



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.

<b>10:00</b>	<b>Tuesday, 17 October 2023</b>	<b>Council Chamber, County Hall, Chelmsford, CM1 1QH</b>
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**Gavin Jones**  
Chief Executive

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**Officer Support to the Council:**

Sophie Campion, Senior Democratic Services Officer

**Telephone:** 03330131642

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

**Prayers** The meeting will be preceded by Prayers led by Reverend Zena Smith, Minister at the Benfleet Methodist Church.

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## **Essex County Council and Committees Information**

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

The agenda is available on the [Essex County Council website](#) 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.

### **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**

County Hall is accessible via ramped access to the building for people with physical disabilities. The Council Chamber and Committee Rooms are accessible by lift and are located on the first and second floors of County Hall.

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

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

### **Livestreaming of meetings**

In the interests of improving access to the Council's meetings, most meetings will be livestreamed on the [ECC Democracy YouTube Channel](#). Recordings of the meetings once they have finished are also available on the Channel.

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## Minutes of the meeting of the Full Council, held in the Council Chamber at County Hall, Chelmsford on Tuesday, 11 July 2023.

**Present:** Chairman: Cllr Jillian Reeves  
Vice-Chairman: Cllr Ray Gooding

Cllr Barry Aspinell	Cllr Anthony Hedley	Cllr Chris Pond
Cllr Tony Ball	Cllr Ivan Henderson	Cllr Pat Reid
Cllr Lewis Barber	Cllr Jeff Henry	Cllr Stephen Robinson
Cllr Susan Barker	Cllr Paul Honeywood	Cllr Peter Schwier
Cllr Kevin Bentley	Cllr Michael Hoy	Cllr Lee Scordis
Cllr Dave Blackwell	Cllr John Jowers	Cllr Lee Scott
Cllr Malcom Buckley	Cllr Sam Kane	Cllr Andrew Sheldon
Cllr Graham Butland	Cllr David King	Cllr Chris Siddall
Cllr Simon Crow	Cllr Dan Land	Cllr Mick Skeels
Cllr Tom Cunningham	Cllr Sue Lissimore	Cllr Kerry Smith
Cllr Mark Durham	Cllr Mike Mackrory	Cllr Clive Souter
Cllr Beverley Egan	Cllr Bob Massey	Cllr John Spence
Cllr Jane Fleming	Cllr Peter May	Cllr Wendy Stamp
Cllr Martin Foley	Cllr Aidan McGurran	Cllr Mike Steel
Cllr Paul Gadd	Cllr Jaymey McIvor	Cllr Mark Stephenson
Cllr Alan Goggin	Cllr Louise McKinlay	Cllr Mike Steptoe
Cllr Ian Grundy	Cllr Anthony McQuiggan	Cllr Paul Thorogood
Cllr Carlo Guglielmi	Cllr Dr Richard Moore	Cllr Marshall Vance
Cllr Michael Hardware	Cllr James Newport	Cllr Chris Whitbread
Cllr Dave Harris	Cllr Mark Platt	Cllr Holly Whitbread
	Cllr Ross Playle	

### Chairman's Welcome and Introduction

The Chairman informed those present that the meeting would be broadcast live over the internet by way of the ECC Democracy YouTube Channel.

The opening remarks, together with the broadcast of the entire meeting may be found on the [ECC Democracy YouTube Channel](#).

### Prayers

The meeting was preceded by prayers led by Reverend Zena Smith, Minister of the Benfleet Methodist Church.

**Councillor Jillian Reeves formally opened the meeting.**

**1. Apologies for Absence**

Apologies for absence were received on behalf of Cllr Laureen Shaw, Cllr Marie Goldman, Cllr Mike Garnett, Cllr Lynette Bowers-Flint, Cllr Eddie Johnson, Cllr Derrick Louis, Cllr Luke Mackenzie, Cllr Jude Deakin, Cllr Lesley Wagland, Cllr Andy Wiles, Cllr Mark Cory and Cllr June Lumley.

**2. Declarations of Interest**

Members were reminded by the Chairman of the need to declare any interests and to do so immediately or at the start of the consideration of any relevant item of business.

**3. Confirmation of the minutes of the meeting of Council held on 16 May 2023**

**Resolved:**

That the minutes of the meeting held on 16 May 2023 be approved as a correct record and signed by the Chairman.

**4. Public Speakers**

There were none.

**5. Chairman's Announcements and Communications**

**Corporate Parenting Pledge**

The Chairman reminded members of their responsibilities as Corporate Parents. All elected Members had the responsibility of being corporate parents for those children and young people in the Council's care and the Chairman asked everyone to check that they had signed the pledge since being elected. Members were advised to speak to Cllr Beverley Egan if they had any issues. The pledge was available to sign on the day and Members could also contact Cllr Egan's office for a copy.

**Technology Services Team**

The Chairman informed members that the Technology Services Team were available on the day if they had any queries relating to their Essex County Council technology or account.

**Awards**

**Association of Directors of Environment, Economy, Planning and Transport, President's Awards**

The Chairman announced that a retrofit programme run by Essex County Council had been recognised with one of four awards at the 2023 ADEPT - Association of Directors of Environment, Economy, Planning and Transport, President's Awards. The Harlow and Tendring Retrofit Pipeline for Economic Renewal programme won the Delivering Clean Growth award and was hailed by judges for being "out of the ordinary" and offering "a very specific and tailored approach to a real world problem". At the invitation of the Chairman, Cllr Tony Ball, Cabinet Member for Education Excellence, Life Long Learning and Employability, spoke on the award.

**Unlock Net Zero Live Awards**

At the invitation of the Chairman, Cllr Tom Cunningham, Cabinet Member for Planning a Growing Economy, spoke on the same programme which had also won Collaboration of the year – knowledge building and research at the Unlock Net Zero Live Awards.

Cllr Peter Schwier, Climate Czar and Cabinet Member for Environment, Waste Reduction and Recycling, was also invited by the Chairman to speak on the awards which had been won in relation to the retrofit programme.

**British Data Awards**

The Chairman announced that Essex County Council had won two awards at the British Data Awards; one for Innovation of the year for their work with children social care and cost of living and the other for public sector team of the year for the work on data literacy. At the invitation of the Chairman, Cllr Louise McKinlay, Deputy Leader and Cabinet Member for Levelling Up and the Economy, spoke on these awards.

**The Carbon Literacy Project**

At the invitation of the Chairman, Cllr Peter Schwier, Climate Czar and Cabinet Member for Environment, Waste Reduction and Recycling, spoke on The Carbon Literacy Project awarding Essex County Council with Bronze accreditation, recognising the Council as a Carbon Literate Organisation.

**Gold Medal award from NHS England's Emergency Care Improvement Support Team**

The Chairman announced that Essex Cares Limited, which was owned by the Council, in partnership with East Suffolk and North Essex NHS Foundation Trust (ESNEFT) in north-east Essex, had won a Gold Medal award from NHS England's Emergency Care Improvement Support Team, for working in collaboration on a ward-led enablement project. At the invitation of the chairman, Cllr John Spence, Cabinet Member for Health, Adult Social Care and ICS Integration, spoke on this award.

### **Association of Local Authority Risk Managers (ALARM) Awards**

The Chairman informed members that at the Association of Local Authority Risk Managers (ALARM) Awards, the Council was awarded the Organisational Sustainability Award for its business continuity programme. At the invitation of the Chairman, Cllr Chris Whitbread, The Chancellor of Essex, spoke on this award.

### **Chartered Institute of Procurement and Supply (CIPS) Procurement Excellence Standard Award**

At the invitation of the Chairman, Cllr Chris Whitbread, The Chancellor of Essex, also spoke about an accreditation that ECC have once again received, the CIPS Procurement Excellence Standard Award.

## **6. Petitions**

There were none.

## **7. Executive Statements**

At the invitation of the Chairman, Cllr Kevin Bentley, Leader of the Council gave a statement on 'Everyone's Essex, the first two years'.

