

Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 14 December 2010

Present

Chairman: Councillor R L Bass

Vice-Chairman: Councillor K Twitchen

Councillors:

D Abrahall
J F Aldridge
B Aspinell
Mrs S Barker
L Barton
J Baugh
K Bentley
A Brown
G Butland
R Callender
S Candy
S C Castle
R P Chambers
P Channer
Mrs T M Chapman
J A Deakin
W J C Dick
J Dornan
N D C Edey
D M Finch
M D Fisher
M Garnett

R G Gooding
C Griffiths
Mrs E M Hart
A M Hedley
Mrs T M A Higgins
Mrs S Hillier
R C Howard
N J Hume
A J Jackson
E C Johnson
J G Jowers
D J Kendall
J Knapman
M C M Lager
D Louis
J R Lucas
G W McEwen
M Mackrory
P J Martin
S Mayzes
L Mead
Mrs V Metcalfe

Mrs M A Miller
D W Morris
A Naylor
M J Page
J W Pike
C C Pond
Mrs I Pummell
Mrs J M Reeves
C G Riley
J Roberts
D C F Robinson
Mrs T L Sargent
M Skeels
T C Smith-Hughes
Mrs A Turrell
S M Walsh
R G Walters
Mrs E A Webster
Mrs J H Whitehouse
B Wood
J A Young

80. Apologies for Absence

Apologies for absence were received on behalf of Councillors R G Boyce, Lord Hanningfield, Mrs M Hutchon, G Mitchinson, J M Schofield and Mrs M J Webster.

81. Declarations of Interest

Councillor Mrs A Turrell declared a personal interest in agenda item 4 (Chairman's Announcements – Presentation of Petitions; Withdrawal of BITE+ Passes) in that she is a Member of Colchester Borough Council (minute 91 below refers).

Councillor J R Lucas declared a personal interest in agenda item 6 (Motions: Bus Telematics) in that he is the Lead Partner for Transport on the Colchester 2020 Local Strategic Partnership (minute 93 below refers).

Councillor Mrs S Barker declared a personal interest in agenda item 8 (Report of Cabinet Issues: Procurement of Facilities Management Services) in that a member of her close family is an employee of the service concerned (minute 95 below refers).

Councillor M C M Lager declared a personal interest in agenda item 10c) (Questions to the Essex Police Authority Representative) in that he is a Member of Witham Town Council which part-funds two Police Community Support Officer posts (minute 99 below refers).

82. Minutes

Resolved:

That the minutes of the meeting held on 12 October 2010 be approved as a correct record and signed by the Chairman.

83. Visit by Her Majesty the Queen to Essex on 28 October

The Chairman informed the Council of the successful visit of Her Majesty the Queen to the County on 28 October and advised that a letter had been received from Buckingham Palace stating that the Queen had enjoyed the occasion.

84. Engagement of HRH Prince William

The Chairman advised that he had written to St James' Palace on behalf of the Council and the people of Essex to congratulate HRH Prince William on his engagement to Miss Catherine Middleton.

85. Death of Charles Francis (Frank) Lumber

The Chairman informed the Council with sadness of the death of former Member and Honorary Alderman Frank Lumber on 24 November. Mr Lumber had

represented the Tendring Rural East Division from May 1981 until his retirement in May 2005.

Members stood for a minute in silence in memory of their former colleague.

86. Members' IT Drop-in Session / Highways and Transportation Briefing

The Chairman reminded Members of the opportunity to attend an IT Drop-in session and a briefing on Highways and Transportation issues, both of which were due to take place following the close of the Council meeting.

87. Annual Performance Assessment – Adults, Health and Community Wellbeing

The Chairman on behalf of the Council congratulated all who had contributed to the award of an overall rating of 'excellent' to Adults, Health and Community Wellbeing in the Annual Performance Assessment. This followed an outstanding inspection result earlier in the year. The Chairman asked Councillor Ann Naylor, Cabinet Member for Adults, Health and Community Wellbeing, to convey the Council's good wishes to the staff concerned, and he paid tribute to the work of her predecessor in the role, Councillor David Finch.

