



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, 12 December 2017	Council Chamber, County Hall, Chelmsford, CM1 1QH
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A handwritten signature in black ink, appearing to read 'Gavin Jones'.

Gavin Jones
Chief Executive

Officer Support to the Council: Andy Gribben, Senior Democratic Services Officer
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This meeting is open to the public and the press.

The agenda is available on the Essex County Council website, www.essex.gov.uk. On the home page select 'Your Council' and then 'Meetings and Decisions'. Finally, select 'Full Council' on the date shown above from the meeting calendar.

The agenda and associated documents may be requested in alternative formats such as large print, Braille and on disk.

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 meetings of the Council's Committees. The Chairman will make an announcement at the start of the meeting if it is being recorded. The recording/webcast service is not guaranteed to be available.

If you are unable to attend and wish to see if the recording/webcast is available you can visit this link www.essex.gov.uk/Your-Council 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.

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

Public Questions A period of up to 30 minutes will be allowed for members of the public to ask questions on any business of the Council (Standing Order 16.12.10). No question shall be longer than three minutes and speakers must have registered with the clerk no later than 7 calendar days before the date of the meeting. On arrival, and before the start of the meeting, registered speakers must identify themselves to staff in order to be seated.

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- 11 Clarification of answers provided in response to written questions asked by Members of the Council**
- 12 Oral questions of the Leader, Cabinet Member or the chairman of a committee**
- 13 Oral questions of the representative of the Essex Police, Fire and Crime Panel on any matter relevant to the business of that Panel**

Minutes of the meeting of the Full Council, held in the Council Chamber County Hall, Chelmsford, Essex on Tuesday, 10 October 2017

Present:

	Chairman:	Councillor J F Aldridge	
	Vice-Chairman:	Councillor J G Jowers	
J Baker		R J Gooding	R Mitchell
T Ball		I Grundy	G Mohindra
S Barker		C Guglielmi	Dr R Moore
J Beavis		M Hardware	J Moran
K Bentley		D Harris	C Pond
D Blackwell		A M Hedley	R Pratt
A Brown		I Henderson	J M Reeves
M Buckley		S Hillier	P Reid
G Butland		P Honeywood	S Robinson
S Canning		A Jackson	C Sargeant
J Chandler		E C Johnson	L Scordis
P Channer		D J Kendall	A Sheldon
T Cutmore		S Lissimore	K Smith
A Davies		J Lumley	J Spence
J Deakin		M Mackrory	M Steptoe
M Durham		R A Madden	A Turrell
B Egan		M Maddocks	L Wagland
A Erskine		B Massey	S Walsh
D Finch		P May	C Weston
R Gadsby		M McEwen	C Whitbread
M Garnett		L McKinlay	A Wood
A Goggin		V Metcalfe	J A Young

Prayers

The meeting was preceded by prayers led by The Reverend Canon Ivor Moody, Vice Dean and Canon Pastor, Chelmsford Cathedral and Workplace Chaplain, Essex County Council.

Public Questions

1. The Chairman welcomed Mr Roderick Jones, a resident of Great Dunmow, who had registered to speak concerning the operation of Dunmow Waste Transfer Site and how it was affecting local residents. He referred to the noise from the fans operating the extraction system at the plant, excessive odour and regular breaches of the nearby parking restrictions. He stated that there had been numerous breaches of the planning regulations or conditions imposed upon the plant at the time of the original planning approval.

Additionally, he made reference to a report that suggested that the odours from the plant were likely to rise to be measurably 100% greater than that which was originally predicted.

Councillor Walsh, the Cabinet Member for Environment and Waste, replied that he had been following this matter for the last 18 months and appreciated that it involved complex regulatory matters. He understood that there were outstanding complaints against the Council and the Environment Agency and as they were being currently investigated it was inappropriate for him to respond in detail to the points raised by Mr Jones. However, he undertook, at an appropriate time, to provide a full response to the points raised and he would be speaking to officers in order to attempt to find a resolution.

2. The Chairman welcomed Mr James Bridges, a resident of Rettendon, who had registered to speak concerning the lack of provision of free home to school transport. He stated that his children attend a secondary school 5.7 miles away from his home but he has been informed that he was not eligible for support with school transport costs as another school is 160 metres closer.