*The Executive Statement is published on the ECC website and the broadcast of the meeting may be found on the [ECC Democracy YouTube Channel](#).*

## **8. Motions**

### **1. Railways and fares in Essex**

Moved by Cllr Chris Pond and seconded by Cllr Paul Thorogood.

'Council much regrets the proposed withdrawal of the London Day Travelcard and its form of an add-on from Essex; on a wider canvas, draws attention to the positive role of railways in the life and economy of Greater Essex, applauds the construction of the new station at Beaulieu Park, asks the Executive to support suitable opportunities to reopen closed stations and lines, and as far as possible to elimination of diesel traction from the County.'

It was moved by Cllr Ross Playle and seconded by Cllr Lee Scott that the motion be amended to read:

'This Council is disappointed with the proposed withdrawal of the London Day Travelcard and its form of an add-on from Essex and notes that ECC submitted a response to this effect via the TfL portal

to the consultation as well as a letter from the Cabinet Member for Highways Maintenance and Sustainable Transport.

On a wider canvas, this Council draws attention to the positive role of railways in the life and economy of Greater Essex and applauds the construction of the new station at Beaulieu Park.

This Council therefore asks the Executive to continue to work with partners to develop sustainable transport solutions, including Rail, for the County of Essex.'

The amendment moved by Cllr Ross Playle and seconded by Cllr Lee Scott was put to the meeting and was **carried** and became the substantive motion.

Having been put to the meeting the motion was **carried**.

## **2. Youth Service in Essex**

Moved by Cllr Dave Harris and seconded by Cllr Aidan McGurran.

'Essex is a diverse county and there are significant differences in the opportunities for our young people to attend youth facilities and participate in activities with other youngsters. Some of our young people are being denied these opportunities because of where they live in the county.

Clearly youth provision is hampered in some areas because of a lack of volunteers and voluntary organisations – compared with communities that are well organised with established links to groups who can set up appropriate facilities for the youth.

The Council therefore asks the People and Families Policy and Scrutiny Committee to consider creating a "task and finish group" to consider Youth Services and Youth Club provision, using information held by Essex Youth Service Officers and details held at District, Borough, and City Councils.

The aim is to ascertain areas of lack of service and viability of volunteer led groups so that Essex County Council officers can provide appropriate support to "level up" youth service provision.'

It was moved by Cllr Mark Durham and seconded by Cllr Louise McKinlay that the motion be amended to read:

'Since remodelling the Youth Services back in 2015, the numbers of attendances by young people has risen from just over 40,000 to nearly 80,000 which this Council warmly welcomes.

However, Essex is a diverse county and although not yet quantified, there are potentially differences in how this increase has materialised across the County.

The root causes behind any variances are likely to be complex and this Council therefore requests that the People and Families Policy and Scrutiny Committee considers a report to be provided by the Cabinet Member for the Arts, Heritage and Culture which sets out how the current model operates and how resources are deployed across the County.

The aim being to ascertain how improvements can be made and best practice shared to ensure even more young people, across all parts of the County, can access and benefit from high quality and sustainable youth service provision.'

The amendment moved by Cllr Mark Durham and seconded by Cllr Louise McKinlay was put to the meeting and was **carried** and became the substantive motion.

Having been put to the meeting the motion was **carried**.

### 3. ULEZ Expansion

Moved by Cllr Holly Whitbread and seconded by Cllr Marshall Vance.

'This Council recognises the importance of air quality for Essex residents and the Council's forthcoming strategy sets out the current understanding of the air quality issues and clear actions to improve the air quality in Essex going forward.

However, this Council condemns the London ULEZ expansion which will impact businesses and could separate families and friends who live in Essex from those who live in the historic parts of Essex that are now within the Greater London Boundary. This ULEZ expansion will also disproportionately hit key workers and those on low incomes who cannot afford to buy new, compliant cars and therefore calls upon the Mayor of London to reverse this decision.

This Council also calls upon the Cabinet Member for Highways and Sustainable Transport to not permit any new ULEZ signage on Essex County Council land or highways, nor allow any existing ULEZ signage on Essex Highways property to be changed.'

Having been put to the meeting the motion was **carried**.

The following Members requested that their vote be recorded in the minutes:

Cllr Michael Hoy – voted against the motion

Cllr Kerry Smith – voted for the motion



#### 4. HGV SAT NAV

Moved by Cllr Dan Land and seconded by Cllr Lewis Barber.

‘HGVs using standard car Sat Navs that collide with local infrastructure, such as railway bridges, or becoming stuck on narrow roads causes major disruption and is costly to local communities. They often take significant amounts of time and resources to free, causing major congestion across the Essex Road network, generating more emissions, and disrupting local rail services.

This Council therefore calls on the Government to work with Satellite Navigation companies, and others providing road information to remove By Ways, By Roads and other similar roads from their systems.’

Having been put to the meeting the motion was **carried**.

#### 9. Council Issues

At the invitation of the Chairman, Cllr Kevin Bentley presented the report and it having been moved by Cllr Kevin Bentley and seconded by Cllr Louise McKinlay it was

##### **Resolved:**

That paragraph 16.11.1 of the constitution be replaced with:

- (i) An item (‘Executive Statements’) will be included on the agenda for every Council meeting other than an extraordinary meeting.
- (ii) The purpose of an Executive Statement is to allow the Leader of the Council or a Cabinet Member to update the Council on current issues of importance that cannot be covered elsewhere as part of the usual business.
- (iii) No executive statement may last more than 10 minutes. The executive statements made at a meeting shall not in total last more than 20 minutes. The maximum length of each statement shall be notified in accordance with (iv).
- (iv) No statement shall be made unless
  - a. The subject of any proposed statement and the identity of the person who will be making it should be notified by the Leader to the Head of Democracy and Transparency by 5pm two working days prior to the Council meeting. The Head of Democracy and Transparency will send an e-mail notification to all Members of the Council; or

- b. the Chairman agrees that there are exceptional circumstances which mean that the statement should be made notwithstanding that (a) has not been complied with. Any request under this paragraph must be made at the earliest possible opportunity to the Head of Democracy and Transparency. If the Chairman agrees the request the Head of Democracy and Transparency shall notify the leaders of all political groups at the earliest possible opportunity.
- (v) At the meeting, the Leader of the Council or Cabinet Member will be entitled to address the Council on the subject of the Statement for the time allocated.
- (vi) After a statement has been made or, at their discretion, after all statements have been made, the Chairman shall then invite leaders of opposition groups (or a member nominated by them) to make a statement in reply for up to three minutes for each statement that has been made.
- (vii) After all opposition group leaders (or their nominees) have had the opportunity to speak on all statements the Leader (or their nominee) shall have up to five minutes to respond.
- (viii) After the Leader has responded the Chairman will set a period of time during which Members of the Council may ask questions relating the statements. The originator of the Statement shall respond to the questions as they are raised or, at the discretion of the Chairman, at the end of all the questions.

## **10. Adjournment**

With the agreement of Council, the Chairman adjourned the meeting at 12:52pm. The meeting reconvened at 1:45pm.

## **11. Cabinet Issues**

At the invitation of the Chairman, Cllr Kevin Bentley presented the report and it having been moved by Cllr Kevin Bentley and seconded by Cllr Louise McKinlay it was

### **Resolved:**

To receive the list of urgent decisions taken and the minutes of the Cabinet meetings held on 23 May and 20 June 2023.

## **12. Boundary Review**

At the invitation of the Chairman, Cllr Tom Cunningham presented the report and revised recommendations set out in the Order Paper.

In order to ensure political approval for the submission the Council makes to the Commission, it was proposed to appoint a committee to sit as required for the remainder of the municipal year.

Members and officers were thanked for their work on this review to date. Cllr Andrew Sheldon also put on record his thanks for the contributions made regarding the Castle Point Divisions.