88. The Teaching Awards 2010

The Chairman on behalf of the Council congratulated Mrs Becky Newman (Tendring Technology College), Mr Daniel Browning (Tendring Technology College) and Mr Jim Fuller (The Fitzwimarc School, Rayleigh), all of whom had received awards as part of the Teaching Awards 2010:

89. Environmental Strategy and Sustainable Essex Partnership – National Award for Environmental Excellence

The Chairman on behalf of the Council congratulated the Environmental Strategy and the Sustainable Essex Partnership teams for their success in winning an 'Edie' (Environmental Data Interactive Exchange) Award in recognition of a joint project to train front line staff of Home Improvement Agencies across Essex to deliver energy efficiency advice. Councillor Tracey Chapman, Cabinet Member for Environment and Waste, offered her own congratulations to the staff involved and presented the award to the Chairman.

90. Oracle 'Enable the Eco Enterprise' Award

The Chairman on behalf of the Council congratulated staff from Essex Shared Services for their success in winning an Oracle 'Enable the Eco Enterprise' Award for incorporating green business practices and sustainability initiatives into a number of new and ongoing projects.

91. Presentation of Petitions

BITE+ Passes

(Councillor Mrs A Turrell declared a personal interest in this item – minute 81 above refers)

Councillor Mrs A Turrell presented a petition from young people in her Division against the withdrawal of the BITE+ scheme which had allowed discounted bus travel for 16 – 19 year olds.

Withdrawal of School Crossing Patrol, Stanway

Councillor K Bentley presented a petition from local residents against the withdrawal of a School Crossing Patrol in Stanway, Colchester.

**92. Executive Statement by the Leader of the Council:
Budget Consultation and Comprehensive Spending Review**

The Leader of the Council made a statement which provided an update on the budget and financial position and set out the timescales for decisions on the 2011/12 budget.

In accordance with the agreed procedure, Councillor T C Smith-Hughes responded as Leader of the Opposition and the Leader of the Council responded to the matters which he had raised. There were no further questions.

The Statement was received.

93. Motions Under Council Procedure Rule 8

Senior Management Staff Remuneration

It was moved by Councillor T C Smith-Hughes D J Kendall and seconded by Councillor M Mackrory:

“Council calls for an urgent cross-party review of County Council Senior Management Staff remuneration packages, not just including basic pay, but also bonuses, pensions and other benefits, including healthcare and car allowances. Senior Management pay n Essex County Council have increased significantly in recent years. The need to reward staff appropriately and to pay competitive salaries is fully recognised. However, it is not clear that in today’s economic and jobs climate – in both public and private sectors – that the Council’s current remuneration packages for senior staff are appropriate.”

It was moved by the Leader of the Council, Councillor P J Martin, and seconded by Councillor D M Finch that the Motion be amended to read as follows:

“Council supports a cross-party member review of County Council senior management staff remuneration packages, not just including basic pay, but also bonuses, pensions and other benefits, including health care and car allowances.

This will ensure that Essex County Council will be able to meet the requirements set out in the Coalition Government's Localism Bill to publish a senior pay and policy statement by 31st March 2012."

Upon being put to the meeting, the amendment and subsequently the substantive motion were declared to be carried. Accordingly it was:

Resolved:

Council supports a cross-party member review of County Council senior management staff remuneration packages, not just including basic pay, but also bonuses, pensions and other benefits, including health care and car allowances.

This will ensure that Essex County Council will be able to meet the requirements set out in the Coalition Government's Localism Bill to publish a senior pay and policy statement by 31st March 2012.

Bus Telematics (Real-Time Passenger Information)

Councillor J R Lucas declared a personal interest in this item (minute 81 above refers)

It was moved by Councillor D Kendall, seconded by Councillor T C Smith-Hughes:

"Members of Essex County Council call for any planned investment in developing and replacing existing Bus Telematics (Real-Time Passenger Information System) to be stopped. Members are not convinced that the plans to replace the existing system represent good value for money for the residents of Essex, particularly given the significant financial pressures facing the Council. Members call for £1million of the planned spending to be earmarked as a saving and call for the balance to be spent on helping to maintain existing County subsidised bus services – or for new required subsidised bus services – across Essex. In terms of priorities, Essex residents are more concerned about having the ability to access decent quality bus services rather than having a system which tells them when a bus is going to arrive."

