



Essex County Council

Summons

To all Members of Essex County Council

You are hereby summoned to attend the meeting of the County Council to be held as shown below to deal with the business set out in the Agenda.

10:00	Tuesday, 09 July 2019	Council Chamber, County Hall, Chelmsford, CM1 1QH
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Gavin Jones
Chief Executive

Officer Support to the Council:

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

Pages

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| 1 | Apologies for Absence | |
| 2 | Declarations of Interest
To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct | |
| 3 | Confirmation of the minutes of the meeting held on 14 May 2019 | 4 - 25 |

4	Public Questions	
	A period of up to 30 minutes will be allowed for members of the public to ask questions or make representations on any matter relevant to the business of the Council. Speakers must have registered with Democratic Services by 10:30am seven days before the meeting.	
5	Chairman's Announcements and Communications	
6	Receipt of Petitions	
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12	Clarification of answers provided in response to written questions asked by Members of the Council	
13	Oral questions of the Leader, Cabinet Member or the chairman of a committee	
14	Oral questions of the representative of the Essex Police, Fire and Crime Panel on any matter relating tot he business of that Panel	

Essex County Council and Committees Information

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

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

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

Audio recording of meetings

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

If you are unable to attend and wish to see if the recording is available, you can find out by checking the [Calendar of Meetings](#) any time after the meeting starts. Any audio available can be accessed via the 'On air now!' box in the centre of the page, or the links immediately below it.

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

Minutes of the meeting of the Full Council, held in the Council Chamber County Hall, Chelmsford, Essex on Tuesday, 14 May 2019

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

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

Prayers

The meeting was preceded by prayers led by Councillor John Spence substituting for The Right Reverend Hugh Allan O. Praem, the Titular Abbot of Beeleigh and Chaplain to the Chairman of Essex County Council, who had been delayed in traffic.

The Chairman, Councillor Jowers, formally opened the meeting

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

1. Election of Chairman

It having been proposed by Councillor Bentley and seconded by Councillor Gooding and there being no other nominations it was

Resolved:

That Councillor Jowers be elected Chairman of the County Council for the forthcoming Municipal Year.

Councillor Jowers made and signed the Declaration of Acceptance of Office.

2. Appointment of Vice-Chairman

It having been proposed by Councillor Madden and seconded by Councillor Walsh and there being no other nominations it was

Resolved:

That Councillor Johnson be appointed Vice-Chairman of the County Council for the forthcoming Municipal Year.

Councillor Johnson made and signed the Declaration of Acceptance of Office.

3. Apologies for Absence

Apologies for absence were received on behalf of Councillors Lumley, May, McEwen, Metcalfe, Moran and Reid.

4. Declarations of Interest

There were no declarations of interest.

5. Confirmation of the minutes of the meeting held on 12 February 2019

Resolved:

That the minutes of the meeting held on 12 February 2019 be approved as a correct record and signed by the Chairman.

6. Confirmation of the minutes of the extraordinary meeting held on 12 March 2019

Resolved:

That the minutes of the extraordinary meeting held on 12 March 2019 be approved as a correct record and signed by the Chairman.

7. Chairman's Announcements and Communications

The Chairman invited Councillor Gooding, the Cabinet Member for Education, to speak concerning the 'Inclusion Statement' that sought to ensure that those with special educational needs obtain equal treatment in schools. Councillor Gooding thanked those members who had already signed the statement. and he urged all members to do so.

The Chairman asked members to note that members were invited to meet representatives from Children's Services at 3:00pm in the Council Chamber, in order to recognise their outstanding results from Ofsted.

8. Receipt of petitions and deputations

There were no petitions.

9. Executive Statement

The Leader of the Council, Councillor Finch made a statement concerning 'Managing Change' that included details of the appointments to Cabinet made by the Leader.

10. Report on Political Proportionality.

The Chief Executive presented a report on the political composition of the Council and it having been moved by Councillor Finch and seconded by Councillor Bentley it was

Resolved

That the political balance and committee seat allocations to registered political groups be unchanged for the 2019/20 year and as shown in Appendix 1 to the report.

11. Appointments to committees in accordance with the wishes of the political groups.

It having been proposed by the Leader, Councillor Finch and seconded by the Deputy Leader, Councillor Bentley, it was

Resolved

That members be appointed to committees as set out in the report circulated to members prior to the meeting.

12. Appointments of Chairmen of Committees

It having been proposed by the Leader, Councillor Finch and seconded by the Deputy Leader, Councillor Bentley, it was

Resolved

That chairmen of committees be appointed as set out in the report circulated to members prior to the meeting.

13. Other Appointments and Nominations

It having been proposed by the Leader, Councillor Finch and seconded by the Deputy Leader, Councillor Bentley, it was

Resolved

That:

1. The three County Council nominations to the Health and Wellbeing Board,
2. The County Council's representative on the Essex Police, Fire and Crime Panel and
3. The County Council's representative on the Essex Pension Fund Advisory Board

be appointed as set out in the report circulated to members prior to the meeting.

14. Motions

1 Environment Improvements

It was moved by Councillor Mitchell, subject to the addition of the word 'Parishes' in the third paragraph and seconded by Councillor Platt that:

'This Council recognises the stance that the Cabinet Member for Environment and Waste has taken in improving the use of renewable energy across the County Council estate and ensuring well maintained country parks which have won national recognition and help improve the health and wellbeing of those that use them. The new role of clean air champion and developing the Green Infrastructure initiative which will achieve long lasting environmental improvements across Essex are also positive moves.

The Administration however is mindful that more must be done to improve air quality and protecting natural resources to help improve the environment for future generations.

Therefore this Council supports and endorses the Administration's work so far and supports the Cabinet Member for Environment and Waste in setting up a cross party group to investigate what further actions this Council can undertake across all its work with District/Borough/City Councils and Parishes to reduce carbon emissions and promote the Green Infrastructure initiative to help improve the lives of all citizens in Essex.'

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

'This Council recognises the stance that the Cabinet Member for Environment and Waste has taken in improving the use of renewable energy across the County Council estate and ensuring well maintained country parks which have won national recognition and help improve the health and wellbeing of those that use them. The new role of clean air champion and developing the Green Infrastructure initiative which will achieve long lasting environmental improvements across Essex are also positive moves.

The Administration however is mindful that more must be done to improve air quality and protecting natural resources to help improve the environment for future generations.

Therefore, this Council supports and endorses the Administration's work so far and supports the Cabinet Member for Environment and Waste in setting up a cross party group to investigate what further actions this Council can undertake across all its work with District/Borough/City Councils to reduce carbon emissions and promote the Green Infrastructure initiative to help improve the lives of all citizens in Essex.

This council calls upon the Cabinet to;

- Put a stop to any further reductions in bus services
- Re-evaluate our Park & Ride charging fees
- Allocate more of our capital works budget to improving our cycling infrastructure across Essex
- Declare a Climate Emergency'

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

'This Council recognises the stance that the Cabinet Member for Environment and Waste has taken in improving the use of renewable energy across the County Council estate and ensuring well maintained country parks which have won national recognition and help improve the health and wellbeing of those that use them. The new role of clean air champion and developing the Green Infrastructure initiative which will achieve long lasting environmental improvements across Essex are also positive moves.

However, this Council also recognises that there is mounting and overwhelming evidence that extreme weather events are caused by climate change. Therefore, urgent action is required by UK government and Local Authorities to do everything in their power to reduce carbon emissions and therefore global warming, improve air quality and protect natural resources. To this end this Council calls upon Cabinet to resolve to join other Councils in declaring a Climate Change Emergency.

The Administration however is mindful that more must be done to improve air quality and protecting natural resources to help improve the environment for future generations.

Therefore, this Council supports and endorses the Administration's work so far and supports the Cabinet Member for Environment and Waste in setting up a cross party group to investigate what further actions this Council can undertake across all its work with District/Borough/City Councils to reduce carbon emissions and promote the Green Infrastructure initiative to help improve the lives of all citizens in Essex.'