It having been moved by Cllr Tom Cunningham and seconded by Cllr Kevin Bentley it was

**Resolved:**

- 2.1 That Council instructs the Monitoring Officer to write to the Local Government Boundary Commission with a revised request for a council size of 78 councillors.
- 2.2 To constitute a committee to be called the Boundary Review Committee with 8 members whose terms of reference are to make submissions to the Local Government Boundary Commission for England with respect to the review of the ECC divisions.
- 2.3 To allocate seats on this committee to political groups as follows:
  - Conservative: 5
  - Non Aligned Group: 1
  - Liberal Democrat Group: 1
  - Labour: 1
- 2.4 That the Committee shall cease to operate on the date of the annual meeting of the Council in 2024.
- 2.5 That Cllr Tom Cunningham is appointed Chairman of the Committee.
- 2.6 That the date of the first meeting be held in July 2023 on a date appointed by the Head of Democracy and Transparency.
- 2.7 That the Director, Legal and Assurance be authorised to make temporary amendments to the Constitution to reflect the recommendations in this report.

**13. Statutory Report External Audit Delays Causing Delays to the publication of certified ECC accounts for 2022/23**

At the invitation of the Chairman, Cllr Kevin Bentley, Chairman of the Audit, Governance and Standards Committee presented the report, which set out the reasons for the delay in the publication of certified accounts for the Council for 2022/23 due to delays with external auditing.

The officers and members of the Audit, Governance and Standards Committee were thanked for their work on this.

It having been moved by Cllr Kevin Bentley and seconded by Cllr Louise McKinlay it was

**Resolved:**

- 5.1 That the County Council instructs the Chief Executive to write to the Chief Executive of BDO LLP to express its regret at the audit delays and to ask BDO to confirm that ECC won't suffer financial loss as a result of its delay in audit.
- 5.2 That the County Council formally thanks the finance team for working to such high standards, particularly given the current difficult circumstances with audit delays.

**14. Audit, Governance and Standards Committee Annual Report**

At the invitation of the Chairman, Cllr Anthony Hedley, Chairman of the Audit, Governance and Standards Committee presented the report.

It having been moved by Cllr Anthony Hedley and seconded by Cllr Chris Siddall it was

**Resolved:**

That the report be noted.

**15. Essex Pension Fund Strategy Board Annual Report**

At the invitation of the Chairman, Cllr Susan Barker, Chairman of the Essex Pension Fund Strategy Board presented the report. Cllr Barker thanked the Members of the Boards and the Pensions team for their work. Cllr Mark Platt seconded the report and also put on record his thanks to the Members and officers for their support to the Boards and noted the achievements of the Essex Pension Fund.

It having been moved by Cllr Susan Barker and seconded by Cllr Mark Platt it was

**Resolved:**

That the report be noted.

**16. Oral Questions of the Leader, Cabinet Member, chairman of a committee or the representative of the Essex Police, Fire and Crime Panel.**

*The oral questions and answers as part of the broadcast of the meeting may be found on the [ECC Democracy YouTube Channel](#).*

The questions asked were:

<b>Question asked by:</b>	<b>Question asked to:</b>	<b>Subject of the question</b>
Cllr Ivan Henderson	Cabinet Member for Highways Maintenance and Sustainable Transport	Review of part night lighting.
Cllr Ivan Henderson	Cabinet Member for Highways Maintenance and Sustainable Transport	Cutting back overgrown vegetation on public rights of way.
Cllr Wendy Stamp	Cabinet Member for Highways Maintenance and Sustainable Transport	Bradwell to St Lawrence bus withdrawal.
Cllr Mike Mackrory	Leader of the Council	Conflict of interest between deputy Cabinet Members and Scrutiny Members.
Cllr Lee Scordis	Cabinet Member for Highways Maintenance and Sustainable Transport	20mph zones and speeding.
Cllr Dave Harris	Climate Czar and Cabinet Member for Environment, Waste Reduction and Recycling	Shrub End Recycling Centre.
Cllr Dave Harris	Cabinet Member for Highways Maintenance and Sustainable Transport	Overgrown vegetation covering traffic signs.
Cllr Stephen Robinson	Cabinet Member for Highways Maintenance and Sustainable Transport	Member led pothole scheme.
Cllr Carlo Guglielmi	Cabinet Member for Education Excellence, Lifelong Learning and Employability	Mistley Primary School building issues.

## 17. Closure of Meeting

The meeting closed at 2:29pm.

A recording of the meeting is available as [a video on YouTube](#).

**Chairman**

# 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. Waste and Recycling

Moved by Cllr Kerry Smith and seconded by Cllr Paul Gadd.

'Council notes, along with its predecessor some thirty years ago that incineration of waste can be deleterious to human health and that it, plus widespread employment of "energy from waste" installations, can also be bad for the environment, and should be avoided.

Council should seek to work with second tier councils radically to improve recycling rates through making the process as intuitive and easy as possible for residents.

Scrutiny should urgently investigate means of removing methane emissions from landfill sites.

Council calls on the Leader to make representations to the Government to end over-packaging of products and to introduce a bottle deposit scheme.

Council declares that any planning application made relating to waste will be determined in accordance with the development plan unless material considerations indicate otherwise.'

## **2. Tackling the Concrete Crisis in Schools and Hospitals**

Moved by Cllr Mike Mackrory and seconded by Cllr James Newport.

'Council notes that:

- i) At the end of August 2023, just days before the new school term was due to begin, the Government announced that more than 150 schools in England, including 60 schools in Essex, needed to address urgently the presence of unstable concrete known as RAAC in their buildings.
- ii) Affected schools, colleges and nurseries were told that they cannot use affected buildings unless safety measures are in place.
- iii) That dealing with the Concrete Crisis will put local authorities and other public sector bodies – already facing severe budgetary pressures – under even more pressure.
- iv) Since a school roof collapsed in 2018 the Government have failed to heed the warnings of organisations such as the Local Government Association that this is a serious problem which needed addressing.
- v) Successive years of Government underfunding in schools has resulted in 24,000 school buildings beyond their estimated initial design life and 700,000 pupils learning in schools which require major rebuilding or refurbishment.

Council believes that:

- vi) It is a national scandal that some children were being taught in crumbling classrooms and some patients are being treated in hospitals with roofs at risk of collapse.
- vii) This Government's commitment to eradicate RAAC from the NHS estate by 2035 is not soon enough.

Council further notes with concern that:

- viii) It has been reported that when Prime Minister Rishi Sunak was Chancellor of the Exchequer, he rejected requests from Department of Education officials for an extra £900 million a year for school funding in the 2021 Spending Review.
- ix) In the same spending review, he slashed taxes for the banks, choosing big finance over children's safety. The cost of the NHS repairs backlog is more than £10bn, up by a tenth on the previous year.

Council therefore calls on the Government to:

1. Provide urgent clarity over where RAAC has been found in schools, hospitals and other public buildings like courts, police stations, leisure centres, libraries, and public housing in Essex.
2. Urgently set up a national risk register of all public buildings.
3. Publish all advice presented to Rishi Sunak when he was Chancellor of the Exchequer on RAAC in schools and hospitals. Set out additional funding from the Treasury to replace RAAC in affected public buildings without having to sacrifice other essential repairs,

and to mitigate the disruption caused to pupils, patients, and other public service users.

4. Launch a Ministerial Taskforce to draw up a road map to ensure replacement work is carried out urgently.'

### **3. The Positive Impact of Growing the Essex Economy**

Moved by Cllr Alan Goggin and seconded by Cllr Carlo Guglielmi

'There is a strong evidence base that shows employment is good for physical and mental health and well-being.

This Council therefore welcomes:

- The news that the UK's economy has grown faster than both France and Germany since the pre-covid period and this is also reflected in positive economic indicators for Essex.
- The growth in Gross Value Added (GVA) of the Essex economy by £2.3billion since 2010 and acknowledges the potential for further opportunity via our targeted Levelling Up programme and a Greater Essex devolution deal.