Upon being put to the meeting, the Motion was declared to be lost.

94. Report of Council Issues

The report of Council Issues was received.

On being put to the meeting, the recommendations in connection with item 1 (The Code of Corporate Governance and the Constitution) were approved.

The report was adopted.

Resolved:

- (1) That the Code of Corporate Governance Document as set out in Annex "A" to the report be adopted with immediate effect.
- (2) That the Constitution be approved with immediate effect, copies provided to all Members of the Council and details communicated to all Council officers.
- (3) That the discretionary policies be removed from the Constitution and reviewed by the Corporate Governance Group for incorporation by the Council into the Policy Framework at a later date.
- (4) That the Budget and Policy Framework Procedure Rules be adopted with immediate effect and incorporated into the Code of Corporate Governance Document.

95. Report of Cabinet Issues

Councillor Mrs S Barker declared a personal interest in this item (minute 81 above refers).

The report of Cabinet Issues was received and adopted.

96. Report of Overview and Scrutiny Issues

The report of Overview and Scrutiny Issues was received and adopted.

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

Members responded to questions as follows:

- (i) Members' update on safeguarding issues (Councillor T C Smith-Hughes of the Cabinet Member for Children's Services) Heritage, Culture and the Arts)

The Cabinet Member confirmed that there had been delays in introducing the proposed monthly report to Members on safeguarding issues. The scope of the report had now been broadened to include partnerships and implementation was expected in the near future.

- (ii) Concessionary travel (Councillor T C Smith-Hughes of the Cabinet Member for Highways and Transportation)

The Cabinet Member confirmed that, following the transfer of responsibility for concessionary bus travel to the County Council, he would try to support any district or borough council which wished to continue to offer concessionary train travel at its own expense. He would also check that none of the additional monies used by districts and boroughs to provide train passes prior to the transfer had been inappropriately diverted to the County Council.

- (iii) Provision of support to Victoria County History of Essex (Councillor J W Pike of the Cabinet Member for Heritage, Culture and the Arts)

The Cabinet Member advised that although financial support for the Victoria County History of Essex would be withdrawn for 2011/12, office and other accommodation (worth in excess of £10,000 per annum) would continue to be provided.

- (iv) Review of salt/grit provision (Councillor D J Kendall of the Cabinet Member for Highways and Transportation)

The Cabinet Member confirmed that, in accordance with usual practice, a review of salt/grit provision would be carried out following the recent cold weather. Whilst there may have been teething problems relating to the salt bag trial, he did not accept that the system in general had performed badly.

- (v) E Block atrium, County Hall (Councillor G W McEwen of the Leader of the Council)

The Leader of the Council undertook to take what action he could to alleviate the cold working conditions for staff in the E Block atrium at County Hall.

98. **Written Questions (Council Procedure Rules 10 (b) and (c))**

(1) **By Councillor G Butland of the Cabinet Member for Heritage, Culture and the Arts**

“Would the Cabinet member please supply the following information in respect of the static library sites across the county?”

- (i) How many static library sites are there in Essex?
- (ii) How many of these sites are owned by the County Council and what is the latest estimate of the total capital value of these sites?
- (iii) How many of these sites are leased and what is the total annual rental of these sites?
- (iv) What is the total annual cost of the non-domestic rates on all the library sites in the County?
- (v) What is the total cost of utilities (gas, electric and water) for all of the library sites?
- (vi) What criteria are used to assess the cost effectiveness of each library, and what benchmarks are applied?

Has consideration been given to placing the library service into a trust and, if so, what is the potential saving in costs?”