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

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

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

2 Hunting

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

‘This Council note that the hunting of wild animals with dogs is illegal under the terms of the Hunting Act 2004, except where an exemption applies.

This Council therefore calls upon the Cabinet not to allow any future trail hunting and exercising of packs of Fox hounds on Essex County Council land.’

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

15. Scrutiny Activity Report for 2018/19

Councillor Reeves, the Chairman of the Scrutiny Board, presented a report providing a summary of the scrutiny activity that had taken place from February 2018 to date.

It having been moved by Councillor Reeves and seconded by Councillor Maddocks it was

Resolved

That the report be received.

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

Councillor Finch, the Leader of the Council, presented a report concerning matters considered at the meetings of Cabinet held on 26 February and 19 March 2019.

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

Resolved

That the report be received.

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

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

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

Resolved**1 Amendments to the Constitution****a) Scheme of Allowances for payment of Dependent Carer's Allowances**

That the Constitution be amended so that:

The Members' Allowance Scheme in the Constitution be amended with effect from 1 May 2019 so that the maximum rate for dependent carers allowance payable for childcare per child per hour which is currently £6.00 be amended to £8.21.

b) Broadcasting of Public Questions

That with effect from the close of the meeting the following amendments to the constitution take effect:

- a) paragraph 16.7.1 'Order of business at Ordinary meetings of the Council' be amended by the insertion of a new sub-paragraph (iv):

 '(iv) to deal with questions from members of the public in accordance with paragraph 16.12.9;'

and subsequent sub-paragraphs be renumbered.

- b) Paragraph 16.7.2 16.7.2 'Order of business at the Annual Meetings' be amended by the insertion of a new sub-paragraph (ii):

 '(ii) to deal with questions from members of the public in accordance with paragraph 16.12.9;'

and subsequent sub-paragraphs be renumbered.

- c) By the amendment of paragraph 16.12.9 sub-paragraph (i) of the constitution which currently reads:

 '(i) 'Before the beginning of every meeting of the Full Council there shall be a period of up to 30 minutes to enable members of the public to ask questions.'

To read:

 '(i) 'At every meeting of the Full Council there shall be a period of up to 30 minutes to enable members of the public to ask questions of which notice has been given in accordance with 16.12.9.'

c) Part 26 - Appendix 3, List of Approved Bodies

- a) That the list of Approved Bodies in Appendix 3 of Part 26 of the Constitution be amended to include the newly formed Hadleigh Country Park Forum and remove Epping Forest Locality Panel.
- b) The numbering of the alphabetical list of Approved Bodies as shown in Appendix 3 of part 26 of the Constitution to be amended to take account of the changes.

2. Dates of Council

That it be agreed that the meetings of the Council will be held on Tuesdays at 10am on:

9 July, 8 October and 10 December 2019;
11 February, 12 May, 14 July, 13 October and 8 December 2020.

18. Written Questions

The published answers to the 14 written questions submitted in accordance with Standing Order 16.12.1 were noted.

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

1. By Councillor Kendall of the Cabinet Member for Customer and Corporate

‘Please could the Cabinet Member tell us which libraries under threat of closure have had offers from the local community to run them? When will members be able to see the details of these arrangements?’

Reply

‘In parallel with the consultation on the draft libraries strategy Council has welcomed expressions of interest from community groups etc who may want to take on the library. We have received 51 Expressions of Interest across proposed tier 3 and tier 4 libraries, which put forward proposals to establish community library services. As of 7th May, only three locations within tier 3 and seven in tier 4 are yet to receive an expression of interest. We are keen to get EOLs from the community for every single tier 3 and 4 library. The Community Library Services team continue to actively seek out potential interested parties in these

locations to encourage EOI submissions, this includes engaging with local members, village trusts, the Essex Association of Local Councils (EALC), and the Rural Community Council of Essex (RCCE).

Following the consultation, the Future Library Strategy is still being finalised. Further information on expressions of interest will be communicated in due course.

The community library services delivery model and support offer is in the process of being developed and will be made available once the final strategy has been approved. The Community Library Services team have actively engaged with parish councils and community groups and are developing information packs to assist in the development of proposals.

Information regarding community library services and the process by which they will be delivered is available on the Community Library Services webpage, which will continue to be updated. This can be accessed at the below link

<http://libraries.essex.gov.uk/libraries-consultation/community-library-services/>

I would welcome opportunities to discuss the future of any proposed tier 3 and 4 library with the local Councillor and representatives from the community'

2. By Councillor Kendall of the Cabinet Member for Economic Development

'I understand that there are going to be a number of redundancies made in the Economic Development team following an internal consultation. Please could the Cabinet Member tell me why there was no external consultation on this issue and why the matter has not been brought before the relevant Scrutiny Committee before any final decisions are made?'

Reply

'This relates to the recent restructure of the Employment and Skills team and the staff consultation which closed on 30 April 2019. This reconfiguration of the staffing complement has been undertaken within the existing policy and strategy objectives of the organisation. It retains the focus on supporting the economic inclusion of our residents by concentrating on young people who are NEET or are at risk of being NEET.

The changes to the staff team have been made based on the resources required to undertake the work. Following an internal review of staffing across this team and the youth services team, it was found

that economies of scale could be achieved by aligning activity and that costs could be reduced by bringing the two teams together into the education team. Whilst this restructure will result in a small reduction in staff, the embedding of the remaining staff within the youth service will support us to continue to deliver great outcomes for our young people.'

3. By Councillor Robinson of the Deputy Leader and Cabinet Member for Infrastructure

'Will the Cabinet Member commit to ensuring that Members are informed when highways projects are to be undertaken in their Division?'

Reply

'I thank the member for Chelmsford North for his question on highways communications.

We continue to improve the way in which we communicate our highways activity and I have talked at length before about recognising the role of elected County Councillors and their importance in the sharing of highways information with residents. To this end I have already asked officers to ensure that the County Member is notified when we are undertaking significant works in a particular area. It isn't of course practical to provide that kind of notification every time we fill a pothole but I am in agreement that it is important that we do so when major activity is undertaken. We also send out a monthly communication called Highways Highlights to the parishes, districts, county members and MPs.'

4. By Councillor Robinson of the Cabinet Member for Corporate and Customer

'Will the Cabinet Member agree to retain the inter-lending service between all libraries of all types and will the Cabinet Member also commit to meeting district and parish tier councils to discuss retaining libraries in their areas?'

Reply

'As part of the proposed Future Library Strategy, the inter-lending service between libraries is currently being reviewed to explore how it can best meet requirements.

Since Jan 2019, I have met in person with a significant number of Parish Councils, as well as a range of other groups interested in submitting an expression of interest, including Residents Associations

and District Councils. I am keen to continue this level of engagement and work with members to support community solutions for maintaining library services.

On Tuesday 7th May, I e-mailed all Essex County Councillors to remind them of my offer to have individual meetings with Members and representatives from their community that are interested in submitting/discussing an expression of interest. I am surprised at how few County Members have actually approached me for a meeting to discuss the future of their local library.

I would welcome opportunities to discuss the future of Chelmsford Libraries with Cllr Robinson in this context.'

5. By Councillor Baker of the Cabinet Member for Education

'Following my call-in last year of the decision to sell by auction Essex Education Service, I would be grateful if the current situation with regard to this vital service for all types of schools across Essex could be clarified.'

Reply

'Thank you for your question Cllr Baker.

I believe you are referring to our fully traded service 'EES for Schools' which has long been distinct from the County Council's education services directorate.

As you note, Cabinet agreed last May to seek a buyer for the EES for Schools business. We have had over 52 expressions of interest and selected a preferred bidder in January. We are currently in the final stages of completing a transaction with this bidder and anticipate, subject to cabinet approval, that EES for Schools will be in new ownership as of 1st June 2019.

All the EES for Schools staff are transferring under TUPE to the new owners, with full LGPS pension provision protected through a bond. Furthermore the new owners are committed to retaining the EES headquarters in Essex and we look forward to an excellent relationship with EES for Schools as it goes from strength to strength with new ownership and investment.'

