council elections.
1 Member Councillor representing Southend on Sea and Thurrock Unitary Councils	4 years from the relevant Unitary Council elections.
1 member representing other Employing Bodies	6 years from date of appointment.
1 member representing Scheme Members	6 years from date of appointment.

The term of office may be extended by up to six months if considered necessary for the purpose for the appointment process, for example, due to the timing of local authority elections, with the agreement of the Director for Essex Pension Fund.

Any Board member may be re-appointed for further terms following the appropriate appointment process.

A member may resign by giving notice to the Director for Essex Pension Fund and shall cease to be qualified to be a member of the Pension Strategy Board if they cease to hold the office or employment which qualifies them for the role.

Essex Pension Fund Advisory Board

Members of the Pension Advisory Board are permitted to attend the Pension Strategy Board, including during any items of private business. Comments may also be made by these persons subject to permission to speak being granted by the Chairman. In accordance with the Fund's Conflicts of Interest Policy, a member of the Pension Advisory Board may be asked to leave the room during an item where they have a potential conflict of interest.

Role and Function

The Board will exercise on behalf of the Council all of the powers and duties of the Council in relation to its functions as Administering Authority of the Essex Pension Fund except where they have been specifically delegated by the Council to another Committee or to an officer. Its principal aim is to consider pensions matters with a view to safeguarding the interests of all pension fund members. In doing so, the Board will take account of advice from the Director for Essex Pension Fund and the Fund's professional advisers.

The role of the Board will include the following specific functions:

- (i) to monitor and oversee the work of the Essex Pension Fund Investment Steering Committee through its quarterly reports;
- (ii) to ensure the proper administration of the Fund, including compliance with the Local Government Pension Scheme and other legislation, ensuring that it delivers best value and compliance with statutory and non-statutory best practice guidance where considered appropriate;
- (iii) to determine, review and monitor the Fund's aims, objectives, strategies, compliance statements and procedures relating to the funding strategy, including approving its Funding Strategy Statement;
- (iv) to make arrangements for the actuarial valuation, ongoing monitoring of liabilities and to undertake any asset/liability and other relevant studies as required;
- (v) to determine, review and monitor the Fund's policy in regard to employer admission and cessation arrangements;
- (vi) to determine, review and monitor the Fund's other aims, objectives, policies, strategies, compliance statements and procedures for the overall management of the Fund, including but not limited to administration, communications and governance;
- (vii) to determine how the various administering authority discretions are operated for the Fund;
- (viii) to agree Administering Authority responses to consultations by Central Government, professional and other bodies;
- (ix) to consider any views expressed by employing organisations and staff representatives;
- (x) to both appoint and terminate the appointment of the Fund's advisers, including actuaries, governance advisers and specialist lawyers (where required) and periodically to review those arrangements;
- (xi) to agree the Fund's business plans and monitor progress against them;
- (xii) to consider the Fund's financial statements and to approve an Annual Report on the activities of the Fund in line with legislation and guidance; and
- (xiii) to agree a Knowledge and Skills Policy and ensure its requirements are adhered to.

No matters relating to Essex County Council's responsibilities as an employer participating in the Essex Pension Fund are delegated to the Pension Strategy Board.

Officers

The Board may delegate a range of its functions to one or more officers of the Administering Authority. The Board will be responsible for outlining expectations in relation to reporting progress of delegated functions back to the Pension Strategy Board. Any delegations the Board makes to officers should be notified to the Council's Monitoring Officer.

Quorum

A meeting of the Pension Strategy Board shall only be quorate when:

- i) At least 4 members are present, and
- ii) At least 3 of the members present are Essex County Council members.

Chairman

- (i) Only members of Essex County Council may be the Chairman and Vice-Chairman.
- (ii) The Chairman will be elected by the County Council at the annual meeting.
- (iii) The Vice-Chairman will be elected annually by members of Essex County Council at the Board.

Training

The Essex Pension Fund has a dedicated Knowledge and Skills Policy which applies to all members of the Board and which includes the expectation to attend regular training sessions in order they may maintain an appropriate level of knowledge and skills to perform their role effectively.

Membership

There are 9 Members on the Investment Steering Committee.

All Investment Steering Committee Members shall be drawn from Pension Strategy Board membership as follows:

Members	How Nominated or Appointed
7 Members of the Council (voting members)	All Council members of the Pension Strategy Board
1 member representing Employers in Essex (non-voting member)	Nominated by Essex Borough and District Leaders/Chief Executives
1 member representing Scheme Members (non-voting member)	The Scheme Member Representative of the Pension Strategy Board

The Chairman and Vice-Chairman of the Committee shall be the Chairman and Vice-Chairman of the Pension Strategy Board respectively.

Essex Pension Fund Advisory Board

Members of the Pension Advisory Board are permitted to attend the Investment Steering Committee, including during any items of private business. Comments may also be made by these persons subject to permission to speak being granted by the Chairman. In accordance with the Fund's Conflicts of Interest Policy, a member of the Pension Advisory Board may be asked to leave the room during an item where they have a potential conflict of interest.

Role and Function

- (i) to approve and review the asset allocation benchmark for the Fund;
- (ii) to determine, review and monitor the Fund's aims, objectives, policies, strategies and procedures relating to investment of the Fund's assets including the Investment Strategy Statement and any environmental, social and governance matters;
- (iii) to appoint and terminate Investment Managers (in relation to non-pooled assets), Custodians and Advisors to the Fund solely relating to investment matters;
- (iv) In relation to the LGPS ACCESS Pension Fund Pool;
 - a) to consider pooling matters including recommendations by the ACCESS Joint Committee;
 - b) to determine the transition of the assets held by Essex Pension Fund in relation to the Pool and the funds or sub-funds operated by the Operator;
 - c) to appoint the elected councillor for Essex County Council to the Joint Committee as and when required;
 - d) to advise the representative on the Joint Committee on such matters as may be required;
 - e) to monitor the performance of the LGPS ACCESS Pool and its Operator and recommending actions to the ACCESS Joint Committee or ACCESS Support Unit, as appropriate;
 - f) to receive and consider reports from the LGPS ACCESS Joint Committee and the Operator;
 - g) to undertake any other decisions or matters relating to the operation or management of the LGPS ACCESS Pool as may be required.
- (v) to assess the quality and performance of each Investment Manager and the relevant ACCESS Operator annually in conjunction with Essex Pension Fund investment advisers and the Section 151 Officer;
- (vi) to monitor compliance of the investment arrangements with the Investment Strategy Statement;
- (vii) to monitor and review the Fund's compliance with the LGPS Scheme Advisory Board adopted Code of Transparency and UK Stewardship Code;

(viii) to assess the risks assumed by the Fund at a global level as well as on a manager by manager basis;

(ix) to approve and to review annually the content of the Pension Fund Treasury Management Strategy; and

(x) to submit quarterly reports on its activities to the Pension Strategy Board.