Reply

- (i) 73
- (ii) 51 freehold – including Goldlay Gardens
(Basildon – ECC retain freehold within Basildon District Council building)
22 Leasehold – includes the old Jaywick Library site and services within schools at Stock, Nth Melbourne, Bishops Park (Clacton) & Sth Woodham Ferrers
NB – Harlow Central Library – part freehold, part leasehold)

Total capital value for ECC owned property - £43,736,646

- (iii) 23 Leasehold – includes the old Jaywick Library site which is sub let to the Friends of Jaywick Library and services within schools at Stock, Nth Melbourne, Bishops Park (Clacton) & South Woodham Ferrers
Total annual rent for these sites - £287,468.00
- (iv) £977,358.00 – includes Goldlay Gardens (Library Headquarters)
- (v) £ 403,955 .00
- (vi) We use a number to assess the effectiveness of libraries both as buildings and as service points. These criteria (for buildings) are: Location suitability; Building suitability; Building condition (all used by ECC Property services on all Council buildings); we also measure carbon efficiency (cost vs utilisation). Criteria as far as service performance is concerned include: total revenue cost vs use (loans/visits/members) for each service point; % of population actively using each service point compared with catchment population. The performance indicators of loans, visits, cost of service per head of population for the whole service are benchmarked, using annual CIPFA statistics, against English Counties and indeed all other UK library services.
- (vii) The Library Service has considered a number of times, and most recently within the last few months, the benefits of a trust to the Council in delivering a public library service as part of developing options for a future Target Operating Model (TOM). There are financial benefits in terms of the rate relief that trusts can obtain (currently this amounts to £980k p.a. if a full 100% remittance is obtained); however there are balancing issues such as of lack of Council control over the library service once a trust (though this will vary according to the type of trust) has been established, and potentially associated additional VAT costs for ECC as well as restrictions on the ability to trade. The work on the TOM will lead to a Business Case for the March Outcomes Board but may identify an option which provides an opportunity to trade aligned with the ability to obtain rates relief. Savings in a Trust would be up to £980k rates relief, less the cost of setting up and governance of a Trust. There could, in a Trust as well as other delivery models, be savings from existing corporate overheads.

(2) By Councillor D Kendall of the Cabinet Member for Highways and Transportation

“Many Essex residents were very concerned to read recent press reports highlighting the possibility of a new road linking the M2 with the M11 from a new Lower Thames Crossing. Whilst this proposal has since been dismissed by Essex County officers, when will members and residents get clarification as to Essex County Council’s preferred route for any new road?”

Also could the Cabinet Member confirm that councillors at all levels of local government in Essex whose areas would be directly affected by the building of this new road will be fully consulted before any final decision is made?”

Reply

The press reports with regard to the possibility of “a new road linking the M2 with the M11 from a new Lower Thames Crossing” emanated from the publication of Kent County Council’s draft Local Transport Plan. Following strong representations from Essex County Council and other interested parties the leader of Kent County Council has subsequently apologised for the inconvenience caused and withdrawn the conceptual proposal.

The Department for Transport published an options report in April 2009 that recommended that three options should be studied in more detail. The recent CSR announcement confirmed that “It is clear that additional capacity is needed at Dartford and that public funding to provide it is unlikely to be available. Therefore, DfT will embark upon a review of the options for future capacity increases at Dartford, funded by charges. In the mean time, we will increase charges for the Crossing. Subject to consultation, prices will increase from £1.50 to £2.00 in 2011 for cars, rising to £2.50 in 2012. Prices for other vehicles will also increase. Given its strategic importance the Department for Transport has decided not to sell the Crossing at the present time. At the same time, we will introduce free flow charging from 2012. And more immediately, we will lift the charges at times of severe congestion to aid flow through the charging plaza”

Discussions are taking place with Kent County Council, Thurrock Council and DfT to ensure that there is full local engagement as options are considered. Furthermore, until agreement has been reached with the DfT with respect to the location of the Crossing itself, there will be no announcements or consultation on the location of link roads to the crossing except to confirm that Essex County Council is opposed to the indicative link proposed by Kent County Council which has now been withdrawn.

(3) By Councillor D Kendall of the Cabinet Member for Environment and Waste

“The joint Essex County Council and Southend Borough Council Waste Development Document October 2010 highlights the need to identify additional landfill void space for inert waste (3.7 million m³ to 5 million m³) and says it will be required by 2015/16. It also says there is an ongoing need to identify additional non-hazardous landfill void space (0.79 to 4.9million m³). When will members be told where these new sites are going to be located?”