6. By Councillor Deakin of the Cabinet Member for Education

'It is recognised that primary school aged children are being groomed by gangs and often by the time they reach the age 13 it's too late.

In light of this, can Youth Services/YSG commission work for children from aged 10 to 19 rather than the current 13 to 19?’

Reply

‘Under our statutory duty in regard to the provision of youth services (Section 507B of the Education Act 1996, as amended by section 6 of the Education and Inspections Act 2006) a local authority is required to provide sufficient recreational leisure-time activities for qualifying young persons which are for the improvement of their well-being, and sufficient facilities for such activities,. ‘Qualifying young persons’ are those aged 13–19, and up to age 24 for young people with a learning difficulty or particular disabilities. *(Taken from APPG on Youth Affairs; Youth Work Inquiry, April 2019)*

The Essex Young Carers Service does work with young carers aged 0 – 18 yrs, and is already providing workshops around gangs, grooming, and online safety – including a session to be delivered by ‘The 2 John’s’ in Colchester on 31st May, which is open to all young carers with some groups being transported from other quadrants to provide access to the opportunity.’

7. By Councillor Mackrory of the Leader of the Council

‘Concerning A-Block; given the extensive and costly recent external repairs to this building, what recompense is the Council seeking from the building contractors who carried out the same work at enormous cost in 2013?’

Reply

‘The recent repairs to A Block follow the identification a defect in the original repairs – which has been deemed a breach of contract.

The Council is in discussion with the original Project Manager and Principal Contractor to rectify this defect. Containment measures are in place for Health & Safety purposes.

The proposal is to commence rectification works on 15th May for a duration of 16 – 18 weeks. The work will be undertaken at no cost to the Council – however, for expediency, ECC has instigated measures to enable minimal disruption to its day to day activity for which it has placed instructions/purchase orders. ECC will be seeking full reimbursement of these costs.

While the work is progressed, the integrity of the superstructure integrity will also be checked.’

8. By Councillor Mackrory of the Leader of the Council

‘Concerning Shire Hall, Chelmsford; can the Leader explain why eight years after this ECC owned historic listed building was closed it still remains empty with the interior rapidly deteriorating? Can he further explain why a suggestion from an interested private individual that part of the building be used for an Art Gallery has been rejected?’

Reply

‘I am surprised by this question from the Member as he, along with all Members – particularly those on the Chelmsford Member Panel – have received updates from officers on progress with Shire Hall and will be aware of the scale of activity that has been required since the Magistrates’ Court vacated in 2012.

The building initially required urgent repairs to the external fabric following an incident of falling masonry. Subsequently it was necessary to undertake significant survey and repair work in order to ensure that the building was safe, and that information on the potential of the building could be gained to inform the future strategy. Thereafter, market testing was undertaken to identify proposals and gauge the appetite for possible future uses.

The member references the 8 years since the building was closed. As I’m sure he knows, it is approximately 250 years old. It is a Listed Building and development has significant constraints: it would be inappropriate for ECC, stakeholders and bidders to proceed with any commitments without thorough due diligence. In addition, there has been significant public interest and engagement, all of which has taken time to address.

A contract with Aquila to purchase Shire Hall for a mixed-use development has been reached after significant marketing, engagement, and legal work. We are now within the timescale set out in the contract for Aquila to develop their scheme and secure planning permission which runs until September 2019.

With reference to the comment about the interior “rapidly deteriorating”, officers advise that the interior is not “rapidly deteriorating” other than some issues with superficial cleanliness. Low-level heating is being maintained to prevent damage from damp and mould during periods where external temperature fall below 12 degrees Celsius.

Finally, in regard to the Art Gallery proposal: The proposal was an unsolicited intervention which also came with suggestions to dramatically alter the contract arrangement with Aquila, would have lost the current £1m receipt to ECC, and would have re-introduced considerable financial risk to the council.

There is no stated ambition for ECC to create or support an art gallery in Chelmsford that would align with this proposal. This intervention, and the lack of availability of key planning staff at Chelmsford City Council, has resulted in a significant slowdown in progress which has needed to be rectified. The Cabinet Member for Finance, together with property officers, have been assured that the proposed development scheme can go ahead as proposed within the contract – meaning without the gallery – and Aquila have been advised accordingly.

Given the intervention on the art gallery and the lack of historic planning resource at Chelmsford City Council it is likely that the contract extension period set out for securing planning consent will be invoked. I therefore look forward to providing a further update to all Members once planning consent has been received and the next stage of the process begins.'

9. By Councillor Henderson of the Deputy Leader and Cabinet Member for Infrastructure

'What discussions are taking place between ECC and Districts/Boroughs to ensure that poor Air Quality is being effectively monitored and ameliorated. Particularly, what are we doing as an authority to ensure that environmental considerations are taken into account when discussing new housing developments?'

Reply

'I thank the member for Harwich for his question on air quality.

This is an issue that I personally take a great deal of interest in, and improving air quality across the county is a goal I wish to achieve.

Quite rightly this issue is being prioritised and we play an active role in the planning of Air Quality management areas which are the responsibility of District Councils to identify and lead on. Air Quality as it affects individual schemes and planning for new areas of growth is a material consideration in planning and delivery of transport investment. We are in a position where we need to bridge the gap between where we are now with conventional transport modes, and the ever increasing and helpful move to electric vehicles and indeed autonomous and connected vehicles. We are keen to play a major

role in the use of new technology and to reduce the amount of motorised travel through our integrated transport proposals for cycling and walking and to reduce journey length by cars to efficient means of mass transit wherever possible.'

10. By Councillor Scordis of the Cabinet Member for Environment and Waste

'Considering the recent Climate Change protests, documentaries and the damning UN report on climate change, would the portfolio holder considering reversing the current policy not to replace trees and look at more trees where possible across the County, perhaps also working with Parish Councils as well as District and Boroughs?'

Reply

'The greening of Highways and the public realm is a key issue for the Green Essex Strategy which is out to consultation now, closing on the 14th June. The Green Essex Strategy emphasises the multiple benefits of trees as capturers of carbon and roadside pollution, protecting us from the sun's harmful UV rays, in cooling our towns and cities, in reducing flooding, as habitats for biodiversity, creating green streets which reduce our stress levels and improve our mental health and for making our Essex City, towns and countryside pleasant places to live. In addition, the Green Essex Strategy emphasises the importance of the public realm as the space where most people live their lives, either walking, cycling, driving or commuting to school, work or leisure activities.

A key proposal in the Green Essex Strategy is 'Public Realm green infrastructure is improved to reduce pollution and improve character and sense of place'

The draft strategy has a number of actions to support this Proposal, such as establishing a Green Essex Fund to fund the planting and maintenance of trees and hedges by roadside, the areas of most concentrated pollution. However, the Green Essex Strategy also supports wider tree planting to absorb carbon dioxide, a greenhouse gas e.g. support for Thames Chase Community Forest.

Essex Highways is actively working with Parishes under the Devolution Initiative to explore how Parish and Town Councils can assist in caring for the public realm in local areas. Whilst the planting of trees needs to be considered carefully due to the potential for damage to the highway and underground apparatus, Essex Highways very much supports adjacent property owners to plant trees in their land in order to encourage an attractive and beneficial environment.'

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

'Would the Cabinet Member agree to support the aims of Colchester Cycling campaign's new cycling charter? It states:

We recognise that...

- Cycling has an important part to play in addressing Colchester's challenges of congestion, inactive lifestyles, pollution and population growth
- Cycling supports business, boosts economic productivity and contributes to the health and well-being of our workforce
- Pressure on the growing town will be relieved if more people cycle
- Increased physical activity helps ease the burden on our health and social care services

We want Colchester to be a town where...