He noted that in September 2015 Essex County Council had implemented a change to school transport eligibility to offer transport to the nearest school where that school is more than 3 miles away. This had replaced transport eligibility to the priority admission area school where that school is more than 3 miles away that had existed since 1944.

He maintained that since the new policy had come into effect the cost to transport 11-16 year old children to mainstream secondary schools had increase by £760,000 per year despite 2,400 fewer students per year being transported. The policy change had increased traffic congestion on the county's roads, created air pollution and traffic dangers around schools and had put a huge financial burden on the finances of working families in rural areas such as Rettendon Common.

Mr Bridges urged the Council to reform the School Transport policy to maximise the number of children who are cost efficiently transported to school by bus and to minimise those transported by other means. He sought a commitment from the Cabinet Member for Education to begin a consultation with parents, school leaders and transport providers to agree a new solution that would better serve rural families and provide better value to the tax payers of Essex.

Councillor Gooding, the Cabinet Member for Education, replied that this matter had not only been the subject of previous correspondence and had been discussed extensively at previous meetings of Council, but was also the subject of a written question submitted by Councillor Young the answer to which could be found in the papers relating to this meeting.

He noted that it was incorrect to state that there had not been a saving to the Council as a result of the policy change. The actual full-year saving (adjusted for variations in the lengths of school years) was £529,150 and added that the policy had ensured that there was a consistent provision across the county without any previously existing 'special deals' and he confirmed that there was no intention to either change or review the policy.

3. The Chairman welcomed Councillor Stephanie Gill, a Parish Councillor, who had registered to speak concerning Cock Lane in Clavering which was closed for repairs as the river running alongside the lane had eroded the river bank and the road surface was collapsing. She stated that in June 2016 Parish Councillors, local farmers and residents had attended a surgery with the former Cabinet Member for Highways Councillor Johnson and Ringway Jacobs to discuss the closure of the lane and the diversion route. They had been informed that although there were no funds in the emergency budget for the repair work for 2016/17, design and estimated costs for future repair had commenced.

However, Freedom of Information Requests had revealed that no design or estimate work had commenced and after June 2016, no visits were made to the site of the erosion, no road safety maintenance to cut back vegetation, no monitoring of eroded verges nor gritting of the diversion route and she understood that the Emergency Services had no notice of the closure and believed Cock Lane to be fully open.

She asked that there be urgent repairs to Cock Lane and explain why no work had been carried out between June 2016 and June 2017 and why the Council had put parishioners' lives at risk.

Councillor Grundy, the Cabinet Member for Highways, replied that he shared the Parish Council's desire that there should be a swift resolution to this matter and he apologised for the delay. He explained that the management of the road maintenance budgets was based upon the need to prioritise. He understood that Cock Lane was a relatively infrequently used stretch of road and there were other more urgent repair works required elsewhere. However, a study into a feasible repair had been undertaken and consideration was being given to what would likely prove to be a lengthy programme of work involving complicated negotiations between various partners with the potential for spiralling costs.

He emphasised that it was incumbent upon the Council to manage budgets and although expenditure needed to be prioritised to the greatest need he would ensure that within the next few weeks there were discussions with all the relevant parties and in the meantime he noted that, as the road was closed and the emergency services had been notified, there was no risk to the public.

The Chairman formally opened the meeting

The Chairman advised those present that the meeting would be recorded and broadcast live over the internet and the recording would be available for download after the meeting.

1. Apologies for Absence

Apologies for absence were received on behalf of Councillors Abbott, Aspinell, Erskine, Henry, Louis, Platt and Souter.

2. Declarations of Interest

There were no declarations of interest.

3. Confirmation of the minutes of the ordinary meeting held on 11 July 2017**Resolved:**

That the minutes of the ordinary meeting held on 11 July 2017 be approved as a correct record and signed by the Chairman subject to an amendment on page 16 of 62, Minute 11. The Essex Pension Fund Board Annual Report 2016/2017, to replace 'Chairman of the Finch' with 'Chairman of the Essex Pension Strategy Board'

4. Chairman's Announcements and Communications**Recent Deaths****Former Councillor Robert Sears**

The Chairman informed Members that former Councillor Robert Sears died on 7 August 2017. He had been a member of Basildon District Council and was elected to be Chairman of that Authority in 1998 but he was also in 1998 elected to Essex County Council to represent the Division of Basildon, Westley Heights.