Building on this positive success to date, the Council is committed to targeting support for economic growth, recognising that there will always be more that can be done to deliver the tools and opportunities for people to move into well-paid employment, which is the best pathway to a good life. This Council therefore calls upon the Government to:

- Be bold and forward looking in discussions regarding the levers for sustainable economic growth across Essex.
- Work with ECC to develop and promote the recently announced, Advanced British Standard, which will bring together A-levels and T-levels.'



## Agenda item 9 **Council Issues**

### **1. Dates of forthcoming Council meetings**

- 1.1 The dates of the future meetings of Council were agreed at the meeting held in October 2022, to be on Tuesday 12 December 2023 and Tuesday 13 February 2024.
- 1.2 The meetings of the Council are normally held at County Hall in the Council Chamber and commence at 10:00am.
- 1.3 It is necessary to schedule further forthcoming Council meetings. The proposed dates are Tuesday 14 May 2024, Tuesday 9 July 2024, Tuesday 15 October 2024, Tuesday 10 December 2024 and Thursday 13 February 2025.

#### **Recommendation:**

- 1 That the dates of Council meetings scheduled for Tuesday 12 December 2023 and Tuesday 13 February 2024 remain unchanged.
- 2 That future Council meetings be scheduled on Tuesday 14 May 2024, Tuesday 9 July 2024, Tuesday 15 October 2024, Tuesday 10 December 2024 and Thursday 13 February 2025.

### **2. Review of the Constitution**

- 2.1 Although the Council regularly reflects on its constitution and makes changes and improvements to meet its changing needs, a full review has not taken place since 2011/12.
- 2.2 It was felt that it would be useful for a significant review to take place, to make sure that the constitution is the most up to date and reflects current practice and understanding.
- 2.3 During the summer this review of the constitution has been undertaken. The aim has not been to make substantive changes from current practice but to make it clearer, to accord more closely with the law and to avoid the same issue being dealt with in multiple locations in the document using slightly different wording. The proposed replacement document is on the Council's website with the papers for this meeting and has been circulated to all members of the Council with the Council summons.

#### **Examples**

- 2.6 As an example of the updating, the call in procedure has been moved from one paragraph in the Scrutiny Procedure Rules into a whole new part 18. This will make it easier to find. The call in procedure has been written to make it clearer for everyone to follow and expressly states that the call-in period ends at 5pm on the third working day, which is the process which is how the current rules have been applied since the last review.

### **Change to budget speeches**

- 2.7 It is proposed to change the entitlement to some of the longer speeches at budget council. Previously right to longer speeches was given to the leader of opposition groups moving an amendment and to Cabinet but this right could not be exercised by anyone else if the person with the right was absent or not moving an amendment. Therefore we have proposed a change to the constitution to enable flexibility so that opposition group leaders and cabinet members can nominate someone else to have the longer speech in their place.

### **Protocol on Member/Officer Relations**

- 2.8 This protocol currently forms part 25 of the constitution. It is currently subject of a separate review involving senior officers and members and will be brought back to a future council meeting once the review is complete. Therefore the current protocol at part 25 will remain unchanged pending that review.

### **Recommendation:**

Adopt the revised constitution in the form circulated to members and placed on the Council website with the exception of part 25 (protocol for member and officer relations) which remains unchanged and that the revised constitution takes effect on Wednesday 18 October 2023.

## **3. Change to Pay Policy Statement**

- 3.1 The pay policy statement is approved with the budget in February every year. It is required to contain any policies we have about bonuses and performance related pay for Chief Officers. At present it says:

‘The pay of Chief Officers does not currently include a performance related element. Any change to this would result in a change to the pay policy statement’.

- 3.2 This gives less flexibility for Chief Officers than for other employees where exceptional payments may be awarded for particular work. The pay policy statement means there is currently no possibility of this performance being financially recognised.
- 3.3 It is therefore proposed that we amend the pay policy statement to allow such payments to be made on a one off basis, with all and any payments being approved by the politically balanced Senior Management Employment Committee. This will allow proper scrutiny by elected members to ensure that payments are fair and justified. Councillors would have full control of such payments

### **Recommendation:**

That the Pay Policy Statement for 2023/24 be amended with immediate effect as follows:

Replace:

‘The pay of Chief Officers does not currently include a performance related element. Any change to this would result in a change to the pay policy statement’

with:

‘The pay of Chief Officers does not routinely include a performance related element, but, exceptionally, one off payments may be authorised by the Senior Management Employment Committee, every such payment being the subject of individual authorisation by the Committee.’

# The Leader's Report of Cabinet Issues

This report is

- a) To note decisions that have been taken as urgent key decisions, not on the forward plan (Constitution para 19.17), or non-key decisions exempt from call-in on the grounds of urgency as attached as appendix 1 to the report since the last meeting of Council on 11 July 2023; and
- b) To receive the minutes of the Cabinet meetings held on 18 July and 12 September 2023 attached as appendix 2.

## Recommendations

To receive the list of urgent decisions taken and the minutes of the Cabinet meetings held on 18 July and 12 September 2023.

## Urgent Decisions

### Part 1: Key decisions taken with less than 28 days prior notice.

The following decision was taken after giving five clear days' notice to the Chairman of the Corporate Policy and Scrutiny Committee because it was not practicable to give the full 28 days' notice. The notice to the Chairman was also published on the Council's website.

DATE PUBLISHED	CABINET MEMBER	TITLE OF DECISION	REFERENCE NUMBER
27 July 2023	Leader	Proposed Beaulieu Park Railway Station and Chelmsford North East Bypass	FP/187/07/23

### Part 2: Decisions Exempt from Call-in

The following decisions were taken which were either not key decisions or where prior notice was given, but the Chairman of the Corporate Policy and Scrutiny Committee agreed that it was in the best interests of the Council for the decision to be implemented urgently and the decision was therefore exempted from call-in.

DATE PUBLISHED	CABINET MEMBER	TITLE OF DECISION	REFERENCE NUMBER
27 July 2023	Leader	Proposed Beaulieu Park Railway Station and Chelmsford North East Bypass	FP/187/07/23
21 September 2023	Cllr Chris Whitbread	Draw Down from the Health and Safety Reserve to cover the cost of Temporary accommodation at the Bromfords Secondary School.	FP/247/09/23

**Minutes of a meeting of the Cabinet which took place in the Council Chamber at County Hall, Chelmsford at 10.15am on Tuesday 18 July 2023**

**Present:**

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
Cllr Tony Ball	Education Excellence, Lifelong Learning and Employability (Chairman)
Cllr Tom Cunningham	Planning a Growing Economy
Cllr Mark Durham	The Arts, Heritage and Culture
Cllr Beverley Egan	Children's Services and Early Years
Cllr Peter Schwier	Climate Czar, Environment, Waste Reduction and Recycling
Cllr Lee Scott	Highways Maintenance and Sustainable Transport
Cllr John Spence	Health, Adult Social Care and ICS Integration
Cllr Chris Whitbread	The Chancellor of Essex

Cllrs Susan Barker, Jane Fleming, Ivan Henderson, Mike Mackrory, Bob Massey, Mark Platt, Lee Scordis and Laureen Shaw were also present. Cllr David King attended remotely via Zoom.

**Emma Tombs, Democratic Services Manager, in the Chair**

**1. Election of Chairman for the Meeting**

In the absence of the Chairman and Vice-Chairman, and upon the motion of Cllr Lee Scott, seconded by Cllr Tom Cunningham and duly carried, it was:

**Resolved**

To elect Cllr Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability as Chairman for the meeting.

**Cllr Tony Ball, Cabinet Member for Education Excellence, Lifelong Learning and Employability, in the Chair**

**2. Membership, Apologies, Substitutions and Declarations of Interest**

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

1. Changes to Cabinet membership and portfolios had taken place since the last meeting and the current position was as set out in the report.
2. Apologies for absence had been received from Cllrs Kevin Bentley, Leader of the Council and Louise McKinlay, Deputy Leader and Cabinet Member for Levelling up and the Economy. The Chief Executive, Gavin Jones, had

also sent apologies and was being represented at the meeting by Nicole Wood, Executive Director for Corporate Services.