Reply

Work has commenced on preparing two new Joint Essex and Southend Waste Development Documents to replace our current Joint Waste Local Plan which forms the basis for determining waste planning applications. The preparation of these documents is in the early stages with consultation having recently taken place on the Issues and Options Paper.

Further consultation on the main Waste Development Document Preferred Approach will take place in November 2011. This will set out the preferred core strategy, development management policies and strategic sites (including landfill). The Preferred Approach will develop the Issues and Options paper taking into account the responses gathered during the consultation and workshops. This will define the amount of waste that is forecast to be created during the plan period and the tonnages which need to be managed and disposed to landfill. It will update the evidence base with the new planning permissions granted since the base date of March 2009 and include an assessment of the sites supplied in response to the call for sites.

The exact quantity of additional landfill void space, number and location of sites therefore will not be available until November 2011, as this information will develop during the preparation of the Preferred Approach taking into account these updates and amendment to the evidence base. It is anticipated that once the new Development and Regulation Committee approvals since March 2009 have been taken into account that the total additional landfill void space required for both inert and non-hazardous waste will fall respectively.

It should be noted that the proposals at the Preferred Approach stage would have no material weight or consideration in determining planning applications. The saved and adopted Waste Local Plan does provide the development plan framework to determining planning applications. The new Waste DD will have no material weight until the submission stage (2013).

(4) By Councillor B Aspinell of the Cabinet Member for Highways and Transportation

“Recent works to the traffic signals at the Green Dragon / Tabors Corner junction in Shenfield have been completed at a cost of £30,000; this has provided just 2 extra seconds of crossing time. Arising from a recent meeting of the Highways Locality Panel at Brentwood Borough Council, West Essex Highways officers confirmed that the crossing patrol officer [Lollipop Man] had been instructed by County that he was no longer allowed to go into the road with his sign, and was to remain on the pavement, his sole purpose being to push the button to control the pedestrian phase. He has had his ‘Stop’ sign taken away and - since September 2010 - he is now only on site during the morning sessions.

Are the County officers now saying that it is safer in the afternoon, and therefore assisted crossing is not required other than in the morning? If so, by what criteria have they come to that conclusion?

It was also inferred by your officers that he would shortly be relocated to a needier site.

Can you clarify this situation, as it has taken years of campaigning by local residents, concerned parents and the Headmaster and staff of the local

school [St Mary's] to persuade the County that a Lollipop Man was required, and those same people now believe it would be a travesty to have him removed? This is a position I totally support.

Can you investigate the instructions given to the crossing patrol officer [to stay on the pavement]? If it is too dangerous for him to step into the road, what about the parents / guardians and the children?"

Reply

The patrol operated mornings only because of the increased traffic at this peak time and pedestrians levels which are higher due the same start time of the infants and junior schools (whereas the finish times are staggered).

The officer covering this site has not been acting as a standard School Crossing Patrol (SCP) with a STOP sign. The SCP has been there as an interim measure to familiarise pupils and parents with the new crossing control. This arrangement will cease at the end of this term on 17 December 2010. As the School Crossing Patrol has been only been in place to help familiarise pupils and parents with the new crossing control arrangements there is no requirement for the officer to be provided with a STOP sign or to step into the carriageway.

(5) By Councillor L Barton of the Cabinet Member for Education and the 2012 Games

"Can the Cabinet Member give some assurances that when the Alderman Blaxill School reopens as an educational establishment he will be looking to reinstate the enhanced Dyslexia Unit at that site? There will be sufficient space and there is a clear desire from parents and teachers alike for such a provision to remain in Colchester."

Reply

As I have already made you aware, unfortunately I cannot provide reassurance that the Alderman Blaxill site will ultimately be used for educational provision. I can, however, confirm that the prospect of further provision on the site will be considered during the consultation on the medium to long term vision for Colchester secondary schools to take place at a future date, but is very much dependent on the context and pupil projection numbers at that time.