At the County Council he had served on various committees including the committees for Highways and Transportation, Community Safety, Health and Social Services and Planning.

Former Councillor Christine Butler

The Chairman informed Members that former Councillor Christine Butler died on 19 September 2017. She had been elected in 1993 to the County Council where

she had served on various committees including the committees for Environment, Highways and Transportation, Policy and Resources and the Enterprise Board.

She had also served as the Member of Parliament for Castle Point between 1997 and 2001.

Former Councillor Moran Farnsworth

The Chairman informed Members that former Councillor Moran Farnsworth died on 7 October 2017. He had been elected in 1985 to the County Council to represent the Division of Chigwell and served on various committees including the Library, Museum and Records Committee, the Lee Valley Regional Park Authority and the Epping Forest Police and Community Liaison Group. He had also been a member of Epping Forest District Council from 1979 to 1984.

Former Councillor Albert Smulian

The Chairman informed Members that former Councillor Albert Smulian died recently. He had been elected in 1987 to the County Council to represent Belfairs-Blenheim, a Division which was subsequently to become part of the Southend Unitary Authority. He had served on various committees including the committees for Fire and Protection, Policy and resources, Education and was Chairman of the Highways Committee.

Members stood in remembrance.

Corporate Parenting Pledge

The Chairman reminded Members that they had recently received an email concerning the Corporate Parenting Pledge, an important undertaking that emphasises the Council's legal and moral duty towards those children that are in care.

The Chairman urged Members to sign the Pledge if they had not already done so, and stated that it would be available in the foyer until after the meeting.

Award

At the invitation of the Chairman, Councillor Barker, Cabinet Member for Culture, Communities and Customer, presented an award won at the Essex Business Awards by Visit Essex, the Council's Tourism Team, who were announced as winners of the 'Excellence in Marketing' category.

5. Receipt of petitions and deputations

The Chairman received a petition presented by Councillor Young from residents requesting the imposition of a 20mph speed limit or traffic calming on Elmstead Road, Wivenhoe. The petition was passed for the attention of Councillor Grundy, the Cabinet Member for Highways.

6. Executive Statement

The Leader of the Council, Councillor Finch, presented an Executive Statement entitled Building Collaborative Communities the text of which is to be found published on the County Council's website with the documents for this meeting.

7. Motions

1. Bus Franchising

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

'Essex residents are seeing declining bus services across the County, which impact on the young and old disproportionately. This undermines the ability for some to get to work, school or leisure and also increases congestion, which we know is one of the biggest factors that may hinder the economy in Essex.

At the same time there is a lack of accountability towards residents and councillors when it comes to bus companies. Customers and councillors currently have no say on which routes bus companies maintain, while the costs increase and the quality of buses in Essex deteriorates. The current service is driven by profit and not being run to meet the needs of the residents of Essex.

This council asks the Cabinet Member with responsibility for buses to investigate adopting bus franchising scheme under in the new Bus Services Act 2017. This allows the Local transport authority to identify the bus services that should be provided for an area, rather than bus companies dictating the routes they would prefer. This will also bring in more accountability for us locally and allow us to tackle emissions in Essex.'

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

'Essex residents, particularly those in rural areas, are seeing changes to their bus services, which can impact on the young and old disproportionately. This undermines the ability for some to get to work, school or leisure and also increases congestion, which we know is one of the biggest factors that may hinder the economy in Essex.

At the same time there is a lack of accountability towards residents and councillors when it comes to bus companies. Customers and councillors currently have no say on which routes bus companies maintain, while the costs increase and the quality of buses in Essex deteriorates. The current service is driven by the need to make routes commercially viable without hefty taxpayer subsidy.

This council asks the Cabinet Member with responsibility for buses to investigate adopting a bus franchising scheme (under the new Bus Services Act 2017) as part of any devolution deal from Government. This could allow the Local transport

authority to identify the bus services that should be provided for an area, rather than bus companies dictating the routes they would prefer. This will also bring in more accountability for us locally and allow us to contribute to emission reduction in Essex.'