3. Cllr Mark Durham declared an interest in agenda items 7 and 8 (Care Market New Funding Allocations and Better Care Fund Plan 2023-25) in that he is a former director of Essex Partnership University Trust (EPUT). Minutes 9 and 10 below refer)

### **3. Minutes: 20 June 2023**

The Minutes of the previous meeting, held on 20 June 2023, were approved as a correct record and signed by the Chairman.

### **4. Variation in the Order of Business**

Upon the proposal of the Chairman, it was agreed to vary the order of the agenda to enable Agenda Item 12 (Option Agreement for Land at Warren and Parker's Farm, Little Canfield) to be considered as the next but one item of business.

### **5. Questions from the public**

Questions were asked as follows in relation to Agenda Item 12 (Option Agreement for Land at Warren and Parker's Farm, Little Canfield):

1. Cllr Patricia Barber, Takeley Parish Council, attending via Zoom

Cllr Barber presented the Parish Council's views regarding the proposed option agreement, requesting the removal from it of the land identified as Parcel 3 (as shown on the Plan appended to report 476/08/22) and the subsequent transfer of this land to the Parish Council. The Council's intention would be to use the land for the benefit of the community through retention in agricultural use of the land surrounding the working farmstead and creation of a community woodland.

It was agreed that the Parish Council's detailed statement would be circulated with these minutes.

2. Cllr Susan Barker, Essex County Councillor for Dunmow electoral division

Cllr Barker supported the Parish Council's statement, explaining that the rural location of Parcel 3 distinguished it from Parcels 1 and 2 which were near to existing housing developments. Takeley had accommodated high levels of housing development in recent years, and this was continuing at an unsustainable rate, particularly given the lack of infrastructure.

Cllr Barker requested that consideration of the proposed option agreement be deferred to allow Councillor Whitbread, as Cabinet Member, time to consider the issues set out in the Parish Council's statement.

### **Response by Cllr Chris Whitbread, Chancellor of Essex**

Cllr Whitbread thanked Cllrs Barber and Barker for their questions. He stated that the report before the Cabinet reflected the outcome of discussions and a site visit during which he had met with parish councillors and other interested parties. He believed that the proposal being presented was the best available option and would allow both local parish councils to participate in production of a masterplan setting out the different land uses over the entire site.

For these reasons, and given that the report had been postponed previously, Cllr Whitbread did not support the request for deferral.

### **6. Option Agreement for Land at Warren and Parker's Farm, Little Canfield (FP/476/08/22)**

This report was considered in conjunction with a confidential appendix – minute 20 below refers.

Cabinet's approval was sought for the Council to enter into an option agreement with Hill Residential Ltd for the disposal of its interest in the land at Little Canfield outlined red on the plan appended to the report.

The Chancellor of Essex responded to questions by Cllr Mike Mackrory, stating that the sites within the option agreement would be promoted for inclusion within the new Uttlesford Local Plan when the relevant stage of the Plan process was reached.

### **Resolved:**

1. Agreed that the Council enter into an option agreement with Hill Residential Ltd for the disposal of its interest in the land at Little Canfield outlined red on the plan at Appendix 1 to report FP/476/08/22.
2. Agreed that the Head of Property is authorised to agree the terms of the option agreement after taking advice from the Council's property advisor and the Monitoring Officer.

### **7. Variation in the Order of Business**

Upon the proposal of the Chairman, it was agreed to vary the order of the agenda to enable the following agenda items to be considered as the next items of business:

#### **Item Title**

6. Southend, Essex and Thurrock Mental Health Strategy



7. Care Market New Funding Allocations 2023-24
8. Better Care Fund Plan (FP/2023-25
9. Recommissioning of Sensory Services

## **8. Southend, Essex and Thurrock Mental Health Strategy (FP/106/04/23)**

The Cabinet received a report seeking endorsement for the draft Southend, Essex and Thurrock Mental Health Strategy, together with the establishment of a Strategy Implementation Group to support and co-ordinate collaborative working across partners to implement the Strategy.

In presenting the report, the Cabinet Member for Health, Adult Social Care and ICS Integration highlighted a minor amendment to the report's recommendations to reflect that the Strategy document had been circulated separately from the agenda pack for the meeting.

The Cabinet Member provided the following information in response to questions by Cllr Mike Mackrory.

- All partners agreed on the importance of collaboration, as indicated in the Strategy, and it would be for them to ensure that this translated into practice. Cllr Spence was content with the level of engagement from partners he had seen to date.
- Approval of the Strategy would be followed by a process to procure and award contracts ensuring that all the identified needs, including those of young people, could be addressed. The long-term aim was to move away from treating illness to a focus on prevention.

### **Resolved:**

1. Agreed to adopt the draft Southend, Essex and Thurrock Mental Health Strategy as published with the agenda papers, which has been developed collaboratively with partners and is consistent with the NHS Integrated Care Partnership Strategy and Joint Forward Plans.
2. Agreed that the Council will support the establishment of a Strategy Implementation Group to support and co-ordinate collaborative working across partners to implement the Strategy.

## **9. Care Market New Funding Allocations 2023-24 (FP112/05/23)**

Cllr Mark Durham, Cabinet Member for the Arts, Heritage and Culture, declared an interest in this item, minute 2 above refers.

The Cabinet received a report setting out how the Council would deploy further Social Care Grant funding made available by the Government to support the care sector for improving capacity and resilience. This was

consistent with the direction set out in the Essex Market Shaping Strategy and Market Sustainability Plans approved by the Cabinet on 21 March 2023.

The Cabinet Member for Adult Social Care, Health and ICS Integration responded as follows to questions by Cllr Ivan Henderson:

- The mechanisms for assessing whether additional funding made available to care providers was reaching the workforce were set out in the report. Cllr Spence would be pleased to provide further detail outside the meeting if required.
- Reliance on spot-purchasing had been reduced, partly for financial reasons but also due to the impact of longer-term relationships on attracting and retaining high-quality providers and staff. The preference was to make greater use of existing framework agreements, although further work was needed to improve their level of attractiveness to care providers.

**Resolved:**

1. Agreed to draw down £6.8m in 2023/24 from the ASC Transformation Reserve to fund a Care Workforce Retention Claims Fund for ECC contracted care providers and agree that it may be spent on claims meeting the criteria set out in paragraphs 3.4-3.6 of report FP/112/05/23).
2. Agreed to draw down £3.8m om 2023/24, and £5.4m from the ASC Transformation Reserve to fund a new Direct Payment guide rate of £15.08 per hour for Personal Assistants and £22.32 per hour for Direct Payments used to purchase support from Domiciliary Care agencies.
3. Agreed to implement the support initiatives in Appendix C to report FP/112/05/23 and to fund this via a drawdown of £1.1m in 2023/24 from the ASC Transformation Reserve.
4. Agreed to undertake an engagement exercise with care providers and operation staff on the content, implementation and potential impacts of an Essex Care Workers Charter, and to develop and test a dependency tool for Older People's IRN (Integrated residential and nursing / care home sector) care home provision to aid in determining when care is considered complex and thus attracting a higher payment under the framework agreement and agree to the drawdown of £245,000 in 2023/24 from the ASC Transformation Reserve to fund this work.
5. Agreed to delegate to the Executive Director for Adult Social Care, in consultation with the Cabinet Member for Health, Adult Social Care and ICS Integration and the Monitoring Officer, approval of any contractual mechanisms required for distribution of these funds.

**10. Better Care Fund Plan 2023-25 (FP/140/06/23)**

Cllr Mark Durham, Cabinet Member for the Arts, Heritage and Culture, declared an interest in this item, minute 2 above refers.