Training

The Essex Pension Fund has a dedicated Knowledge and Skills Policy which applies to all members of the Committee and which includes the expectation to attend regular training sessions in order they may maintain an appropriate level of knowledge and skills to perform their role effectively.

1. Introduction

The Essex Pension Fund Advisory Board was appointed by Essex County Council (the Scheme Manager and Administering Authority to Essex Pension Fund) on 10 February 2015 as its Local Pensions Board in accordance with section 5 of the Public Service Pensions Act 2013 and Part 3 of the Local Government Pension Scheme Regulations 2013. As such, Parts 3 and 4 of the Constitution of Essex County Council do not apply to this Pension Fund Advisory Board unless expressly referred to within and permitted by these Terms of Reference and Rules of Procedure. The Pension Fund Advisory Board is referred to in these terms of reference as 'the Board'.

In these terms of reference:

"CoP" means any Code of Practice on Governance issued by tPR

"EPF" means the Essex Pensions Fund

"ISC" means the Investment Steering Committee

"LGPS" means the Local Government Pension Scheme

"PSB" means the Essex Pension Fund Strategy Board"

"Scheme Manager", "Council" and "ECC" means Essex County Council

"tPR" means the Pensions Regulator

The Board will exercise all its powers and duties in accordance with legislation and these Terms of Reference and Rules of Procedure. The Board shall have the power to do anything which is considered to facilitate, or is conducive or incidental to, the discharge of its functions.

2. Remit of the Board

The Board has the following remit:

(A) To assist the Scheme Manager:

- to secure compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS
- to secure compliance with requirements imposed in relation to the LGPS by tPR

(B) To assist the Scheme Manager to ensure the effective and efficient governance and administration of the LGPS for the EPF.

In doing this, the Board:

- a) shall assist the Scheme Manager with such matters as the LGPS regulations and guidance may specify.
- b) shall be a "critical friend" to the PSB and the ISC.
- c) may provide oversight of decisions made by the PSB and ISC to ensure that due process has been followed.

- d) may review any decision made by or on behalf of the Scheme Manager or any action taken by the Scheme Manager.
- e) shall comment on and assist in identifying and managing breaches of the law in relation to EPF matters.
- f) at the invitation of the PSB, may also undertake other tasks, including (but not limited to):
 - assisting the PSB by reviewing aspects of the performance of the EPF – for example by reviewing the risk management arrangements within EPF (although the PSB will remain accountable for risk management);
 - reviewing administration standards or performance or review efficacy of EPF member and employer communications;
 - reviewing published policies to ensure they remain fit for purpose and are complete;
 - reviewing EPF annual reports;
 - being part of any consultation process with the purpose of adding value to that process based on, for example, their representation of employers and EPF members;
 - discussing strategic matters such as communications where requested by the PSB.
- g) shall provide such information as is requested to other bodies including but not limited to the LGPS Scheme Advisory Board and tPR and provide an annual report of the work of the Board to the Scheme Manager.
- h) will prepare a record of each meeting which will normally be published no later than 12 working days following the meeting using the appropriate systems of the Scheme Manager.
- i) must provide a record of each meeting to the following PSB meeting and may make reports and recommendations to the PSB insofar as they relate to the role of the Board (see "Reporting and Escalation").

The Board is not a decision making body in relation to the management of the EPF but makes recommendations to assist in such management. The EPF's management powers and responsibilities which have been, and may be, delegated by the Council to committees, sub-committees and officers of the Council, remain solely the powers and responsibilities of those committees, sub-committees and officers. The Board operates independently of the Essex PSB.

Though members of the Board include representatives of specific categories of stakeholder (i.e. EPF members and employers) each member is required to have due regard to the Remit of the Board as outlined above. Accordingly, all members are expected to work jointly in the best interest of the EPF, rather than

representing the interest of any individual stakeholders or organisations. This should not prevent members from sharing their knowledge on how matters might impact specific stakeholders of the EPF.

3. Appointment and membership of the Board

(A) The Board shall consist of nine members and be constituted as follows:

- (i) four employer representatives made up of one from each of the following groups of employers in the EPF:
 - 1. Essex County Council (an elected member)
 - 2. the District, City and Borough Councils of Essex (an elected member)
 - 3. Southend on Sea and Thurrock Unitary Authorities (an elected member)
 - 4. all other employers
- (ii) four scheme member representatives of which:
 - one will be nominated by the trade unions and
 - the rest will be drawn from the total EPF active, deferred and pensioner membership
- (iii) one independent Chairman.

(B) The employer representatives in 3(A)(i)1, 2 and 3 above will be appointed by the respective authorities referred to in each of those clauses.

(C) The employer representative as per clause 3A(i)(4) above, and scheme member representatives, and the Independent Chairman will be appointed through a clear and transparent process as determined by an Appointments Panel which will consist of:

- (i) the Chairman of the PSB
- (ii) the scheme member representative from the PSB
- (iii) the Director for Essex Pension Fund

and will be advised by the Independent Governance and Administration Adviser for EPF.

The Appointments Panel will also be supported by officers of the EPF as considered as appropriate by the Appointments Panel.

The Appointments Panel will define any eligibility and/or selection criteria that will apply to Board members within the scope of this procedure, beyond those already included in these Terms of Reference and Rules of Procedure, having due regard to the LGPS Regulations and any other relevant Code of Practice and guidance. The Appointments Panel will have the power to appoint or reject any nomination or applicant where they consider the individual does not meet the eligibility and/or selection criteria. Should any of the Appointments Panel members be unable to undertake their

responsibilities they, or the remainder of the Appointments Panel in their absence, may delegate a suitable alternate to undertake Appointments Panel responsibilities on their behalf.

- (D) Where any employer, other than ECC, has a representative on the PSB or ISC, that employer will not be permitted to also have a representative on the Board.
- (E) No officer of ECC who is either responsible for discharging any function in relation to the LGPS regulations or has delegated decision-making authority in relation to LGPS matters may be a member of the Board.
- (F) No member of the PSB or ISC may be appointed to the Board.
- (G) All scheme member and employer representatives must have the capacity to represent their EPF members and employers as appropriate
- (H) The Board shall appoint a Vice Chairman annually from amongst its members at the first meeting of the Board after each annual meeting of the Council. This will be done by a nomination process followed by a show of hands from those in attendance at that first meeting.

4. Term of Office

- (A) Employer representative appointments will expire after a period of four years from the date of establishment of the PAB or the date of their appointment if later. This period may be extended to up to six years if agreed by the Director for Essex Pension Fund. It will automatically cease if the individual is no longer in the employment of that employer, no longer holds office in relation to that employer or is no longer an elected member of that employer, as appropriate.
- (B) Scheme member representative appointments will expire after a period of four years from the date of establishment of the PAB or the date of their individual appointment if later. This period may be extended to up to six years if agreed by the Director for Essex Pension Fund. It will automatically cease if the individual is no longer a trade union representative or representative of EPF members (in accordance with the criteria set by the Appointments Panel).
- (C) The Independent Chairman's appointment will expire after a period of four years from the date of establishment of the PAB or the date of their individual appointment if later. This period may be extended to up to six years if agreed by the Appointments Panel.
- (D) Any Board member, including the Independent Chairman, may be re-appointed for further terms following an appointment process.
- (E) The term of office may be extended by up to six months if considered necessary for the purpose of the appointment process, for example, due to the timing of local authority elections, with the agreement of the Director for Essex Pension Fund.