- Children can cycle to school or college safely
- People can travel to work safely, directly and easily on a convenient and connected cycle network
- Our roads and public spaces prioritise people and make cycling the safe, natural choice for a large proportion of everyday journeys
- Cycling contributes to our prosperity, helps us stay healthy and keeps people and goods moving'

Reply

'I thank the member for Abbey for his question on policy regarding cycling.

Personally, I am a great supporter of cycling, which we will see increase across the county with our focus on offering sustainable transport. We appreciate the principles of this charter and have been approached by the Borough Council and others so we will be discussing this initiative with the Borough Council and the local county councillors. We also have a countywide Cycling Strategy and a Local Cycling and Walking Infrastructure Plan initiative being prepared with input from Colchester Borough Council officers and sponsored by Department for Transport. This plan is being drafted and will be the subject of consultation. It is one of several LCWIPs we are preparing across Essex in the hope that the Autumn Statement will include an opportunity to bid for funding.'

12. By Councillor Young of the Cabinet Member for Customer and Corporate

‘Would the Cabinet Member confirm what investigations they have done on the educational impact library closures would have on young people under the age of 16. As under 16-year-olds heavily feature as a library user and so maybe detrimentally affected by the library closures.’

Reply

‘As part of the Future Library Strategy work programme, a detailed equality impact assessment is being prepared, which looks at each proposed tier 4 library and considers the impact on children and young people (and other groups with protected characteristics under the Equality Act 2010) and identifies nearby alternative services and venues.

The intention of the proposed Future Library Strategy is that the council would still run a countywide network of libraries, which would be invested in and modernised over the course of the strategy. This investment could include the creation of study zones and chill out spaces: both of which young people have told us they want. Smart library technology and an enhanced eLibrary would also help make the service more relevant to young people and their expectations for the future.

The proposed Future Library Strategy also places a strong emphasis on outreach, allowing the library service to engage with a greater number of young people in a wide variety of community settings.

We will continue to deliver Bookstart, which delivers free book packs to all children at age one, three and 4-5. All children are entitled to the packs.

We will continue to offer a range of services for children with special educational needs and disabilities. These include sensory facilities, sensory story times and the promotion of volunteering opportunities to develop confidence. Tailored Bookstart packs for children with Special Educational Needs are also produced, such as braille books for blind children.

We are also one of the largest authorities delivering the Summer Reading Challenge - an activity that encourages reading over the long summer break. This year's theme is Space Chase – inspired by the 50th anniversary of the moon landing.

I would welcome opportunities to discuss the future of Greenstead and Wivenhoe libraries with Cllr Young and representatives from her community.'

13. By Councillor Reid of the Cabinet Member for Education

'With youth services slowly being slowly eroded and the budget reduced dramatically. What plans are the ECC putting in place to help those young people who are vulnerable and are increasingly being targeted and groomed into gangs and coerced into County Lines. Does ECC agree that we need to do more than sit in our meetings talking about these problems. Do we agree that more funding needs to be injected into youth services, breakfast clubs etc. so that teams of youth workers can work with our young people to encourage them to focus on their future in society?'

Reply

'Following the announcement by the Leader at Full Council earlier this year, Essex has pledged £500k to the Police, Fire and Crime Commissioner to develop a multi-agency approach to dealing with gang related crime in Essex.

Also contrary to Cllr Reid's comments Essex County Councils contribution to the youth service has grown each year from 2015.

2015/2016	2016/2017	2017/2018	2018/2019
2,404,610	2,812,087	2,876,474	3,312,303

The youth service has also increased the income it receives from traded services to provide youth work for the young people in Essex. This includes schemes such as the National Citizen Service and others which has resulted in an overall spend on Essex Youth work last year of £3,538,144

The youth service is leading the way in Essex and the East of England in supporting our significant challenge to the issues of County Lines and gang activity. They recently commissioned an applied theatre play to raise awareness around Child Criminal Exploitation – specifically the strand of the County Lines drug trafficking model that sees vulnerable young people targeted by organised groups and gangs to groom, trick, trap and manipulate them into trafficking drugs and sometimes weapons.

The play raised awareness around:

- What is County Lines and how it can affect young people
- The grooming process and how it can apply to County Lines

- The similarities and potential crossover Between Child Criminal Exploitation and Child Sexual Exploitation
 - Where to go for help and advice
- For adult audiences it also:
- Raised awareness of the warning signs of CCE
 - Raised awareness of the coercive process that young people may have been through that has resulted in them being criminally exploited

Across the county over 80 performances were offered free of charge to secondary schools, over 13,000* young people/community members/volunteers/professionals watched the performance. They also arranged a version for elected members and senior leaders at Essex County Council.

In addition, they are currently starting to pilot a project where youth workers will be based in A & E at Basildon Hospital to engage with you people involved in violent crime with a view to encouraging them away from gangs.'

**this was corrected from 1,300 to 13,000 after the meeting*

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

'Could the Cabinet Member inform council of any plans to improve the quality of footpaths? Basildon New Town celebrates its 70th Birthday this year but the footpaths on some estates are in an appalling state and are in desperate need of a facelift.'

Reply

'I thank the member for Laindon Park and Fryerns for his question on the quality of footpaths.

With the further investment of £700,000 we announced in February, we are now asking County Members to nominate the top five footway defects they would most like repaired locally, including Basildon, and today I have written to all members with details of the scheme.

Over recent years Essex highways have been focused on improving our more major roads, county-wide. However, we have continued to invest in our critical footways. In 2017/18 we repaired 719 reported individual footway defects around Basildon, and a further 871 in 2018/19. This year we will continue to repair safety-critical footway defects. We have also allocated £8 million to programmed capital footway improvements, with just over £850,000 allocated to Basildon District's area. Last year, we invested just over £700,000 there. Works

this year are proposed in Hockley Road, Botelers and Ardleigh, as well as 8 further schemes in the Wickford area.'

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

Members asked questions of the Leader of the Council, Cabinet Members or the chairmen of committees. A recording of the questions is available on the ECC [website via the online audio recording of the meeting.](#)

The questions asked were:

Question asked by	Answered by	Subject
Cllr Aspinell	Leader of the Council	Invitation of local members to meetings with Cabinet Members concerning matters in their division
Cllr Kendall	Cabinet Member for Culture and Corporate	Libraries Consultation.
Cllr Robinson	Deputy Leader and Cabinet Member for Infrastructure	Meeting about a zebra crossing outside primary school.
Cllr Scordis	Leader of the Council	Libraries Consultation.
Cllr Young	Cabinet Member for Adult Social Care and Health	Funding for Autism Anglia
Cllr Davies	Leader of the Council	Pay differential and staff salaries.
Cllr Butland	Leader of the Council	Review of constitution concerning written questions at council
Cllr Wood	Cabinet Member for Environment and Waste	Recycling Centre
Cllr Pond	Cabinet Member for Culture and Corporate	Loan of library stock.
Cllr Maddocks	Cabinet Member for Adult Social Care and Health	Delayed discharges from hospital
Cllr Abbott	Cabinet Member for Culture and Corporate	Library consultations

Cllr Abbott	Cabinet Member for Culture and Corporate	Library consultation
Cllr Sargeant	Deputy Leader and Cabinet Member for Infrastructure	Resurfacing work on Frinton and Holland B-road
Cllr Harris	Deputy Leader and Cabinet Member for Infrastructure	Delay to resurfacing work at Paxton Avenue, Colchester
Cllr Harris	Leader of the Council	Library consultation

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

There were no questions.

**Chairman
9 July 2019**

Annual Report of the Essex Pension Fund Board, covering the period from 1 April 2018 until 31 March 2019.

Report by the Director for Essex Pension Fund

Enquiries to Kevin McDonald on 03330 138488 and Jody Evans on 03330 138489

1. Purpose of the Report

To present the Pension Fund Strategy Board's annual report to Essex County Council.

2. Recommendation

To note the attached report.

Essex Pension Fund

Annual Report 2018/19

July 2019

1. Introduction

This is the tenth Annual Report of the Essex Pension Fund Board(s), covering the period from 1 April 2018 until 31 March 2019.