The Cabinet received a report seeking approval for the Better Care Fund Plan for Essex 2023-25.

The Cabinet Member responded as follows to questions by Cllrs Ivan Henderson and David King:

- A response would be published after the meeting regarding numbers of people, having been discharged from hospital too early, were subsequently readmitted.
- Targets which appeared unambitious were often more challenging than they seemed, and in any case, the aim was always for actual performance to exceed the target set.
- While longer-term funding would be welcome, the current emphasis on short-term arrangements was mitigated by sufficient confidence in the system that funding would be provided in some form.

**Resolved:**

1. To agree the Better Care Fund for Essex 2023-25 in the form appended to report FP/140/06/23.
2. Agreed to enter into a new Section 75 agreement with all three Integrated Care Boards (ICBs) in Essex (Mid and South Essex (MSE), Hertfordshire and West Essex (HWE), Suffolk and North East Essex (SNEE)) and simultaneously terminate the current Section 75 county-wide BCF agreements.
3. Agree to authorise the Executive Director for Adult social Care to vary the section 75 agreement to reflect the agreed Plan.
4. Noted that although the plan covers the period to 31 March 2025, it does not include funding or targets after 31 March 2024. It will therefore be necessary for the Cabinet or Cabinet Member to make a decision relating to these in Spring 2024.

**11. Recommissioning of Sensory Services (FP/143/06/23)**

The Cabinet received a report seeking agreement for the new sensory support service to be delivered, as before, by ECL, but also with a greater role for voluntary and community organisations, and with a new, up-to-date focus on addressing the issues of importance to those who will use the service.

In presenting the report, the Cabinet Member for Adult Social Care, Health and ICS Integration referred to an error in the report's second recommendation, which should refer to 30 September 2028 rather than 2029.

Responding to a question by Cllr Mackrory, the Cabinet Member advised that the report concerned the services offered by the Council to those with sensory impairment and did not include those provided by the NHS. The Council's aim was to liaise with the NHS to ensure that the service received by those in need was seamless.

**Resolved:**

1. Agreed to commission a new Sensory Support Service commencing on 1 October 2023 at a total value of £8.7m as detailed in Resolutions 2-6 below.
2. Agreed to earmark £2.5m within the Adults Transformation Reserve to fund part of the £8.7m and to draw down £1.6m to part fund the service over the period to 30 September 2028. The balance of £900,000 to be held within the Adults Transformation Reserve whilst demand is assessed and to be drawn down at the discretion of the commissioners.
3. Agreed to award a contract to ECL for a period of five years commencing on 1 October 2023 for delivery of sensory reablement and rehabilitation and triage elements of the sensory pathway as reference in paragraph 3.9 of report FP/143/06/23.
4. Agreed that the Executive Director, Adult Social Care, is authorised to agree the final terms of the ECL contract including utilising a break clause to enable the termination of the triage elements of this service as referenced in paragraph 3.17 of report FP/143/06/23.
5. Agreed to award six contracts to the Voluntary and Community Sector (VCS) organisations listed in paragraph 3.10 to report FP/143/06/23 for a period of three years commencing on 1 October 2023 to undertake low level sensory provision and provision of an Information, Advice and Guidance Service.
6. Agreed that the Executive Director, Adult Social Care, is authorised to agree the final terms of the contracts with the VCS organisations listed in paragraph 3.10 of report FP/143/06/23.

**12. Essex Climate Action Plan 2023-2025 (FP/144/06/23)**

The Cabinet received a report seeking agreement to a revised Climate Action Plan, updated to bring it into line with the current budgetary position.

The Climate Czar and Cabinet Member for Environment, Waste Reduction and Recycling, assisted by the Cabinet Members for Highways Maintenance and Sustainable Transport and for Education Excellence, Lifelong Learning and Employability, responded as follows to questions by Cllrs Ivan Henderson, Mike Mackrory and Lee Scordis,

- Cllr Schwier encouraged members of the public to support the provision of clear and well-maintained public rights of way by reporting any problems online, thereby contributing to the promotion of walking and cycling.
- In addition to the provision of grants towards the cost of tackling domestic flooding, the issue of Property Flood Resilience (PFR) would in due course be addressed through developments in the planning regime. At present, consideration was being given to promoting the availability of the grants, bearing in mind that reaching the right person was essential, especially in the case of private rented properties where responsibility for flood resilience lay with the landlord.
- An evaluation of recent school building projects was in progress to assess whether they were delivering on their net zero commitments and provision of financial benefits to the schools concerned. The outcome would be communicated in due course.
- Guidance contained within the Council's Tree Management Plan, adopted earlier in 2023, was expected to result in improved survival rates for newly planted trees, with an aim of 90%. Advice would be taken on the desirability of introducing performance measures relating to this issue bearing in the mind the resources required.
- It was agreed to amend the 'Transport' session of the Climate Action Plan to reflect ongoing developments in aviation technology.
- The scheme to provide additional bus shelters was due to progress next month with procurement of the shelters.

Cllr Schwier also undertook to provide written responses on the following:

- the geographical distribution and impact of the grants mentioned in paragraph 3.12 of the report;
- progress regarding the establishment of community energy groups; and
- an overview of the take up of solar panels, including by low-income families.

**Resolved:**

1. Agreed to adopt the revised Climate Action Plan as appended to report FP/144/06/23.

2. Noted that the Plan includes investments by the Council funded from the existing Medium Term Resource Strategy (MTRS).

### **13. Consideration of Annual Governance Statement (FP145/06/23)**

The Cabinet received a report which presented the Annual Governance Statement 2022/23 for information. In introducing the report on behalf of the Leader of the Council, the Chancellor of Essex advised that the issues identified in the Statement were either already the subject of extensive consideration or were being addressed as far as possible. He proposed therefore that the recommendation at point 2., below was moved in place of that listed at 2.2 of the agenda report in order to reflect this position.

In presenting the report the Chancellor of Essex highlighted an error in paragraph 3.6, in which the words 'do not' should be inserted between 'ECC' and 'represent'. The paragraph would then read, "With respect to the findings of maladministration, the cases at ECC **do not** represent a disproportionate number compared to other local authorities."

Responding to a question by Councillor Mackrory, Cllr Whitbread undertook to provide a written response on the existence of data to show how the number of complaints in which the Ombudsman had found fault compared with that in other similar authorities.

#### **Resolved:**

1. To note the Annual Governance Statement 2022/23, previously considered by the Audit, Governance and Standards Committee.
2. Agreed that matters identified are already being sufficiently addressed.

### **14. 2023/24 Financial Overview as at the First Quarter Stage (FP/035/02/23)**

The Cabinet received a report setting out the current forecast financial position of Essex County Council's revenue and capital budgets as at the first quarter stage of the 2023/24 financial year.

Cllr Chris Whitbread, Chancellor of Essex, provided the following information in response to questions by Cllrs David King and Ivan Henderson.

- The ECC-wide staffing review would cover all service areas. Extending the deadline for full delivery of the £5m saving into 2024/25 was an acknowledgement of what could realistically be achieved in the current year.

- In Cllr Whitbread's view, the Council's track record on effective delivery of capital projects demonstrated that care was taken to ensure that the correct resources, including staffing, were in place.

Cllr Mark Durham, Cabinet Member for the Arts, Heritage and Culture, commented that work was in hand to address ongoing challenges in the Youth Service regarding staff recruitment and retention. He expected these issues to be the subject of discussion as part of the scrutiny process.