(F) In relation to scheme members representatives who are appointed by the Appointments Panel, other than ceasing to be eligible (as set out above) a Board member may only be removed from office during the term of appointment by the unanimous agreement of the Appointments Panel. Such reasons may include non-compliance with this Terms of Reference and Rules of Procedure including inappropriate conduct, conflicts of interest, avoidance of training or low meeting attendance, not having the capacity to represent their members or for any other reason not meeting the criteria required to be a Board member.

(G) The removal of the Independent Chairman requires unanimous agreement from the Appointments Panel.

5. Meetings of the Board

(A) The Board shall have a quorum of 4 including at least the Chairman or Vice-Chairman, 1 employer representative and 1 scheme member representative. A meeting that is (or becomes at any point) inquorate will only continue if the Chairman (or Vice Chairman) decides it should and in relation to items of business as agreed by the Chairman (or vice Chairman). Attendance will be recorded and monitored by the EPF.

(B) Substitutes will not be permitted.

(C) Meetings will normally be held at the offices in County Hall, Chelmsford.

(D) Following such procedure as determined by the Chairman, urgent business of the Board between meetings may in exceptional circumstances between members of the Board including telephone conferencing and e-mails.

(E) The Board will normally meet a minimum of twice in each calendar year.

(F) It is expected that voting by the Board will only be in exceptional circumstances and the Board will, as far as possible, reach a consensus. Each scheme member representative and employer member representative will be entitled to vote where voting is considered necessary by the Chairman.

(G) Where voting is considered necessary by the Chairman, in the event of an equal number of votes being cast for or against a proposal there shall be no casting vote but the proposal shall be considered to have been rejected.

(H) The results of any voting outcomes will be recorded in the Board meeting record.

(I) The Independent Chairman of the Board will not be entitled to vote.

(J) Meetings of the Board are not open to the general public. The following will be entitled to attend Board meetings as observers and may be asked to present information or answer questions by the Board. Comments may

also be made by these persons subject to permission to speak being granted by the Chairman:

- i. Members of the PSB and ISC
- ii. The Executive Director, Finance and Technology (section 151 Officer), the Director for Essex Pension Fund, the other officers holding managerial positions for EPF, and the Monitoring Officer
- iii. Other officers or advisers of the EPF or the Scheme Manager with responsibilities in relation to matters being considered by the Board or providing support to the Board including carrying out the administration for the Board
- iv. Other employers participating in the EPF subject to approval in advance by the Chairman, or on request of the Chairman
- v. Any other person requested to attend by the Chairman
- vi. Any other person subject to approval in advance by the Chairman.

6. Chairing

The role of the Chairman is to:

- (A) Ensure that all members of the Board show due respect for process, that all views are fully heard and considered and that decisions are democratically made where consensus cannot be reached.
- (B) To uphold and promote the purpose of the Board and to interpret its Terms of Reference and Rules of Procedure when necessary.
- (C) Ensure that Board members have the facilities and make appropriate efforts to achieve the knowledge and skills as determined in the EPF Knowledge and Skills Policy and other guidance or legislation and ensure a training record is monitored and maintained.
- (D) Act as professional adviser for the Board or arrange such advice as required subject to agreement by the Director for Essex Pension Fund on such conditions as that officer determines.
- (E) Agree the agenda for each Board meeting.
- (F) Approve records of each Board meetings.
- (G) Ensure an attendance record is maintained to allow the Scheme Manager to make arrangements for remuneration and expenses to be paid.

- (H) Agree with the Scheme Manager an appropriate budget for the Board, which is ratified by the Board before being formally approved by the Scheme Manager along with the EPF Annual Budget.
- (I) Write reports required by the Scheme Manager on the work of the Board.
- (J) Liaise with the Director for Essex Pension Fund on the requirements of the Board, including advanced notice for Scheme Manager officers to attend and arranging dates and times of Board meetings.
- (K) To provide guidance on all points of procedure and order, and the Chairman's interpretation of these Terms of Reference and Rules of Procedure shall be final.
- (L) Other tasks which may be deemed appropriate by the Scheme Manager for the Chairman of the Board.
- (M) To commission advice or work on behalf of the Board.
- (N) To liaise with the Chairmen of the PSB and ISC as deemed appropriate.
- (O) Other tasks that may be requested by the members of the Board, within the remit of these Terms of Reference and Rules of Procedure and subject to agreement with the Director for Essex Pension Fund.
- (P) To annually review and report on the activities of the Board.

7. Reporting and Escalation

- (A) Where the Board wish to make a recommendation to the PSB or ISC they should do so in writing to the Director for Essex Pension Fund. The recommendation will normally be considered at the next available meeting of the body concerned. The next available meeting will normally be the first meeting which takes place 20 days after the recommendation is issued.
- (B) As permitted by clause 2, the Board may review any decision made by or on behalf of the Scheme Manager or any action taken by the Scheme Manager. Where the Board has reviewed a decision or action and believe the wrong decision has been made or wrong course of action has been taken and wish this decision or action to be escalated, the following process shall be followed:

Stage 1: The Board may refer a decision or action to the original decision maker or responsible person if at least 3 employer representatives and 3 scheme member representatives believe that one or more of the following applies:

1. the decision maker/responsible person was not authorised to make the decision or take the action in question;
2. the decision/action was in breach of legislation and/or regulations;

3. the decision maker/responsible person did not follow professional advice given (or did not take professional advice) and it is believed that this could result in a materially bad outcome for the EPF;
4. the approach to making the decision or take the action did not follow one or more of the following principles:
 - (iv) the decision-maker/responsible person did not ask themselves the right question(s);
 - (v) the decision-maker/responsible person did not direct themselves correctly in law; in particular did not adopt a correct interpretation of the legislation and regulations relevant to the EPF;
 - (vi) the decision-maker/responsible person did not take into account all relevant facts;
 - (vii) the decision-maker/responsible person arrived at a perverse decision or took a perverse action (i.e. a decision or action which no reasonable decision-maker/responsible person could have reached).
5. New material has come to light that might have resulted in a different outcome provided that the original decision or action has not yet been irrevocably implemented.

Stage 2: If the Board is dissatisfied with the response of the decision maker/appropriate person, it will seek the advice of the Director for Essex Pension Fund (unless the Director was the original decision maker).

Stage 3: Where the decision-maker/appropriate person in question is the Director for Essex Pension Fund and the Board remains dissatisfied with the response or resolution from the Director for Essex Pension Fund it will seek the joint advice of the ECC's section 151 Officer and ECC's Monitoring Officer.