Councillor Pond, the Leader of the Non-Aligned Group, suggested that if the amendment moved by Councillor Gooding and seconded by Councillor Guglielmi was changed by removing the words 'as part of any devolution deal from Government' then the amendment may receive wider support and Councillor Henderson, the Leader of the Labour Group agreed.

With the approval of Council, Councillor Gooding and Councillor Guglielmi agreed that such an alteration should be made and so their amendment to the motion was altered to be:

'Essex residents, particularly those in rural areas, are seeing changes to their bus services, which can impact on the young and old disproportionately. This undermines the ability for some to get to work, school or leisure and also increases congestion, which we know is one of the biggest factors that may hinder the economy in Essex.

At the same time there is a lack of accountability towards residents and councillors when it comes to bus companies. Customers and councillors currently have no say on which routes bus companies maintain, while the costs increase and the quality of buses in Essex deteriorates. The current service is driven by the need to make routes commercially viable without hefty taxpayer subsidy.

This council asks the Cabinet Member with responsibility for buses to investigate adopting a bus franchising scheme (under the new Bus Services Act 2017). This could allow the Local transport authority to identify the bus services that should be provided for an area, rather than bus companies dictating the routes they would prefer. This will also bring in more accountability for us locally and allow us to contribute to emission reduction in Essex.'

The altered amendment to the motion moved by Councillor Gooding and seconded by Councillor Guglielmi having been put to the meeting was carried and became the substantive motion and it was

Resolved

That the motion be carried.

2. Pressures on Social Care

It was moved by Councillor Mackrory and seconded by Councillor Kendall that

'This Council notes the ever increasing financial costs being placed on it by the demands on the social care system.

Council therefore resolves to:

- i) Lobby government to ensure adequate funding in the forthcoming autumn budget for both Childrens Services and Adult Social Care, in particular the need to address the disparity in funding between local authorities to the detriment of Shire Counties.
- ii) Add its support to the Rt. Hon Norman Lamb MP with his call for a cross-party commission on the NHS and social care crisis, currently supported by many Conservative and Labour MPs.'

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

'This Council notes the ever increasing financial costs being placed on it by the demands on the social care system.

Council therefore notes the considerable work that has been and is being undertaken to increase social care budgets including:

- i) A letter from the Leader to the Chancellor of the Exchequer ahead of the Autumn Budget that highlights the need to ensure adequate funding for both Children's and Adult Social Care.
- ii) The launch of a joint campaign between Essex County Council and the County Council Network for a 'Fair Deal' that seeks to address the disparity in funding between local authorities to the detriment of Shire Counties, particularly in relation to London.
- iii) Following a meeting between Councillor Finch, Councillor Madden and Norman Lamb the Council will continue to support the call for a cross-party commission on the NHS and social care.'

The amendment moved by Councillor Finch and seconded by Councillor Spence having been put to the meeting was carried and became the substantive motion and it was

Resolved

That the motion be carried.

3. Unauthorised Encampments

It was moved by Councillor Lissimore and seconded by Councillor Ball that

'Over the last three years the number of unauthorised encampments by Travellers has more than tripled. The annual cost to the Essex taxpayer of removing these unauthorised encampments runs into hundreds of thousands of pounds and has,

in some areas, increased tensions between local residents and Travellers communities to the detriment of both.

This Council recognises that tackling unauthorised encampments is a complex issue which will require a multi-agency approach. This Council therefore calls upon all Essex District, Borough and City Authorities to work together with Essex County Council and Essex Police to identify and act on the root causes of this increase for the benefit of both local residents and Traveller communities.

In the meantime, this Council urges all Essex District, Borough and City Authorities to treat unauthorised encampments in the same way as they would treat any other unauthorised incursion on to their land and work to minimise the disruption that unauthorised encampments can cause.'

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

'Over the last three years the number of unauthorised encampments by Travellers has more than tripled. The annual cost to the Essex taxpayer of removing these unauthorised encampments runs into hundreds or thousands of pounds and has, in some areas, increased tensions between local residents and Travellers communities to the detriment of both.