2. Roles and Functions

Essex Pension Fund Strategy Board

The Essex Pension Fund Strategy Board (PSB) was established by the County Council in May 2008 to ensure that the Pension Scheme complied with the best practice principles for governance as required by the amended Local Government Pension Scheme Regulations 1997.

The Board's terms of reference, as approved by the County Council, are as follows:

To exercise on behalf of the Council all of the powers and duties of the Council in relation to its functions as Administering Authority of the Essex Pension Fund except where they have been specifically delegated by the Council to another Committee or to an officer; this will include the following specific functions:

- (i) to monitor and oversee the work of the Essex Pension Fund Investment Steering Committee through its quarterly reports;
- (ii) to monitor the administration of the Pension Scheme, including the benefit regulations and payment of pensions and their day-to-day administration including the Internal Disputes Resolution Procedures, and ensure that it delivers best value and complies with best practice guidance where considered appropriate;
- (iii) to exercise Pension Fund discretions on behalf of the Administering Authority;
- (iv) to determine Pension Fund policy in regard to employer admission arrangements;
- (v) to determine the Pension Fund's Funding Strategy and approve its Funding Strategy Statement;
- (vi) to receive periodic actuarial valuation reports from the Actuary;
- (vii) to co-ordinate Administering Authority responses to consultations by Central Government, professional and other bodies; and
- (viii) to consider any views expressed by employing organisations and staff representatives.

The Board met four times during the period covered by this report: on 4 July 2018, 12 September 2018, 19 December 2018 and 6 March 2019.

Membership

During the period covered by this report the Board had 11 members. They represented Essex County Council, the other local authorities in Essex (including Unitary Councils), Scheme members and Smaller Employing Bodies (i.e. those which are not already specifically represented on the Board).

The membership of the Board as at 31 March 2019 was as follows:

Essex County Council (7)

Councillor Susan Barker	Chairman
Councillor Mark Platt	Vice Chairman
Councillor Chris Pond *	
Councillor Alan Goggin	
Councillor Anthony Hedley	
Councillor Lee Scordis	
Councillor Clive Souter	

** Cllr Malcolm Maddocks replaced Cllr Chris Pond December 2018*

District/City/Borough Councils in Essex (1)

Councillor Colin Riley	Castle Point Borough Council
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Unitary Councils in Essex (1)

Councillor Andrew Moring	Southend-on-Sea
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Scheme Members (nominated by UNISON) (1)

Mrs S Child

Smaller Employing Bodies (1)

Mrs Jenny Moore

Essex Pension Fund Advisory Board

The Essex Pension Fund Advisory Board (PAB) is appointed by Essex County Council as its Local Pensions Board in accordance with section 5 of the Public Service Pensions Act 2013 and Part 3 of the Local Government Pension Scheme Regulations 2013.

The Board has the following remit:

- (i) To assist the Scheme Manager to secure compliance with the Local Government Pension Scheme (LGPS) regulations and any other legislation relating to the governance and administration of the LGPS

and to secure compliance with requirements imposed in relation to the LGPS by the Pension Regulator;

- (ii) To secure the effective and efficient governance and administration of the LGPS for the Essex Pension Fund (EPF);
- (iii) To help ensure that the EPF is managed and administered effectively and efficiently and complies with the code of practice;
- (iv) To assist the Scheme Manager with such matters as the scheme regulations may specify;
- (v) To be a “critical friend” to the PSB and the Investment Steering Committee (ISC);
- (vi) The Board may review any decision made by or on behalf of the Scheme Manager;
- (vii) The Board will adopt a policy statement on reporting breaches;
- (viii) At the invitation of the PSB, the Board may also undertake other tasks;
- (ix) Appointing Observers to attend meetings of the PSB and the ISC.

Membership

During the period covered by this report the PAB had 9 members. They represented employer and scheme representatives and an independent Chairman

The membership of the Advisory Board as at 31 March 2019 was as follows:

Employer Representatives (4)

Andrew Coburn	Unison
Paul Hewitt	Deferred Member
Debs Hurst	Active Member
Mark Paget **	Active Member

*** Mark Paget's post became vacant in December 2018*

Scheme Representatives (4)

James Durrant	Essex Fire Authority
Cllr Terry Cutmore	Rochford District Council
Cllr Shane Hebb	Thurrock Council
Cllr Simon Walsh	Essex County Council

Independent Chairman (1)

Nicola Mark	Head of Norfolk Pension Fund
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3. Dimensions of the Fund

Based on the draft accounts, as at 31 March 2019 the value of the Fund's assets was £7.0bn.

The total value of pensions paid during 2018/19 was £200m, together with other benefits totalling £44m. The average payment made each year is £5k.

The total number of beneficiaries are as follows:

	2018	2019
Contributors	66,449	55,564
Deferred Pensioners	55,904	70,832
Pensioners	40,528	42,430
Total	162,881	168,826

(Deferred Members are former employees who have chosen not to transfer their pension rights.)

The Board exercises on behalf of the Council the management of the Pension Fund whose membership comes from over 650 separate Employing Bodies, including:

- Essex County Council, Unitary, Borough, City and District Employers
- Incorporated Colleges
- Schools and Academies
- Town and Parish Councils
- Other Scheduled Bodies
- Small Admitted Bodies
- Admitted Bodies
- Community Admission Bodies.

4. Work of the PSB and the Essex Pension Fund Investment Steering Committee

The following key issues were considered by the Board between 1 April 2018 and 31 March 2019:

Governance

Since 2010, the Fund has formalised a number of objectives covering five key areas: *Governance, Investment, Funding, Administration* and *communications* and during 2018 a review of these was undertaken. Whilst many original objectives remain appropriate the opportunity was taken to update and expand where required. The substantive changes include:

- a new objective making explicit reference to the Fund's compliance with LGPS Regulations, wider legislation and acknowledgement of the role of the Pension Regulator in the LGPS;

- in recognition of the increasing complexity within scheme administration, two new objectives covering the establishment of performance levels for, and partnership working between, both the Fund and its employers;
- recognition of investment pooling with the management of the Fund's assets;
- explicit reference to prudence in setting employer contributions; and
- reference to regulatory compliance in relation to data protection.

These objectives, agreed by the Pension Strategy Board, are the cornerstone of the Fund's governance and provide the foundation for the annual business plan. The revised objectives also formed the basis of the subsequent review of the Fund's risk register. Its completion has seen a reduction in the number of overall risks from 83 to 46 which is the consequence of risks being consolidated and duplication avoided. The scoring of each risk continues to be reviewed on an ongoing basis. The final part of this process will see the Fund's quarterly scorecard reviewed during 2019/20 in line with the revised objectives and risks.

Funding

The relative values of the Fund's assets and liabilities are often expressed as funding level percentage, and the Fund's objectives refer to both maximising the returns from investment within reasonable risk parameters and the prudent setting of employer contributions that aim to achieve a fully funded ongoing position in the timescales identified in the Funding Strategy.

Funding levels alter from time to time, and can be derived in different ways; however, results published in the last year indicate that Essex continues to make progress in this critical area.

31 March 2016

The last full triennial valuation was in 2016 at which point the funding level was 89%. The triennial valuations of all LGPS Funds in England & Wales are subsequently reviewed by the Government Actuary. In September 2018, the findings of the latest review were published. This ranked as Essex as 32nd out of 90 funds, up from 69th at the 2013 review.

31 March 2017

In the intervening years between triennial valuations, the Fund commissions its own Interim Review. The Review as at 31 March 2017 showed the funding level had risen to 93%.

31 March 2018

The Interim Review as at 31 March 2018 showed the funding level had risen to 94%.

31 March 2019

During the 2018/19 year the value of the Fund's assets rose from £6.4bn to £7.0bn – which underpinned an annual investment performance of 8.5% compared to a benchmark of 5.6%. This continues an established Fund trend of outperformance. The results of the 2019 Valuation are expected in autumn 2019 and will include an update on the funding level.