Stage 4: Where the Board remains dissatisfied with the joint response from the Executive Director, Finance and Technology and ECC's Monitoring Officer. The Board will seek the advice of the National LGPS Advisory Board (and shall inform the Director for Essex Pension Fund, ECC's section 151 Officer and ECC's Monitoring Officer that it has done so).

8. Standards and Conflicts of Interest

A conflict of interest is defined in the Public Service Pensions Act 2013 as: "in relation to a person, means a financial or other interest which is likely to prejudice the person's exercise of functions as a member of the board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme)."

- (A) The Board shall adopt a policy for identifying and managing potential conflicts of interest.

- (B) Members of the Board must provide, as and when requested by the Scheme Manager, such information as the Scheme Manager requires to identify all potential conflicts of interest and ensure that any member of the Board or person to be appointed to the Board does not have a conflict of interest at appointment or whilst a member of the Board.
- (C) Parts 24.1 to 24.5 of the ECC's Members' Code of Conduct shall apply in relation to the standards of conduct of Board members insofar as they can be reasonably considered to apply to the role of members of the Board, including the non-disclosure of confidential information.
- (D) Members of the Board must adhere to the requirements of the EPF Procedure for Monitoring and Reporting Breaches of the Law and should be mindful of the individual legal requirements in relation to reporting breaches of the law in relation to EPF matters.

9. Knowledge and Understanding

Under the requirements of the Public Service Pensions Act 2013, a member of the Pension Board must be conversant with:

- a) the legislation and associated guidance of the LGPS, and
- b) any document recording policy about the administration of the LGPS which is adopted by the EPF.

In addition, a member of the Board must have knowledge and understanding of:

- The law relating to pensions, and
- Any other matters which are prescribed in regulations.

It is for individual Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Board.

In line with this requirement Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. Board members are therefore required to:

- participate in training events (a written record of relevant training and development will be maintained)
- undertake a personal training needs analysis or other method to identify gaps in skills, competencies and knowledge.
- Comply with the EPF Knowledge and Skills Policy insofar as it relates to Board members.

10. Remuneration and Expenses

(A) Subject to (B) below, an allowance may be made to scheme member representatives for attending meetings relating to Board business (including attending training) at a rate of £100 per meeting lasting from 2 hours to 4 hours, or £200 per meeting lasting over 4 hours. These rates are as at April

2019 and shall be increased by the annual increase in the Consumer Prices Index each April thereafter.

(B) It is hoped that employers of scheme member representatives on the Board will provide appropriate capacity to allow the representative to perform this role within their normal working day without any reduction in pay or leave. If that is the case, the representative will not be entitled to any allowance.

(C) Employer and scheme member representatives shall be entitled to claim travel and subsistence allowances at the rates contained in the Schedule of Member Remuneration in Scheme Manager's Constitution.

(D) The Chairman shall be paid remuneration and expenses as determined by the Appointments Panel. The Chairman will be expected not to claim or part of the remuneration if the duties are carried out within their normal working day of other paid employment without any reduction in pay.

11. Receipt of advice and information

The Board will be supported in its role and responsibilities by the Independent Chairman and by EPF officers who will provide a secretariat role. In addition, Board members will receive the final reports, minutes and agendas relating to all PSB and ISC and may attend PSB and ISC meetings (including during exempt items).

Insofar as it relates to the role of the Board, the Board may also:

- (A) request and receive information and reports from the PSB, ISC or any other body or officer responsible for the management of the EPF,
- (B) examine decisions made or actions taken by the PSB, ISC or any other body or officer responsible for the management of the EPF,
- (C) may attend all or any part of a PSB or ISC meeting (including during exempt items) unless they are asked to leave as a result of a conflict of interest.

The Secretariat will provide such information as is requested that is available without unreasonable work or costs. Any requests for information and advice that have not been provided by the Secretariat are subject to the approval of the Director for Essex Pension Fund who will be required to consider positively all reasonable requests in relation to the role of the Pension Board whilst being mindful of value for money.

12. Administration

The Chairman will agree an agenda with the Secretariat prior to each Board meeting. The agenda and any papers for the Board will be issued at least 5 working days (where practicable) in advance of the meeting except in the case of matters of urgency. Draft records of each meeting including all actions, decisions and matters where the Board was unable to reach a decision will be recorded and normally circulated to all Board members within 12 working days

after the meeting. These draft records will be subject to formal agreement by the Chairman taking consideration of comments by Board members (which may be done electronically between meetings).

The records of the meetings may, at the discretion of the Chairman, be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A (2) of that Act.

The Board must comply with the General Data Protection Regulation and the Scheme Manager's data protection policy. It must also adhere to the Scheme Manager's requirements, controls and policies for Freedom of Information Act compliance.

13. Accountability

The Board will collectively and individually be accountable to ECC, as the Scheme Manager to the EPF.

14. Review, Interpretation and Publication of Terms of Reference and Rules of Procedure

These Terms of Reference and Rules of Procedure have been agreed by ECC. The Council will monitor and evaluate the operation of the Board and may review this Terms of Reference and Rules of Procedure from time to time.

These Terms of Reference and Rules of Procedure is incorporated into the Council's Constitution and published on the Council's website and may be amended by the same means as permitted for the Constitution. It will also form part of the EPF's Governance Policy and Compliance Statement which will be made available in accordance with the requirements of the LGPS Regulations.

15. Publication of Board information

In accordance with the Public Service Pensions Act 2013, Essex County Council is required to publish information about the Board including:

- who the Board members are
- representation on the Board
- the role of the Board.

In accordance with good practice, ECC may publish other information relating to the Board as considered appropriate from time to time and which may include:

- the agendas and meeting records

- training and attendance logs
- an annual report on the work of the Board.

All or some of this information may be published using the following means or other means as considered appropriate from time to time:

- on the EPF website – www.essexpensionfund.co.uk
- on the ECC website – <http://www.essex.gov.uk>,
- within the EPF Annual Report and Accounts,
- within the EPF's Governance Policy and Compliance Statement.

Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

Article 13 - 13.3 Executive Functions**13.3 Executive Functions**

“Executive Functions” are therefore:

- (i) those functions stipulated as an Executive Function by the Local Government Act 2000 and by subsequent enactments and regulations; and
- (ii) all other functions shall be Council Functions.

Part 3 of this Constitution describes which functions are the responsibility of the Council and/or its committees or sub-committees, and which functions are the responsibility of the Cabinet and/or its committees or sub-committees or individual Members of Cabinet. It also sets out those functions that have been delegated to officers.

The following joint committees exercise Executive Functions in accordance with their terms of reference as set out in Appendix 4 and the agreements currently in operation:

- the South Essex Parking Partnership Joint Committee;
- the North Essex Parking Partnership Joint Committee;
- the Essex Countywide Traveller Unit Joint Committee
- the South East Local Enterprise Partnership Accountability Board

The following partnership will exercise executive functions in accordance with the terms of the agreement currently in operation, namely the Civil Protection and Emergency Management Partnership.