Further, I cannot give any assurances as to if a dyslexia unit will be considered for, as I have made clear at both recent Colchester schools consultation meetings, this falls under Cllr Sarah Candy's portfolio as Cabinet Member for Children's Services, which includes SEN provision.

(6) By Councillor Mrs T M A Higgins of the Cabinet Member for Children's Services

"Deaf and Hard of Hearing children have understandable communication problems.

Will ECC be ensuring that despite the Comprehensive Spending Review, the level of service at present given to support these children will be maintained? This is particularly important so that they achieve GSCE results comparable with those of their hearing peers.”

Reply

Essex County Council is committed to providing for children with hearing impairment across the spectrum of loss, from mild/moderate to profound loss, and in accordance with parental choice of communication, whether oral/aural or sign language. There are no plans to cut the service for hearing impaired children and support to these children continues to be a priority.

This support will continue to include provision of equipment such as radio aid systems. In Children’s Social Care there is a specialist Countywide Sensory Team that is part of the Children with Disabilities Service. The Sensory Team provides assessment and support services to children with a severe to profound hearing loss and children with a dual sensory loss i.e. loss of vision and hearing. There are structural links with audiology clinics and specialist teacher services, which provide support and advice to parents. Currently the team are working with 195 children of whom 70 children have a hearing impairment. There are no plans to alter this service at the current time.

(7) By Councillor J Baugh of the Leader of the Council

“The Post Office in Panfield Lane, Bocking (in my division) was one of the first to be re-opened with funding from Essex County Council. I am grateful for the benefits this has brought to local people and I am pleased to say that it appears to be one of the most successful. Footfall now exceeds that prior to closure.

I have been asked on several occasions by the Postmistress at Panfield Lane as to what will happen when funding ends. Clearly there can be no further funding from the Council due to the terms of the agreement and also due to the present economic situation. Sub post offices can only ultimately be profitable however if they are able to offer a wide range of services and the Post Office management seem unwilling to allow this regarding their own products. I believe some Councils have been able to offer access to Council services and allow payment of bills etc. through sub post offices, allegedly saving council taxpayers’ money. I would be very grateful if the Leader could advise on whether there are innovative solutions available to help the Panfield Lane branch remain open beyond the termination of ECC funding by helping the Post Office side of the business move into profit.

This would also help the viability of the shop (under the same ownership) in which it operates. This may of course involve re-opening negotiations with the Post Office management and would have implications for at least some of the other ECC supported branches.”

Reply

The County Council has supported local post offices where we can as they are an essential part of our communities. Our initiative is limited to providing up to three years' support to help the operator develop and expand their business and has been acclaimed nationally. The support is there to help them become self-sufficient over time through the development of their retail space.

We have worked with PO Ltd to create a new way of providing local postal service that reflects their preferred approach. However, we are aware that the charges made by PO Ltd to local post offices – including Panfield Lane - make it very difficult for the postal service to be operated on a viable basis. We have had discussions with all our of districts and boroughs about increasing the services they provide at local post offices but they have been reluctant to put transactions through post offices as this is more expensive than using the direct debit payment system. Some customers are able to pay their Council Tax through the post office in Panfield Lane if they previously used a cash office, and rent to the local housing association can be paid at the post office counter too. We understand that if post office counter transactions increase that PO Ltd charges will increase too and as such any business will have to meet the PO Ltd costs. We have an advisor who helps support businesses to improve the layout and product ranges in their shops but it is very difficult to generate sufficient business to compensate for the operating costs of the post office counter.

The Government has recently announced its new approach to postal services and the roll-out of the “essentials” model. This model is similar to the one we have developed in Essex. In the New Year officers will be meeting with PO Ltd and we will ask them to take the Panfield Lane service back into the overall post office network.

99. Questions to the Essex Police Authority Representative

The report of the Authority's meeting held on 6 September 2010 had been included with the agenda. Councillor R P Chambers, Chairman of Essex Police Authority, responded to matters raised.

100. Questions to the Essex Fire Authority Representative

Councillor A M Hedley, Chairman of Essex Fire Authority, responded to matters raised.

Chairman
22 February 2011