Asset Pooling

Alongside the ten other Funds within the ACCESS, Essex continues to progress the pooling of investment management arrangements. Following last year's successful collective procurement of, and migration to UBS as passive manager, 2018/19 saw significant developments for actively managed listed assets.

By February 2019, ACCESS pool operator Link Fund Solutions had launched 8 equity sub funds, into which seven ACCESS Funds, including Essex, have invested.

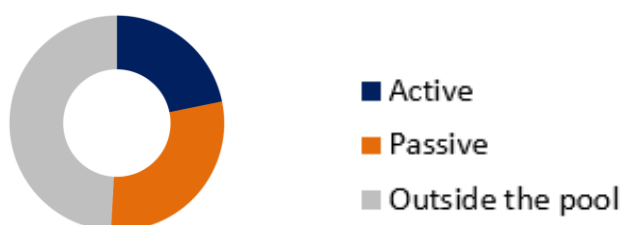
The active assets that migrated to the pool are in the three global equity sub funds listed below:

- Baillie Gifford (Long Term Global Growth)
- Longview
- M&G (Global Dividend)

Essex pooled assets in these sub funds account for approximately £1.5bn of the £8.5bn within the sub funds.

In authorising these transfers, the Investment Steering Committee took the opportunity to align the amounts in each sub fund with the lower allocation to active equities that was agreed in 2017/18 following an asset liability study.

Given the passive mandate placed with UBS Asset Management in early, by the end of 2018/19 Essex had just over half of the asset portfolio under pool governance. Fee savings realised in 2018/19 exceeded £2m. The chart below summarises Essex's pooling progress as at 31 March.



Other areas considered were:

- Reports on the work of the Essex Pension Fund Investment Steering Committee;
- External Audit Programme of Work;
- Reports from Internal Audit regarding the control environment of the Pension Fund and Administration;
- Reports of the Pension Advisory Board;
- Annual Accounts;
- Year-end returns 2018/19 Charging Policy;
- Review of the Administration Policy;
- Review of Governance Compliance Statement;
- Member Training;
- Fund Actuary Contractual Arrangements;
- Independent Governance & Administration Advisor Contractual Arrangements;
- Ministry of Housing, Communities & Local Government (MHCLG) Consultation on Technical Amendments;
- HMRC Guaranteed Minimum Pension (GMP) update;
- Multi Academy Trust (MAT) Liability Transfer;
- Local Government Pension Scheme (LGPS) Governance; and
- Fair Deal Consultation.

6. Member Training

There is a firm commitment to training and development, with a view to ensuring that Members are able to fulfil their roles effectively.

Details of Members' attendance at Essex Pension Fund Boards and Investment Steering Committee meetings and training events (internal and external) are monitored throughout the year.

Member training is predominately delivered within the Board meetings.

7. Three-Year Business Plan

The PSB has developed a 3-year Business Plan which provides a high-level summary of key work streams and feeds into more detailed annual business plans.

Cllr Susan Barker
Chairman of the PSB and of the ISC
Cabinet Member for Customer, Communities, Culture and Corporate
Essex County Council

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 A Comprehensive and Efficient Public Library Service

Moved by Councillor Pond and seconded by Councillor Sargeant:

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

1. To undertake after reorganisation to provide in every library service point, no matter how staffed or with what partners, access to the whole stock of Essex Libraries through established reservation and stock circulation systems
2. To provide access in every library to ECC computer services and databases as now.
3. To take every opportunity that partnership working affords to secure maximum utilisation of library premises and facilities, and to restore service hours cuts made in the last ten years.'

2 Essex Education Emergency

Moved by Councillor Young and seconded by Councillor Henderson:

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

Therefore, this Council calls upon the Cabinet to:

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

3 Social Mobility and Social Justice

Moved by Councillor McKinlay and seconded by Councillor Spence:

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

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

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

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

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

The Leader's Report of Cabinet Issues

This report is to receive the minutes of the Cabinet meetings held on 28 May and 18 June 2019.

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

Recommendation

To receive the minutes of the Cabinet meetings held on 28 May and 18 June 2019.

Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Tuesday 28 May 2019

Present:

Councillor	Cabinet Member Responsibility
D Finch	Leader of the Council (Chairman)
K Bentley	Deputy Leader and Cabinet Member for Infrastructure
T Ball	Economic Development
S Barker	Customer and Corporate
R Gooding	Education and Skills
G Mohindra	Finance, Property and Housing
S Walsh	Environment and Waste

Councillors M Buckley, M Durham, M Mackrory, R Mitchell, C Pond, L Scordis, M Steptoe and A Turrell 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. The changes in Cabinet membership and portfolios agreed at the Annual Meeting of the Council on 14 May 2019 and set out in the report were noted.
2. Apologies for absence had been received from Councillors D Madden (Cabinet Member for Performance, Business Planning and Partnerships), J Spence (Cabinet Member for Health and Adult Social Care) and L McKinlay (Cabinet Member for Children and Families)

There were no Declarations of Interest.

2. Minutes: 19 March 2019

(Additional information was included within a confidential appendix to the minutes – minute 11 below refers)

The minutes of the meeting held on 19 March 2019 were agreed as a correct record and signed by the Chairman, subject to the inclusion of Councillors I Henderson, M Mackrory and C Pond in the list of those also present.

3. Questions from the public

None.

4. Commercial approach for eight existing Essex Care Schemes for Older People (FP/369/02/19)

The Cabinet was asked to award care contracts to the landlords of eight Extra Care housing schemes for five years where the landlord has indicated a willingness to take on the service and the Council is satisfied that the Landlord can provide care at a reasonable cost, and to procure care competitively in the market for the other schemes.

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

- Quality of care and standards of accommodation were subject to regular inspection. Whilst new schemes were being delivered the Council worked closely with developers to ensure the required standards were met.
- The costs provided allowed for inflation, and once the schemes were operational checks were made with residents about the standard of care that they received. It was acknowledged that Extra Care was more expensive than Residential Care but was felt to be the right direction of travel in terms of improving the quality of life for residents.

Resolved:

1. That a single stage competitive tender be undertaken for the onsite Care and Support Services (including the Peace of Mind Service) and the award of a five-year contract for the two Extra Care schemes where the Landlord is happy for the Council to award such a contract (The Cannons, Colchester and Sumners Farm, Harlow).
2. That a single stage competitive tender be undertaken for the onsite Care and Support Services (including the Peace of Mind Service) and the award of a five-year contract (with the provision of a break clause at year three of the contract) for the two Extra Care Schemes where the Landlord is happy for the Council to award such a contract (Wren House, Colchester and Canters Meadow, Clacton).
3. That negotiations take place with the scheme landlords for the direct award of five-year contracts for the onsite Care and Support Services (including the Peace of Mind Service) for the following four Extra Care schemes:
 - Helen Court, Witham (Landlord L&Q Group)
 - Montbazou Court, Brentwood (Landlord Anchor Hanover Group)
 - Dobsons Close, Rayleigh (Landlord Swan Housing Association)
 - Honey Tree Court, Loughton (Landlord Places for People Living Plus)
4. That the competitive procurements shall be single stage procurements which comply with the 'light touch' regime in the Public Contracts

Regulations 2015 using a price:quality ratio of 70:30 with the maximum acceptable price for personal care provision being specified using the mechanism set out in the financial implications paragraphs within report FP/369/02/19).

5. That authority to award the contracts for the eight schemes be delegated to the Executive Director for Adult Social Care provided that he is satisfied that the contracts represent best value and are in budget, when costed at expected volumes.

5. 2018- 19 Provisional Outturn Report (FP/386/03/19)

The Cabinet received a report which presented and provided commentary on the provisional outturn position for 2018/19 prior to formal closure of the accounts

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

- The proposed draw-down to offset the over spend caused by abortive costs relating to the South Essex Rapid Transit Named Highways scheme represented an accountancy adjustment as it had not been possible to continue with this scheme.
- New purchasing arrangements were being made in respect of LED Phase 3, in respect of street lighting. This was due to the end of the current contract being reached.