**Resolved:**

1. To draw down funds from reserves as follows:

- £1.4m** from the Waste Reserve to the Climate Czar, Environment, Waste Reduction and Recycling portfolio relating to project expenditure previously approved in Cabinet Member Actions which have now time lapsed. Further detail can be found in section 5 (section 5.2.iii)
- £1.2m** from the Essex Climate Change Commission Reserve to the Climate Czar, Environment, Waste Reduction and Recycling portfolio relating to project expenditure previously approved in Cabinet Member Actions which have now time lapsed. Further detail can be found in section 5 (section 5.2.iii)
- £1.2m** from the Adults Investment Reserve to the Health, Adult Social Care and ICS Integration portfolio relating to the Cabinet Member Action **FP/421/05/22** Health and Care Act 2022 – Adult Social Care Reforms, previously approved, but has now time lapsed (section 5.5.v)
- £943,000** from the Private Finance Initiatives (PFI) Equalisation Reserves to the Education Excellence, Life Long Learning and Employability **portfolio** in relation to Clacton secondary schools PFI **£452,000**, and Debden Park PFI **£491,000** (section 5.4.ii)
- £792,000** from the Childrens Transformation Reserve to the Children's Services and Early Years portfolio to: offset placement cost pressures, **£500,000**, towards Divisional Based Intervention Team (DBIT) solution focused practice centre of excellence, **£222,000** and an Anti Racism Practitioner, **£70,000** (section 5.1.iii)
- £695,000** from the Private Finance Initiatives (PFI) Equalisation Reserves to the Highways Maintenance and Sustainable Transport portfolio in relation to the A130 PFI (section 5.6.ii)
- £362,000** from the Technology and Digitisation Reserve to the Chancellor of Essex RSSS portfolio relating to various Technology projects (section 5.16.ii)
- £350,000** from the Everyone's Essex Reserve to the Highways Maintenance and Sustainable Transport portfolio, relating to the

Transport Strategy, previously approved by a Cabinet Member Action but now time lapsed (section 5.6.ii)

- ix. **£307,000** from the Ambition Fund Reserve. £161,000 to the Levelling Up and the Economy RSSS portfolio relating to the Just About Managing project, and £146,000 to the Education Excellence, Life Long Learning and Employability portfolio relating to the Education Recovery Taskforce, both previously approved in Cabinet Member Actions but have since time lapsed (sections 5.14.ii & 5.4.ii)
  - x. **£146,000** from the Community Initiatives Fund Reserve to the Levelling Up and the Economy portfolio to fund payments to community groups that have been awarded small grants (section 5.8.ii)
  - xi. **£25,000** from the Waste Reserve to the Climate Czar, Environment, Waste Reduction and Recycling portfolio towards the Mechanical and Biological Treatment facility (MBT) ongoing legal costs and other associated costs (section 5.2.iii)
  - xii. **£16,000** from the Waste Reserve to the Climate Czar, Environment, Waste Reduction and Recycling portfolio following the settlement of the rent review at Courtauld Road (section 5.2.iii)
  - xiii. **£12,000** from the Covid Equalisation Reserve to the Chancellor of Essex RSSS portfolio relating to the disposal of out-of-date PPE (section 5.16.ii)
  - xiv. **£9,000** from the Emergency Reserve to the Highways Maintenance and Sustainable Transport portfolio towards fuel support for Local Bus operators (section 5.6.ii)
2. To appropriate funds to reserves as follows:
- i. **£1.1m** to the Essex Technology and Digitisation Reserve from the Chancellor of Essex RSSS portfolio for anticipated future costs relating to devices and for use in 2024/25 (section 5.16.ii)
  - ii. **£63,000** to the Private Finance Initiatives (PFI) Equalisation Reserve from **the Education Excellence**, Lifelong Learning and Employability portfolio in relation to the Building Schools for the Future PFI (section 5.4.ii)
3. To approve the following adjustments:
- i. Vire **£480,000** to the Chancellor of Essex RSSS portfolio from the Health, Adult Social Care and ICS Integration portfolio to realign Business Support budgets for the Countywide Duty Team (sections 5.16.ii and 5.5.v)



- ii. Vire **£120,000** within the Highways Maintenance and Sustainable Transport portfolio from Essex Highways Operations to Transport Strategy policy lines to align staffing budgets (section 5.6.ii)
- iii. Vire **£57,000** to Climate Czar, Environment, Waste Reduction and Recycling portfolio from the Planning a Growing Economy portfolio to align budget relating to an Executive post between the Economy, Investment and Public Health Management team and the Climate, Environment and Customer Services Management team (section 5.2.iii and 5.9.ii)
- iv. Vire **£41,000** to The Arts, Heritage and Culture portfolio from the Chancellor of Essex portfolio to realign staffing budgets to enable proposed restructures in the Libraries Service (section 5.10.ii and 5.11.ii)
- v. Vire **£31,000** from the Climate Czar, Environment, Waste Reduction and Recycling portfolio to the Highways Maintenance and Sustainable Transport portfolio to align staffing budgets (sections 5.2.iii & 5.6.ii)
- vi. To rename the 'Adults Transformation Reserve' to be called the 'Adults Investment Reserve' with the purpose for the reserve to provide resources to support change capacity to deliver ongoing future sustainability work (section 9.3)
- vii. To close the Adults Digital Programme Reserve and transfer the residual balance of **£28,000** to the Adults Investment Reserve (section 9.4)
- viii. To transfer the remaining balance of **£1.1m** relating to Cabinet Member Action FP/474/07/22 Purchasing of Voice & Data Network, approved in September 2022 from the Transformation Reserve to the Technology and Digitisation reserve to ensure effective oversight of the funding allocated to the programme in a single reserve (section 9.2)
- ix. Transfer **£28,000** from the Property Investment Reserve to the Reserve for Future Capital Funding for the purposes of completing the works on the roof at 45 Clarendon Road in the 2023/24 financial year (section 9.5)
- x. Adjust the original approved profile of spend relating to the Cabinet Member Action "FP/263/12/21 Financial Wellbeing Programme and Community Challenge Fund" to **£371,000** in 2023/24 and **£371,000** in 2024/25 in order to reflect the current anticipated spend.
- xi. Amend the capital budget as shown in Appendices C (i) and C (ii) which allows for capital slippage of **£36.1m**, with £23.4m slipped into 2024/25, and £12.7m into 2025/26. Capital budget additions of **£21.4m**, capital budget reductions of **£1.4m** and advanced works of **£1.7m** from 2024/25. (see section 7.2).

## **15. Colchester A133 Rapid Transit System Section C – Procurement of Construction Works (FP/142/06/23)**

This report was considered in conjunction with a confidential appendix – minute 19 below refers.

The Cabinet's agreement was sought to procure a construction contract for Section C of the Colchester Rapid Transport Scheme (St Andrew's Avenue – east of the Greenstead Roundabout) using a call-off contract from the Pagabo Public Sector Framework.

Responding to a question by Cllr Ivan Henderson, the Cabinet Member for Highways Maintenance and Sustainable Transport acknowledged the importance of holding bus operators to account for service quality as a means of encouraging increased use of public transport. The Cabinet Member for Planning a Growing Economy commented on work to plan the bus service across the Garden Community and undertook to arrange a briefing for interested councillors from Tendring District and Essex County Councils. He also agreed to liaise with Cllr Henderson outside the meeting.

Responding to Cllr David King, the Cabinet Member for Planning a Growing Economy committed to progress on funding challenges for the RTS and the A120/A133 link road being achieved during the second half of the current financial year. He also advised that the link road was on schedule for completion as planned, with no noticeable delays reported. Finally, Cllr Cunningham undertook to provide a written reply concerning the removal of acoustic and visual screening along the route of the Northern Approach Road and how the effects could be mitigated.

### **Resolved:**

1. Agreed to procure a construction contract for Section C of the Colchester Rapid Transport Scheme (A133 St Andrew's Avenue – east of the Greenstead Roundabout) using a call-off contract from the Pagabo Public Sector Framework.
2. Agreed that the high-level tender evaluation criteria for the mini competition be a 50/50 Price/Quality split with 10% of the quality score assessing Social Value and 5% of the quality score assessing carbon impact to the extent that these elements are consistent with the most economically advantageous tender.
3. Agreed that the Director, Highways and Transportation, in consultation with the Section 151 Officer and the Director, Legal and Assurance, is authorised to award the construction contract for RTS Section C subject to the returned cost aligning to the estimated cost within the Confidential Appendix to report FP/142/06/23 and being within the Capital Programme

budget allocation and funding envelope, and the scheme overall being agreed as deliverable within the parameters set by Homes England.