This Council recognises that tackling unauthorised encampments is a complex issue which will require a multi-agency approach. This Council therefore calls upon all Essex District, Borough and City Authorities to work together with Essex County Council and Essex Police to identify and act on the root causes of this increase for the benefit of both local residents and Traveller communities.

In the meantime, this Council urges all Essex District, Borough and City Authorities to treat unauthorised encampments in the same way as they would treat any other unauthorised incursion on to their land and work to minimise the disruption that unauthorised encampments can cause.'

Furthermore:-

1. Essex County Council urges all Districts, Boroughs and City Councils to make provision for fully regulated Transit sites in their Local Plans.
2. Essex County Council should lobby government to legislate to speed up the process for moving unauthorised encampments on private and publicly owned land.

The amendment moved by Councillor Kendall and seconded by Councillor Turrell having been put to the meeting was lost and it was

Resolved

That the motion be carried.

3. Strategic Infrastructure

It was moved by Councillor Bentley and seconded by Councillor Mohindra that

'This Council acknowledges the excellent work and collaboration being carried out to improve the major infrastructure routes in Essex between this Administration, Government Agencies, Businesses and Essex Unitary, City, Borough and District Council colleagues.

Consultation work on improving the A120 between Colchester and Braintree, work to improve and upgrade the A12 and a brand new junction at 7A on the M11 plus improvements to Junction 7 and 8 will all increase and improve our economy, productivity and unlock sustainable housing for generations to come.

This Council also recognises that we must be relentless in ensuring the A127 and the A13 are improved to assist the economic plans of south Essex and this Council will continue to work with Government to ensure the powerhouse that is the Essex economy receives its fair share of infrastructure funding.

This Council therefore calls upon Government to proactively support the delivery of this vital infrastructure in advance of major housing development in Essex.'

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

This Council acknowledges the excellent work and collaboration being carried out to improve the major infrastructure routes in Essex between this Administration, Government Agencies, Businesses and Essex Unitary, City, Borough and District Council colleagues.

Consultation work on improving the A120 between Colchester and Braintree, work to improve and upgrade the A12 and a brand new junction at 7A on the M11 plus improvements to Junction 7 and 8 will all increase and improve our economy, productivity and unlock sustainable housing for generations to come.

This Council also recognises that we must be relentless in ensuring the A127 and the A13 are improved to assist the economic plans of south Essex and this Council will continue to work with Government to ensure the powerhouse that is the Essex economy receives its fair share of infrastructure funding.

At the same time this council recognises the importance of maintaining the current local road infrastructure for the benefit of all road users across the county.

This Council therefore calls upon Government to proactively support the delivery of this vital infrastructure and provide the necessary ongoing investment to maintain local roads in advance of major housing development in Essex.

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

'This Council acknowledges the excellent work and collaboration being carried out to improve the major infrastructure routes in Essex between this Administration, Government Agencies, Businesses and Essex Unitary, City, Borough and District Council colleagues.

Consultation work on improving the A120 between Colchester and Braintree, work to improve and upgrade the A12 and a brand new junction at 7A on the M11 plus improvements to Junction 7 and 8 will all increase and improve our economy, productivity and unlock sustainable housing for generations to come.

This Council also recognises that we must be relentless in ensuring the A127, and the A13, the Army and Navy interchange, are improved and the North East Chelmsford by-pass is progressed to assist the economic plans of South Essex and this Council will continue to work with Government to ensure the powerhouse that is the Essex economy receives its fair share of infrastructure funding.

This Council therefore calls upon Government to proactively support the delivery of this vital infrastructure in advance of major housing development in Essex.'

The amendment moved by Councillor Davies and seconded by Councillor Robinson having been put to the meeting was lost.

The amendment moved by Councillor Mackrory and seconded by Councillor Henderson having been put to the meeting was lost and it was

Resolved

That the motion be carried.

8. 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. Changes to Membership of Committees

To note the changes made by officers under delegated powers in accordance with notification given by the Leader of the Conservative Group.