Resolved:

That the following be approved in relation to the 2018/19 outturn position:

1. A net amount of £2.375m is returned to the General Balance, as detailed below:

	£000
Unused Emergency Contingency	4,000
General under spends	842
Transfer to General Balance	4,842
Transfer to Transformation Reserve (Essex Pay)	(1,977)
Transfer to Carry Forwards Reserve (Staffing Efficiencies)	(490)
Net transfer to General Balance	2,375

2. Of the total amount returned to the General Balance, that £1.575m is applied to offset technical accounting adjustments relating to implementation of International Financial Reporting Standard 9 *Financial Instruments* (IFRS 9). IFRS 9 is designed to provide more transparency for gains and losses arising from financial assets and to be more pessimistic about potential credit losses. Further details are provided in paragraph 3.1.7 of report FP/286/03/19).

3. The remainder of the underlying under spend of £6.500m is appropriated in the Transformation Reserve.
4. Under spends are allocated between portfolios as set out within the 'Transfers of under/over spends between Portfolios' column of Appendix B to report FP/286/03/19).
5. The following amounts are appropriated to/from restricted and other revenue reserves:

Restricted Funds

- **Private Finance Initiative (PFI) Reserves**
 - Building Schools for the Future - £50,000 contribution
 - Clacton Secondary Schools - £9,000 contribution
 - Debden School – 307,000 contribution
 - A130 Road - £10,000 withdrawal
- **Waste Reserve - £20,000** withdrawal per the Joint Working Agreement with Southend in relation to the Waste Infrastructure Grant
- **Schools - £3.623m** net withdrawal from the Schools' reserve, in line with additional spending against the 'individual schools budget' in 2018/19
- **Grants equalisation - £12,000** withdrawal in relation to funding no longer required for the purpose it was set aside for
- **Partnership reserves**
 - Safeguarding Adults Partnership Reserve - £23,000 contribution
 - Public Sector Reform Partnership Reserve - £19,000 contribution
- **Trading Activities**
 - EES for Schools - £1.183m contribution
 - Music Services - £63,000 withdrawal
 - Schools Sickness Insurance Scheme - £834,000 contribution
 - Place Services - £60,000 contribution
 - Information Services Infrastructure - £682,000 withdrawal

Capital Funding

- **Capital funding - £6.188m** withdrawal to transfer capital financing resources to revenue in respect of:
 - Pothole repairs (£3.179m)
 - South Essex Rapid Transit Named Highways Scheme (£3.009m)

Other reserves

- **Carry Forwards - £8.908m** contribution in respect of revenue budget under spends that it is proposed are carried forward for use in 2019/20.
 - **Adults Digital Programme - £3.156m** contribution due to delays in the programme and to continue projects already underway
 - **Capital Receipts Pump Priming Reserve - £21,000** withdrawal to fund costs associated with preparing surplus assets for sale
 - **Carbon Reduction Reserve - £303,000** withdrawal to meet the carbon emissions element of the Council's energy bill
 - **Community Initiatives Reserve - £1.001m** withdrawal to provide financing for community initiatives and to support expenditure incurred on communities in support
 - **Health and Safety Reserve - £250,000** contribution to be used in 2019/20 for emergency repairs relating to works previously undertaken on Seax House
 - **Transformation Reserve - £11.876m** net contribution, due to unspent funds, including Technology Services Portfolio for use in 2019/20 to continue their programme of works, partially offset by costs relating to redundancy and organisation design (*note: this is before the proposal to appropriate the underlying under spend of £6.500m into the Transformation Reserve (as per Resolution 3 above)*).
6. The financing of capital payments in 2018/19 is approved on the basis set out within Appendix G to report FP/286/03/19).
 7. Capital payment budgets, and associated capital financing, of £7.856m are profiled into subsequent financial years, in respect of slippage in schemes.
 8. Capital payment budgets, and associated capital financing, of £3.22m are brought forward from 2019/20 in respect of schemes that have progressed ahead of schedule.
 9. Portfolios' 2018/19 capital payments budgets are reduced by £8.413m, with increases of £4.234m to other schemes to reflect achieved activity in 2018/19.

That the following be approved in relation to the 2019/20 budget:

10. To increase the approval for redundancy costs from the Transformation Reserve from £8m to £10m, as set out in paragraph 5 of report FP/286/03/19)
11. To close the Schools Sickness Insurance Scheme Trading Activity up on closure of the 2018/19 Accounts.

12. To release £23.2m from the Carry Forwards Reserve in 2019/20 for the purposes detailed in Appendix C to report FP/286/03/19, as well as those approved in the Half Year report (FP/085/02/18) and Third Quarter report (FP/084/02/18).

6. EES for Schools (FP/350/01/19)

(Information contained within a confidential appendix (which also contained an additional recommendation) was taken into account in reaching a decision on this issue – minute 12 below refers)

It was noted that, with the agreement of the Chairman of the Corporate Scrutiny Committee and in accordance with paragraph 20.15 (xix) (a) of the Council's Constitution, the decision relating to this issue may not be called in on the grounds that it is in the interests of the Council for it to be implemented urgently.

Further to the decision taken in May 2018 to market EES for sale (report FP/102/03/18), the Cabinet's approval was sought for the disposal of EES for Schools to an identified buyer.

The following information was provided in response to a question by Councillor Scordis:

- Profits had stalled, and there was a need to balance the costs of an upgrade to the aging software package used and maintaining a suitable level of profit.

Resolved:

That, subject to the buyer accepting the position set out in the Confidential Appendix to report FP350/01/19, the Council sell EES including its assets, liabilities and contracts to the entity named in and for the price and on the terms summarised in that confidential appendix.

7. Cabinet approval to place 2019/20 contractual task orders with Ringway Jacobs for values £5m and over (FP/408/04/19)

The Cabinet's approval was sought to issue to Ringway Jacobs those task orders likely to exceed £5m for the 2019/20 financial year.

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

- It was confirmed that a reference at no. 7 in table 1 of the report to "junction 8 at Harlow" should be "junction 8 at Stansted".
- Local overheads included general costs, such as officer time, as against the actual costs for delivering schemes.

- The Council's Constitution set the level at which contractual task orders required Cabinet approval as £5m.

Resolved:

1. That the Director, Highways and Transportation may issue the task orders to Ringway Jacobs as outlined in Table 1, Appendix 1 to report FP/408/04/19, after taking legal advice about the form and content of the task orders.
2. That the Deputy Leader and Cabinet Member for Infrastructure may change the work to be undertaken under the task orders.

8. Decisions taken by or in consultation with Cabinet Members (FP/382/03/19)

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

9. Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Tuesday 18 June 2019 at 10.00am in Committee Room 1 at County Hall, Chelmsford.

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

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

11. Confidential Appendix: Minutes – 19 March 2019
(Press and public excluded)

The Cabinet noted the Confidential Appendix to the minutes of the meeting held on 19 March 2019, which had been approved as a correct record earlier in the meeting (minute 2 above refers).

12. Appendix 2 - EES (FP/330/01/19)
(Press and public excluded)

The Cabinet considered the Confidential Appendix to report FP/330/01/19 which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 6 above refers).

A full record of the proceedings in relation to this issue is included within the confidential appendix to the minutes of this meeting.

Resolved

That Cabinet approve the recommendation set out in the confidential appendix to report FP/330/01/19.

There being no further business, the meeting closed at 10:25am.

Chairman
18 June 2019

Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Tuesday 18 June 2019

Present:

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

Councillors J Chandler, A Hedley, I Henderson, M Steptoe and A Turrell were also present.

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

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

1. There had been no changes in membership since the last meeting.
2. Apologies for absence had been received from Councillors D Finch (Leader of the Council), S Walsh (Cabinet Member for Environment and Waste), M Mackrory (Leader of the Liberal Democrat Group) and C Pond (Leader of the Non-aligned Group).
3. There were no Declarations of Interest.