Paragraph 15.3.5 (ii)

(Delegations to the Executive Director, Finance and Technology)

- (ii) To be responsible for:
 - a. all financial management including treasury management and income collection
 - b. external funding
 - c. providing advice and proposing recommendations to the Pension Strategy Board, Investment Steering Committee and the Director for Essex Pension Fund, and to appoint Essex County Council's officers to the ACCESS Officer Working Group as and when required.

Note: The Executive Director, Finance and Technology is not empowered to change the managers of the Pension Fund or, unless the Chief Executive agrees, to agree the early

termination of the employment of any Executive Director or the Monitoring Officer.

Add a new paragraph 15.3.10 as follows:

15.3.10 To the Director, Essex Pension Fund

- (i) To be responsible for the day to day operational management of Essex Pension Fund matters including ensuring arrangements for investment of assets and administration of contributions and benefits, excluding matters delegated to the Pension Strategy Board or Investment Steering Committee.
- (ii) To agree the terms and payment of bulk transfers to and from the Essex Pension Fund.
- (iii) To decide any other Pension Fund related urgent matter, that might otherwise be considered by the Pension Strategy Board or Investment Steering Committee, after consultation with the Chairman of the Pension Strategy Board.

Note: The Director, Essex Pension Fund is not empowered to change the managers of the Pension Fund.

Motions

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

The 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 Highways Defects

Moved by Councillor Abbott and seconded by Councillor Beavis:

'Council recognises some progress has been made on repairing highway, cycleway, and footway defects but wishes to set on record that much more remains to be done.

- 1 Council requests the Cabinet Member for Infrastructure to redouble his efforts to minimise the danger and inconvenience to residents from such defects, and particularly requests:
- 2 Developers, no matter how small, to be surcharged for any damage to roads and footways caused during their development operations, to be evidenced by before and after photography;
- 3 More stringent action to be taken over utility providers who allow inspection covers etc to deteriorate, or damage infrastructure through their operations;
- 4 Negotiations to be held with the City/Borough/District authorities for the establishment and where appropriate funding of small works teams, outside the strategic partnership with Ringway Jacobs such that minor defects can more economically and speedily be put right and thereby avoiding the restrictions presently applied to Highways Rangers;

5 An extension of the successful Member-led pothole and footway initiatives'

2 Supporting Policing in Essex

Moved by Councillor Moran and seconded by Councillor Channer:

'This Council praises the Essex Police, Fire and Crime Commissioner for his great endeavours to recruit an extra 368 Officers in the county. It is also pleased to see the Government's commitment to recruiting 20,000 new Police Officers across the country.

This means that Essex will have one of the strongest Police Forces we have ever seen.

This Council further recognises that issues such as violence, knife crime and domestic abuse will not be solved by policing alone, and commits to continuing and strengthening our partnership working through social care, youth offending services and encouraging volunteering, in particular through Business Enabled Special Constables to ensure Essex is one of the safest places in the country to live and work.'

3. A Zero Carbon Essex

Moved by Councillor Deakin and seconded by Councillor Aspinell:

'Local Government has a critical role to play in an effective and just transition to a zero carbon Britain. Many of the solutions are best tackled locally with cities, towns and rural communities working together.

A part of that solution is to embark on an ambitious programme of tree planting, similar to that proposed by Chelmsford City Council. This would, over a ten-year period, mean that a tree would be planted for every resident in Chelmsford.

This Council therefore calls upon the Cabinet Member for Environment and Waste to support Chelmsford and any other Essex Councils with similar ambitions, by making available suitable green spaces in its ownership for tree planting. Not only will this help reduce carbon in the atmosphere, as trees fix carbon in living biomass and soils for decades, but it will enhance the landscape, townscape and create habitat for wildlife.'

The Leader's Report of Cabinet Issues

This report is to receive the minutes of the Cabinet meetings held on 23 July and 17 September 2019.

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

Recommendation

To receive the minutes of the Cabinet meetings held on 23 July and 17 September 2019.

Minutes of a meeting of the Cabinet held in The Council Chamber, County Hall, Chelmsford, CM1 1QH on Tuesday 23 July 2019

Present:

Councillor	Cabinet Member Responsibility
D Finch	Leader of the Council (Chairman)
K Bentley	Deputy Leader and Cabinet Member for Infrastructure
T Ball	Economic Development
S Barker	Customer, Communities, Culture and Corporate
R Gooding	Education and Skills
D Madden	Performance, Business Planning and Partnerships
G Mohindra	Finance, Property and Housing
J Spence	Health and Adult Social Care
S Walsh	Environment and Waste

Councillors Aldridge, Davies, Egan, Grundy, Henderson, Mackrory, Mitchell, Pond, Reeves, Reid, Sargeant, Scordis and Young were also present.

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

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

1. There had been no changes in membership since the last meeting.
2. Apologies for absence had been received from Councillor L McKinlay (Cabinet Member for Children and Families).
3. Councillor Pond declared a code interest as an honorary fellow of the Chartered Institute of Librarians and Information Professionals. Councillor Pond participated fully in the meeting.

2. Minutes: 18 June 2019

The minutes of the meeting held on 18 June 2019 were agreed as a correct record and signed by the Chairman.

3. Questions from the public

The Chairman welcomed eleven members of the public who had registered to speak on Agenda Item 4 (Future Libraries Programme 2019-2024).

Susan Matthews, Heather Sawyer, Anthony McQuiggan, Alex Kensit, Liz Miles, Megan Daigle, Barbara Gray, Josefine Backman Juliff, Pia Backman, Mandy Jacobs and Councillor Tony Edwards of Harlow Council asked a range

of questions in relation to matters considered during the consultation and the subsequent proposals including:

- The impact of reduced opening hours,
- Access to the consultation particularly in relation to children,
- The impact of the proposals on specific libraries,
- Past, current and future funding for libraries,
- The consequences of volunteering particularly in relation to women's earning potential.

An audio recording of the questions put and the responses provided by Councillor Susan Barker, Cabinet Member for Customer, Communities, Culture and Corporate has been published on the Essex County Council website.

4. Future Libraries Programme 2019-2024 (FP/461/06/19)

A report was received asking that Cabinet agreed the Essex Future Library Services Strategy 2019-2024 as amended following public consultation. The revised strategy did not envisage the closure of any library during the life of the strategy. The revised strategy focused on developing libraries with local communities so that the library service could thrive and that the decline in usage was addressed.

Councillor Susan Barker, Cabinet Member for Customer, Communities, Culture and Corporate, provided the following information in response to questions put by Councillors Young, Henderson, Mackrory, Scordis, Sargeant, Mitchell and Davies.