4. Agreed the profile changes to the Capital Programme for current and future years as outlined in the Confidential Appendix to report FP/142/06/23.

**16. Decisions taken by or in consultation with Cabinet Members (FP/156/06/23)**

The report was noted.

**17. Date of next meeting**

Noted that the next meeting of the Cabinet would take place at 10.15am on Tuesday 12 September 2023 in the **Council Chamber** at County Hall, Chelmsford, CM1 1QH.

**18. Urgent business**

There was no urgent business.

**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).

**19. Confidential Appendix: Colchester A133 Rapid Transit System Section C – Procurement of Construction Works (FP/142/06/23)**

The confidential appendix to report FP/142/06/23, to which minute 11, above, refers, was noted.

**20. Confidential Appendix: Option Agreement for Land at Warren and Parker's Farm, Little Canfield (FP/476/08/22)**

The confidential appendix to report FP/476/08/22, to which minute 12, above, refers, was noted.

**21. Urgent Exempt Business**

There was no urgent exempt business.

There being no further business, the meeting closed at 12.10pm.

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**Chairman**  
**12 September 2023**

**Minutes of a meeting of the Cabinet which took place in the Council Chamber at County Hall, Chelmsford at 10.15am on Tuesday 12 September 2023**

**Present:**

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
Cllr Kevin Bentley	Leader of the Council
Cllr Tony Ball	Education Excellence, Lifelong Learning and Employability
Cllr Tom Cunningham	Planning a Growing Economy
Cllr Mark Durham	The Arts, Heritage and Culture
Cllr Beverley Egan	Children's Services and Early Years
Cllr Peter Schwier	Climate Czar, Environment, Waste Reduction and Recycling
Cllr Lee Scott	Highways Maintenance and Sustainable Transport
Cllr Chris Whitbread	The Chancellor of Essex

Cllrs Lynette Bowers-Flint, Malcolm Buckley, Alan Goggin, Carlo Guglielmi, Ivan Henderson, Mike Mackrory, Bob Massey, Richard Moore, Mark Platt, and Laureen Shaw 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. Membership of the Cabinet was as set out in the report.
2. Apologies for absence had been received from Cllrs Louise McKinlay, Deputy Leader and Cabinet Member for Levelling up and the Economy and John Spence, Cabinet Member for Health and Adult Social Care, and also from Cllr David King, Deputy Leader of the Liberal Democrat Group.
3. There were no declarations of interest.

**2. Minutes: 18 July 2023**

The Minutes of the previous meeting, held on 18 July 2023, were approved as a correct record and signed by the Chairman.

**3. Questions from the public**

None.

The agenda items recorded at minutes 4 and 5 below were considered together, with the recommendations moved separately.

**4. Procurement of Block Contract for Residential Places (FP/146/06/23)**  
(Considered in conjunction with the item recorded at minute 5 below.)

Cabinet's approval was sought for the procurement of up to nine block bookings of places in accommodation registered with Ofsted suitable for children and young people currently in unregistered placements, who may not be able to live in larger groups. The places would be for an initial period of one year, with the possibility of extension for a further two years and the Council and the provider able to terminate on six months' notice.

The Cabinet Member for Children's Services and Early Years responded to questions by Cllrs Mike Mackrory and Ivan Henderson concerning the use of unregulated placements and the reasons for the proposed application of a 70:30 price/quality ratio to the procurement.

Cllrs Henderson and Mackrory placed on record their thanks to the Cabinet Member, Executive Director and staff for their hard work leading to an 'Excellent' Ofsted rating for Children's Services in Essex.

**Resolved:**

1. Agreed to undertake a single stage open procurement to secure block contracts of up to nine places in Ofsted registered children's homes for those children and young people in unregistered placements, who may not be able to reside in multi-occupancy homes.
2. Agreed that each contract will be for an initial period of one year, but with the possibility of extension for up to three years in total with a potential cost of £20.6m.
3. Agreed that each contract will contain a clause entitling the Council and provider to terminate on 6 months' notice clause to reduce the financial liability and risk to the Council and to providers entering the arrangement.
4. Agreed that the Executive Director, Children and Families, in consultation with the Monitoring Officer, is authorised to:
  - (a) Determine the procurement procedure to be followed including lots, geography and ranges of needs; and
  - (b) Award the contracts to successful bidders.

**5. Block Contracts for Mainstream Residential Placements for Children and Young People (FP/155/06/23)**  
(Considered in conjunction with the item recorded at minute 4 above.)

Cabinet's approval was sought to invite tenders for block contracts for provision of residential places. The purpose was to ensure availability of a range of accommodation which can meet different needs, and which is

located across the County so that young people can be accommodated as close as possible to home.

The Cabinet Member for Children's Services and Early Years responded to questions by Cllrs Mike Mackrory and Ivan Henderson concerning efforts being made within ECC to understand and respond to changes in the care market, including increased demand and a need for different types of placements. It was noted that the current challenges in the care market were being experienced nationally, and ECC senior members and staff took every opportunity to raise them during high-level forums and discussions.

**Resolved:**

1. Agreed to invite tenders for block contracts for service providers across Essex for purchasing between six and 18 residential places for children in care which:
  - Is procured using a competitive single stage process.
  - Is for an initial period of one year but is capable of being extended for a total period of three years (1+1+1).
  - Is procured using evaluation criteria based on a price: quality ratio of 70:30.
  - Seeks to book no more than five places in any setting.
  - Covers a range of needs.
2. Agreed to authorise the Cabinet Member for Children and Families to award the block contracts.

**6. Launch of Public Consultation on Draft Waste Strategy for Essex (FP194/08/23)**

Cabinet's approval was sought to undertake a public consultation on the draft joint Waste Strategy for Essex on behalf of the Essex Waste Partnership. The updated Strategy had been developed by Essex councils to reset and reinvigorate Essex's waste ambition, priorities and targets for the next 30 years.

The Climate Czar and Cabinet Member for Environment, Waste Reduction and Recycling responded to questions by Cllrs Malcolm Buckley, Ivan Henderson and Mike Mackrory. He referred to a likely future emphasis on reducing levels of recycling and explained the publicity arrangements for the public consultation.

The Cabinet Member also undertook to provide a written response to Cllr Henderson, with a copy to all members, concerning performance on the targets included within the current Waste Strategy (adopted in 2009) and clarifying statements in the report regarding future percentages of waste to be sent to landfill.

Finally, the Cabinet Member undertook to ensure that an error on page 47 of the Strategic Environmental Assessment (SEA) Scoping Report (page 150 of the Agenda Pack) was corrected.

**Resolved:**

1. Agreed to launch a 10-week public consultation commencing in September 2023 on the draft Waste Strategy for Essex on behalf of the Essex Waste Partnership. ECC will facilitate the consultation asking for views and feedback from Essex residents, communities, businesses and councils that use waste services or are affected by the proposals in the draft strategy.
2. Noted that an independent organisation will be appointed to collate and analyse consultation responses and produce a report for publication on Citizen space.
3. Noted that a revised version of the draft strategy will be prepared by the Essex Waste Partnership following the consultation process which will then be considered for adoption by ECC. The adoption of a Waste Strategy for Essex will be subject to a separate formal decision which will be taken independently by each Essex Waste Partnership member authority.

**7. Decisions taken by or in consultation with Cabinet Members (FP/181/07/23)**

The report was noted.

**8. Date of next meeting**

Noted that the next meeting of the Cabinet would take place at 10.15am on Tuesday 10 October 2023 in the Council Chamber at County Hall, Chelmsford, CM1 1QH.

**9. Urgent business**

There was no urgent business.

There being no further business, the meeting closed at 10.58am.

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**Chairman**  
**10 October 2023**