2. Minutes: 28 May 2019

(Additional information was included within a confidential appendix to the minutes – minute 9 below refers)

The minutes of the meeting held on 28 May 2019 were agreed as a correct record and signed by the Chairman.

3. Questions from the public

None.

4. Procurement of two new Extra Care Schemes for Older People; Rocheway and Coppins Court (FP/368/02/19)

The Cabinet was asked to approve the procurement of two new Extra Care housing schemes for development on land to be disposed of by the Council for this purpose, together with the associated procurement approach.

The following information was provided in response to questions by Councillor Turrell:

- Accommodation would be available for both dual and single occupancy, and the nomination rights would ensure both that accommodation was provided to those people most in need of it and allow control over what was charged. A written response would be provided in respect of a further question regarding the consideration that had been given to leasing to the providers to generate income.

Resolved:

1. That a single stage competitive tender be undertaken to procure Registered Providers for the development, management and provision of onsite Care and Support Schemes, including the Peace of Mind Service, for the following two new schemes at:
 - Rocheway, Rochford; and
 - Coppins Court, Clacton.
2. That the successful tenderer be awarded a contract or contracts under which:
 - They will receive a transfer of the land for such payment as specified in the tender (which may be nil) on completion of the development works in accordance with the planning permissions obtained by Essex County Council (ECC), subject to ECC entering a restriction on the title requiring nomination rights to be passed on with any sale and that the land is used for Extra Care housing.
 - They give nomination rights to ECC for 30 units for rent at Rocheway and 60 units at Coppins Court.
 - They receive an initial five-year contract term for the provision of the onsite Care and Support Services in each Scheme, which includes the provision of the Peace of Mind Service, with the option for ECC to extend in five-year periods up to a maximum contract length of 25 years.
 - They must, if ECC requires, allow an alternative care provider to use the office, communal facilities and alarm system if ECC decides to award this contract elsewhere.
 - The cost of the 'peace of mind' service will be paid by residents as part of the service charge.

3. That authority to award the contracts be delegated to the Cabinet Member for Health and Adult Social Care if he is satisfied that the contracts represent best value and are within budget, when costed at expected volumes.
4. That the requirement for tenderers to state what contribution they are prepared to make towards the value of the land and the design and planning work and site clearance activity already undertaken by Essex Housing be noted.

5. Physical Activity Local Delivery Pilot Funding Agreement (FP/441/05/19)

The Cabinet's agreement was sought to accept a grant of £9.84m awarded (subject to contract) by Sport England to fund a programme of activity to reduce the number of people in Essex who are physically inactive. Agreement was also sought for the Council to enter into the necessary agreements.

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

- Administration costs were not yet known, but every effort would be made to minimise them. The work delivered would align with the priorities of both Essex County Council and the Health and Wellbeing Board; future scrutiny with regard to impact would likely be at the request of the Health and Wellbeing Board. A written response would be provided in respect of a further question regarding the piloting of an Essex wide pass card.
- The Director for Wellbeing, Public Health and Communities was content with the funding arrangements for wider health initiatives generally and the innovative approach to be undertaken by the pilot scheme. The majority of the grant would be allocated to district and borough Councils, and as such would not be available for subsidy; as the funding was provided by Sport England there was significant oversight of its appropriate use.

Resolved:

1. That a contract be entered into with Sport England for the acceptance of up to £9.84m for the delivery of a pilot to reduce inactivity in Essex.
2. That the investment guidelines set out in Appendix 2 to report FP/441/05/19 be adopted.
3. That the requirement for further decisions on the use of the money, as set out in paragraph 3.6 to report FP/441/05/19, be noted.

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

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

7. Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Tuesday 23 July 2019 at 10.00am in Committee Room 1 at County Hall, Chelmsford.

8. 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).

9. Confidential Appendix: Minutes – 28 May 2019

(Press and public excluded)

The Cabinet noted the Confidential Appendix to the minutes of the meeting held on 28 May 2019, which had been approved as a correct record earlier in the meeting (minute 2 above refers).

There being no further business, the meeting closed at 10:19am.

Chairman
18 June 2019

Council Issues

1. Amendments to the Constitution

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

At present, there is a separate agenda item on the council agenda for oral questions from any Member of the ECC representative on the Police, Fire and Crime Panel. However, members cannot ask any operational policing questions or anything about the work of the police since the Panel scrutinises the Commissioner rather than the police, meaning that this power is rarely used.

It is proposed that this is removed as a separate agenda item but that members may ask questions of the ECC representative of the panel under the general oral questions session held under paragraph 16.12.6.

Recommendation:

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

‘16.12.7 Essex Police, Fire and Crime Panel

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

be removed and subsequent paragraphs renumbered.

(2) That paragraph 16.12.6 be amended by

(i) the addition of

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

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

b) Content and length of speeches and debates

At present, the maximum amount of time permitted for the debate of motions to council is 35 minutes for each motion and the maximum total length of time for all motions is 175 minutes. These timings were agreed when there were five motions permitted at Council.

Having considered the matter at its meeting on 10 June 2019, the Constitutional Working Group agreed to recommend to Council that the maximum time limit for each motion should be 40 minutes and the maximum time limit for all motions should be 160 minutes.

Recommendation:

That paragraphs 16.9.6 (ii) (a) and (b) of the Constitution be amended to read

Be amended to read:

- ‘(a) there will be a maximum time limit of 40 minutes per motion and any amendments thereto;
- (b) the maximum length of time for the consideration of all such motions will be 160 minutes;’

c) Structural changes

Two senior staffing changes have been agreed which means that constitutional change is necessary:

- (1) The Executive Director, Corporate Development left ECC on 31 May 2019. His duties have been re-allocated amongst other members of the Corporate Leadership team.
- (2) The Executive Director for Corporate and Customer Services and section 151 officer has asked to reduce her working hours. This has been agreed by the Chief Executive with effect from 1 August 2019.

It is proposed that with effect from 1 August 2019 the following changes will apply:

- (1) The Executive Director for Corporate and Customer Services will be responsible for Legal and Assurance, Customer Services, the Coroner Service, Strategy, Insight and Engagement and Delivery and Delivery Assurance (including Commercial and Traded Development).
- (2) A new role of Executive Director, Finance and Technology will be created, for a temporary period of 12 months. It is proposed that this post will become the Council's chief finance officer appointed under section 151 of the Local Government Act 1972. This role will be responsible for Finance and Procurement, Technology Services, Essex Pension Fund and as the Accountable Body for the South East Local Enterprise Partnership. This post will report directly to the Chief Executive.

These changes will be kept under review by the Chief Executive and councillors and a further decision will be required if further changes arise. As a result of this, a number of changes need to be made to the constitution in accordance with the recommendations below. These changes do not make any substantive changes to officer powers, they only seek to redistribute them as set out above.

Recommendation

That with effect from 1 August 2019 the following changes are made to the constitution:

- (1) Paragraph 4.3.5 be amended to read

Executive Director, Finance and Technology
- (2). Paragraph 4.4

Replace 'Executive Director, Corporate and Customer Services' with
Executive Director, Finance and Technology
- (3) Paragraph 12.2.4(f)

Replace 'Executive Director, Corporate and Customer Services' with
'Chief Finance Officer'
- (4) Paragraph 15.3.1 (v)

Replace 'Executive Director, Corporate and Customer Services' with
'Chief Finance Officer'
- (5) Paragraph 15.3.2

Replace with:

15.3.2 To the Executive Director, Corporate and Customer Services
 - (i) To be the Proper Officer under Section 115 of the Local Government Act 1972.
 - (ii) To be responsible for:
 - a. Democratic Services
 - b. Emergency Planning
 - c. Health and Safety
 - d. Business Continuity
 - e. Legal Services
 - f. Information Governance

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

Replace paragraph 15.3.5 with:

15.3.2 To the Executive Director, Finance and Technology

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

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

- (iii) To exercise the functions of the Council in relation to the pay and conditions of directly-employed teachers who are subject to the School Teachers Pay and Conditions.

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