- Any community libraries established would form part of the statutory libraries provision within the county. It was still to be determined whether the books at such libraries would be available on the central catalogue; this could be considered as part of the ongoing scrutiny work. Community libraries would have the facility to order books from county run libraries on behalf of customers. It was anticipated that book stock at community libraries would be refreshed on a quarterly basis, according to the size of the library.
- All volunteers and volunteer groups wishing to operate community libraries would be assessed for suitability and appropriately vetted. All necessary safeguarding measures would be put in place. Both library staff and volunteers were valued, and their training and support reflected this.
- Should no volunteers come forward, Essex County Council would continue to operate existing libraries throughout the life of the strategy. Should a community run library fail during this five year period, the Council would resume its operation. There may be the need to consider the suitability of existing premises, and make changes if necessary; the needs of local communities would be of key importance.

Investment would be needed at some larger sites, like Colchester and Harlow, to make required improvements.

- The direct costs of the consultation had been around £80,000.00; the higher figure quoted of around £300,000.00 also included opportunity costs, such as staff already on the payroll. The £18,000.00 grant available to community run libraries had been identified as an average requirement, having looked at the running costs of other such facilities.
- A number of further expressions of interest in respect of community libraries had been received since the end of June 2019. These included Broomfield, Great Tarpots, South Benfleet, Hadleigh and Stanway. It was not felt at all likely that the entire library service could eventually be operated on a volunteer basis.

Further written responses providing additional information would be provided to Councillors Mackrory, Sargeant and Davies.

Resolved:

1. To note the strong public engagement with the consultation on the draft Essex Future Library Services Strategy 2019-2024, and the results of that consultation as set out in section 4, detailed in appendices 1 and 2.
2. To agree to adopt the Essex Future Library Services Strategy 2019-2024 at appendix 3.
3. To support the people of Essex to reinvigorate and reverse the downward trend in library use and in particular to work closely with, and support community groups or organisations to implement viable and sustainable community-run libraries according to the support offer set out in section 5.13.
4. To note that the revised strategy does not envisage the closure of any library during the life of the strategy.
5. To authorise the draw down of £3m from the Transformation Reserve as set out in paragraph 6.1.3 to set up and support Community-run Libraries and invest in modernising libraries and technology. Further draw downs to be considered in the normal budget process in later years.

5. Evening and Sunday Supported Local Bus Services (FP/410/04/19)

A report was received asking the Cabinet to agree new policies for supported evening and Sunday bus services. The new policy would mean that generally ECC would not support journeys leaving after 2200 Monday to Friday, 2300 on Saturday and 1900 on Sunday, subject to exceptions for journeys which regularly carry six or more passengers on average. The Sunday policy would

additionally mean that the services that ECC did support on Sundays would run at a minimum two hourly frequency.

The report also asked Cabinet to agree to procure contracts providing supported evening and Sunday local bus services, which are due to expire in March 2020, currently totalling £635,000 for Sunday services and £1.2m for evening services except for contracts for two services. The report asked that contracts for these two services (service 21 ,Black Notley to Bocking and 418B Loughton to Harlow) were not awarded unless the tender prices was less than £5 per passenger journey.

Councillor Gooding, Cabinet Member for Education and Skills provided the following information in response to questions made by Councillors Young, Pond, Henderson, Mackrory and Scordis.

- Consideration of climate change was extremely important, and the policy sought to ensure that services were being provided at the right times and in the right locations. It was important to minimise the prospect of empty or almost empty buses on underused routes. Shaping the service to better fit communities' needs would assist in this.
- The needs of vulnerable or low income groups had been considered, and the policy represented a real attempt to shape the service according to need. All the routes being provided had to fit with the journeys that people wanted to make.
- Continuing to subsidise underused routes would inevitably impact on the provision or costs of other routes. It was important that Section 106 agreements arising from new housing developments required the provision of services at an early point, in order to establish regular and continued use of new routes by residents.

A further written response to Councillor Young would be provided.

Resolved:

Supported Sunday services

1. Agree a new supported Sunday services policy that Sunday services are a) supported between 08:00 and 19:00 with exceptions where appropriate based on journeys carrying an average of six passengers or more and b) supported on a minimum two hourly frequency.
2. Agree to the procurement of the supported Sunday services listed at appendix B on the basis of this policy, using the Dynamic Purchasing System and inviting bids on three options where appropriate with award to be based on price:
 - (i) a specified route and timetable basis;

- (ii) an area basis, specifying the settlements to be covered and requiring operators to specify routes and timetables that meet the policy; and
- (ii) a fleet basis, specifying the area and settlements to be covered and the fleet to be provided to enable a demand responsive service to be put in place that meets the terms of the policy.

General

3. Agree that the Director, Highways and Transportation, is authorised to award new evening and Sunday contracts to the lowest price bid meeting the minimum standards via ECC's existing dynamic purchasing system as long as those contracts are affordable within the overall local bus budget.
4. Agree that any such new contract will be for a period determined by the Director, Highways and Transportation with a maximum award term of four years on the basis of 2 years with the possibility of two further extensions for up to two years in total.
5. Agree that a procurement is undertaken for evening journeys on service 21 (Black Notley to Bocking) and 418B (Loughton to Harlow) and that the Director, Highways and Transportation
 - (i) Shall award a contract for either or both services if they are secured at a cost of £5.00 per passenger journey or less; or
 - (ii) Shall withdraw either or both services and not award a contract if the procurement fails to secure services at a cost per passenger journey of £5.00 or less.

6. Annual Report 2018-19 (FP/478/07/19)

The Cabinet received the Annual Report providing a commentary on the progress made towards ECC's strategic aims and priorities in 2018-19.

Resolved:

Approve the Annual Report 2018-19 (attached as appendix 1) and that this be published on ECC's website.

7. Extension of Local Bus Contracted Services due to expire in March and June 2020 (FP/409/04/19)

A report was received by the Cabinet in relation to supported local bus Monday to Saturday contracts which were due to expire in July 2020.

Resolved:

1. To agree to extend 76 Monday to Saturday local bus contracts across Essex as set out in appendix A by 12 months from July 2020 until July

2021 if the operator agrees to the extension. Cabinet is asked to note that the annual cost of these is £6.9m.

2. To agree to extend three Monday to Saturday local bus contracts as set out in appendix B with a current cost of £198k per annum from March 2020 to July 2021.
 3. To agree that where the contractor will not agree to extend a contract then ECC will undertake a procurement exercise using the Dynamic Purchasing System to replace only those contracts, on the basis that the existing services are maintained. Any new award shall be for a period of 12 months expiring in July 2021 and will be provided within the available total local bus budget.
 4. To authorise the Director, Highways and Transport, to award the contracts procured to replace contracts which cannot be extended.
 5. To agree to consult on the withdrawal of services 39, 313 and 313a listed in appendix C in July 2020 as the cost of these services significantly exceed ECC's benchmark figure of £5.00 per passenger journey.
8. **Sourcing Strategy for Major Highways Schemes – Eastern Highways Alliance (FP/400/03/19)**

The Cabinet received a report advising that The Eastern Highways Alliance were a group of local authorities who worked together to create a framework agreement which made it easy for them to buy highways works at lower cost by using bulk buying power. The current framework agreement expired on 31 March 2020. The Cabinet were asked to agree that ECC could procure a new framework agreement on behalf of the Alliance.

Councillor Finch, Leader of the Council, provided the following information in respect of a question asked by Councillor Young.

- Work was being progressed in order to ensure that social value was taken into account when the Council procured services.

Resolved –

1. Approve the procurement of a four-year multi-supplier framework agreement for the provision of major highway project design and construction services on behalf of the Eastern Highways Alliance and to do so using the restricted procedure.
2. Agree that ECC will act as lead authority for the alliance on the basis that it will hold money for the alliance and the cost of doing so will be met by members of the alliance.
3. Delegate the approval of the number of lots to be procured to the Deputy Leader and Cabinet Member for Infrastructure.

4. Delegate approval of the detailed evaluation methodology to the Deputy Leader and Cabinet Member for Infrastructure.
5. Delegate to the Deputy Leader and Cabinet Member for Infrastructure the authority to award the framework agreement to the successful bidders following the outcome of evaluation based on a high-level evaluation criteria split of 60:40 price: quality.
6. Delegate to the Deputy Leader and Cabinet Member for Infrastructure the approval of the terms upon which the Eastern Highways Alliance (referred to in this report as the 'Alliance') may make the framework available to be used by other contracting authorities that are not Alliance members via an Access Agreement.

9. 2019/20 Financial Overview as at the First Quarter Stage (FP/383/03/19)

The Cabinet received a report setting out the forecast financial position of Essex County Council's (ECC) revenue and capital budgets as at the first quarter stage of the 2019/20 financial year. There was a forecast under spend of **£4.6m** (0.5%) against a net budget of **£939.3m**. This assumed full commitment of the Emergency Contingency (**£4m**). Whilst there was a forecast under spend, it is early in the financial year and there were known costs and both risks and opportunities which were likely to change the position. There was an under spend of **£336,000** (0.1%) on capital against the current budget of **£253.3m**. After taking account of budget change requests in this report there would be an over spend of **£66,000**.

Councillor Mohindra, Cabinet Member for Finance, Property and Housing provided the following information in relation to a question by Councillor Mackory.

- The report as provided reflected the early position of the financial year, and as such detailed commentary had not been provided in all instances. A more detailed reply regarding the identified overspends on residential homes and external fostering placements would be provided following the meeting by Councillor McKinlay, Cabinet Member for Children and Families.

Resolved –

1. To draw down funds from reserves as follows:
 - i. **£5.2m** from the Reserve for Future Capital Funding to the Deputy Leader and Infrastructure portfolio in relation to Department of Transport additional Highways funding (section 5.9.ii);
 - ii. **£5m** from the Adults Digital Programme reserve to the Health and Adult Social Care portfolio to fund digital schemes in 2019/20 (section 5.8.iii);
 - iii. **£241,000** from the Community Initiatives Fund reserve to the Customer,

Communities, Culture and Corporate Services portfolio to support expenditure incurred to date in relation to local projects and grants to third parties for community improvements (section 5.2.ii);

iv. **£215,000** from the Community Initiatives Fund Reserve to the Reserve for Future Capital Funding (via the Customer, Communities, Culture and Corporate portfolio), to match expenditure incurred to date in the final quarter of 2018/19 and first quarter of 2019/20) in relation to the Community Initiatives project (section 7.4.ii).

v. **£205,000** from the Transformation reserve to Customer, Communities, Culture and Corporate Recharged Strategic Support Service (RSSS) portfolio for Organisation Design project funding (section 5.13.ii).

vi. **£69,000** from the Transformation reserve to the Environment and Waste portfolio in support of development of an energy and low carbon agenda (section 5.6.i).

vii. **£21,000** from the Transformation reserve to the Reserve for Future Capital Funding (via the Children and Families portfolio) in relation to Children's capital projects.

viii. **£156,000** from the Transformation Reserve to Performance, Business Planning and Partnerships RSSS to support the Future Gov contract (Essex Transformation Partners) (section 5.16.ii).

2. To appropriate funds to reserves as follows:

i. **£1.4m** to the Waste reserve from Environment and Waste portfolio following a favourable pricing movement (section 5.6.i).

ii. **£4.6m** to the Transformation reserve from Children and Families portfolio relating to the Children's Sustainability programme (section 5.1.iii).

3. To approve the following adjustments:

i. Vire **£167,000** from Health and Adult Social Care portfolio to Economic Development portfolio in relation to Independent Living posts (section 5.3.ii).

ii. Vire **£56,000** from Education and Skills Non Dedicated Schools Grant (DSG) portfolio to Customer, Communities, Culture and Corporate portfolio for two posts transferring from the Employment and Licencing Service to Corporate and Customer Services as part of Organisation Design (section 5.2.ii).

iii. Vire **£20,000** from Customer, Communities, Culture and Corporate RSSS Services to Education and Skills Non DSG portfolio for School Organisation and Place Planning (section 5.5.ii).

iv. Vire **£2.5m** to Finance, Property and Housing RSSS from other portfolios to reflect early delivery of savings across the Customer and Corporate Services function. Budget to be transferred from Customer, Communities, Culture and Corporate (£1.1m); Customer, Communities, Culture and Corporate RSSS (£1m); Education and Skills Non DSG (£260,000); Health and Adult Social Care (£93,000) (section 5.14.ii).

v. **£60,000** from the Place Services Traded reserve to Place Services Traded budget to fund investment in their office environment (section

6.4).

vi. Close the Digital Infrastructure reserve and transfer the residual balance (£3.1m) to the Transformation reserve (section 9.2).

vii. To amend the capital budget as shown in Appendices C (i) and C (ii) which allows for capital slippage of £13.1m, capital budget additions of £13.1m, capital budget reductions of £1.6m and advanced works of £1.2m (see section 7.2).

10. Decisions taken by or in consultation with Cabinet Members (FP/436/05/19)

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

Councillor Finch agreed to provide some further information in respect of FP/945/09/17 (Land for Housing Development in Epping Forest) as requested by Councillor Pond.

11. Highways Maintenance Policy (FP/430/05/19)

The Cabinet received a report asking it to adopt a new framework for highway maintenance policies, and the main policies forming part of that framework. It also proposed that the Deputy Leader should adopt the new policies which sit under the high level policies as part of the framework.

Resolved –

1. Agree that the Council should adopt new highways maintenance policies consisting of those policies set out in paragraph 3.5, and general principles and associated strategies which will be introduced from August 2019 as shown in the diagram at appendix 1.
2. Adopt the Highways Maintenance Policy and General Principles (2019), the ECC Maintenance and Inspections Strategy: Carriageways, Footways and Cycleways (2019) and the ECC Maintenance and Inspections Strategy: Structures (2019) in the form at appendices 2-4) with effect from 1 August 2019.
3. Adopt the Revised footway and structures hierarchies in the form at appendix 5 with effect from 1 August 2019.
4. Note that Cabinet Member for Infrastructure to agree future revisions to the ECC Highways Maintenance Policy and General Principles and associated strategies in consultation with the Leader of the Council.
5. Note that the Cabinet Member for Infrastructure will be adopting the strategies listed in phase 2 (see 3.6) and to approve a public facing summary document to complement the new policy and strategies.

12. Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Tuesday 17 September 2019 at 10.00am in Committee Room 1 at County Hall, Chelmsford.

13. Exclusion of the Press and Public**Resolved:**

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

14. Evening and Sunday Supported Local Bus Services – CONFIDENTIAL APPENDIX

(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/410/04/19 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 5 above refers).

15. Extension of Local Bus Contracted Services due to expire in March and July 2020 – CONFIDENTIAL APPENDIX

(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/409/04/19 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 7 above refers).

There being no further business, the meeting closed at 12:01pm.

Minutes of a meeting of the Cabinet held in The Council Chamber, County Hall, Chelmsford, CM1 1QH on Tuesday 17 September 2019

Present:

Councillor	Cabinet Member Responsibility
D Finch	Leader of the Council (Chairman)
K Bentley	Deputy Leader and Cabinet Member for Infrastructure
T Ball	Economic Development
S Barker	Customer, Communities, Culture and Corporate
R Gooding	Education and Skills
L McKinlay	Children and Families
D Madden	Performance, Business Planning and Partnerships
G Mohindra	Finance, Property and Housing
J Spence	Health and Adult Social Care
S Walsh	Environment and Waste

Councillors Turrell, Pond, Chandler and Goggin 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. There were no apologies for absence.
3. There were no declarations of interest.

2. Minutes: 23 July 2019

The minutes of the meeting held on 23 July 2019 were agreed as a correct record and signed by the Chairman.

3. Questions from the public

There were no public questions.

4. To approve the Procurement of the Council's Microsoft Enterprise Licensing Agreement (FP/481/07/19)

A report was received seeking to re-procure the Essex County Council (ECC) Microsoft Enterprise Licensing Agreement for a period of 3 years.

Councillor Susan Barker, Cabinet Member for Customer, Communities,

Culture and Corporate provided answers to questions from Councillors Turrell and Pond in respect of the onward decision making process, and the possibility of moving away from a Microsoft based solution in the future.

Resolved:

1. To agree to call-off from the Crown Commercial Services RM3733 Technology Products 2 Framework Agreement for Microsoft Enterprise Licensing Agreements for a contract of three years.
2. To delegate the decision to award a contract to the winning bidder following a mini competition to Councillor Barker, Cabinet Member for Customer, Communities, Culture and Corporate.

5. Withdrawal from Schools Broadband provision post 31 March 2020 (FP/473/07/19)

A report was received seeking approval for Essex County Council ("ECC") to withdraw from the school broadband element of the Next Generation Network ("NGN") Services agreement with Daisy Updata Communications Limited ("DUCL") (the "Contract") and to cease the provision of broadband services to schools (the "Service") within the County of Essex from 1st April 2020.

Councillor Ray Gooding, Cabinet Member for Education and Skills, referred to and read from a statement from a representative of the Essex Primary Headteachers' Association in support of the proposals. The statement would be circulated for information. Councillor Gooding further elaborated on this position in response to a question from Councillor Turrell.

Resolved:

1. Agree that ECC will cease the provision of the Service to ECC maintained schools and academies within Essex from 1 April 2020.
2. Agree to terminate all contracts between ECC and Academy Schools for the Service.
3. Agree to vary the Contract to remove the requirement to provide broadband services to ECC maintained and academy schools within Essex from 1 April 2020.

6. Day Opportunities - Contract Changes (FP/489/07/19)

A report was received advising that in order to meet its duties under the Care Act 2014, Essex County Council (ECC) currently opts to commission a range of services known as 'day opportunities'. These services provided a chance for adults with disabilities and older people to take part in activities outside their home, as well as enabling a break for informal carers. They were currently commissioned in a number of ways. The Cabinet was asked to:

- Extend the current contract with Essex Cares Ltd by six months pending consideration of a longer term solution.
- Amend the framework agreement under which other Day Opportunities services are procured to improve processes and align with the future commissioning intent.

Councillor John Spence, Cabinet Member for Health and Adult Social Care, agreed to provide a written response to questions from Councillor Turrell, relating to a site in Brentwood and the care provided there, and the position with regard to the S.75 agreement.

Resolved:

1. Agree to extend the current Essex Cares Ltd (ECL) Day Opportunities contract for six months until 31 March 2020 on the same terms while ECC scopes the future provision of these services.
2. Agree that the Executive Director, Adult Social Care is authorised to change the current framework agreement under which day opportunities are procured as set out in paragraphs 3.9 and 3.10.
3. Note that future decisions about the framework will be taken by the Cabinet Member for Adult Social Care and Health.

7. Better Care Fund Plan 2019/20 (FP/493/08/19)

A report was received by the Cabinet advising that the Essex health and care system would receive a total of £154m (£98m from NHS and £56m from the Ministry for Housing, Communities and Local Government) to be spent in accordance with the Better Care Fund programme. In order to comply with the terms of funding it was necessary for Essex County Council and partners to submit a plan showing how the money would be spent to NHS England by 27 September 2019.

The report set out the BCF Partnership's spending plans which the Council had developed with health partners and asked the Cabinet to endorse this plan and to agree to delegate to Nick Presmeg, Executive Director for Adult Social Care, any additional changes for ECC in finalising the BCF plan ('the Plan') before its submission by 27 September 2019.

In response to a question from Councillor Pond, Councillor John Spence, Cabinet Member for Health and Adult Social Care, advised that no concerns had been raised to him with regard to cross boundary discharge arrangements.

Resolved:

1. Approve the Plan circulated to the Cabinet and authorise Executive Director for Adult Social Care to amend the plan to reflect any suggestions made by the Health and Well-being Board at its meeting on 18 September.
2. Authorise the Executive Director for Adult Social Care to vary the section 75 agreements to reflect the Plan agreed with NHS England.

8. Decisions taken by or in consultation with Cabinet Members (FP/476/07/19)

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

9. Urgent Business

There was no urgent business for consideration.

10. Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Tuesday 22 October 2019 at 10.00am in Committee Room 1 at County Hall, Chelmsford.

11. Dates of Future Meetings, 2019-21

The dates of the Cabinet meetings to take place through to 25 May 2021 were noted.

12. Exclusion of the Press and Public

Resolved:

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

13. To approve the Procurement of the Council's Microsoft Enterprise Licensing Agreement – CONFIDENTIAL APPENDIX
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/481/07/19 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 4 above refers).

14. Withdrawal from Schools Broadband provision post 31 March 2020 – CONFIDENTIAL APPENDIX
(Press and public excluded)

The Cabinet considered the two Confidential Appendixes to report FP/473/07/19 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 5 above refers).

15. Urgent Exempt Business

There was no urgent exempt business.

There being no further business, the meeting closed at 10.21pm.