2. Merger of Joint Standards Committee and the Audit Committee

To amend the constitution as follows:

1. Replace paragraph 8.1.2 of the constitution with that set out in the appendix to the report
2. Delete paragraph 8.1.3 of the constitution and renumber paragraphs 8.1.4-8.1.10 as 8.1.3 to 8.1.9 accordingly.
3. Replace all references in the Constitution to the 'Joint Standards Committee' or the 'Standards Committee' with a reference to the 'Audit, Governance and Standards Committee'
4. In the Scheme of Members Allowances delete:
 - a. the asterisk next to the allowance in 'Committee Chairmen (8*)' and
 - b. the note '* The same person will normally be appointed Chairman of the Audit Committee and Chairman of the Joint Standards Committee'.

4. Minor Changes of delegations – Public Rights of Way

To amend paragraph 15.3.10 (ix) of the Constitution (one of the delegations to the Director, Legal and Assurance) to read:

'(ix) To determine applications and proposals for modification of the Definitive Map and Statement of Public Rights of Way pursuant to Section 53, 53A or 55 of the Wildlife and Countryside Act 1981.'

9. Adjournment

With the agreement of Council the Chairman adjourned the meeting for luncheon at 12:55. The meeting reconvened at 14:00.

10. To receive the Leader's report of Cabinet Issues

Councillor Finch, the Leader of the Council, presented a report concerning matters considered by Cabinet since the last Council meeting.

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

Resolved

That the report be received.

11. Written Questions

The published answers to the 23 written questions submitted in accordance with Standing Order 16.12.1 were noted.

Members asked supplementary questions of the relevant Cabinet Members details of which are available on the [online audio recording of the meeting](#). The written questions were:

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

‘Could the Cabinet Member tell me what plans are in place to train key mental health staff, consultants etc. in Asperger Syndrome? (i.e. autism with no learning disability).

Currently, local Asperger-trained psychological/therapeutic support for sufferers (and their parents/carers) is virtually non-existent in Essex. Mostly all that is available is generic "one size fits all" support which is inappropriate for this autistic cohort and can actually make things worse.’

Reply

‘The Council has commissioned the Essex Partnership University NHS Foundation Trust (EPUT) to provide a range of Mental Health services across Essex.

EPUT’s Asperger’s Service provides training across the Trust to raise awareness and enable teams to improve their support to people with Asperger’s and their families:

- In July 2017 the Asperger’s Service provided training in the South of Essex for adult psychiatrists and in Southend and Basildon for Mental Health teams.
- In August 2017, the Learning Disability psychology department provided training for staff in Liaison and Diversion services in Autistic Spectrum Disorder (ASD) awareness and reasonable adjustments.
- In September 2017, training was provided as part of the mental health champions training to nursing staff from adult inpatient services. This training was around recognition of ASD and simple strategies to help in their work with individuals on the ward. The Asperger’s Service also provides some psychoeducation/therapy groups around anxiety and social skills and a small amount of individual support.

In North Essex, the Hertfordshire Partnership Foundation Trust has commissioned training courses:

- Asperger’s Awareness (one day course to provide participants

with a basic understanding and awareness of Asperger syndrome and explores contemporary approaches to more effectively supporting the care of people who live with this condition)

- Autistic Spectrum Conditions (to increase the knowledge and skills of those practitioners supporting and assisting service users with ASD).

The Adult Autism Partnership Board has developed a Multi-Agency Training Plan led by Mid Essex CCG, with priority focus on primary and secondary care staff training in autism via e-learning.

Additionally, Essex County Council offers a countywide one-day training course for advanced knowledge of Autism in relation to Adults within Adult Social Care. The training also covers the assessment process. Training includes understanding research and pre-course e-learning on Autism that does include Aspergers.'

2. By Councillor Aspinell of the Cabinet Member for Health and Adult Social Care

'Is it your intention to bring to Council for us to sign up to the Ethical Care Charter as detailed in the attached link?'

www.unison.org.uk/content/uploads/2017/06/ethicalcarecharterEDITFINAL.pdf

Reply

'Essex County Council routinely works with the Care Quality Commission, the independent regulator of health and social care in England, to make sure social care services provide people with safe, effective, compassionate, high-quality care.

As a member of the Safeguarding Adults Board, the Council is committed to working with partners to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is being promoted including, having regard to their views, wishes, feelings and beliefs in deciding on any action.

This Council is committed to providing good quality care to all our Adult Social Care service users in Essex.

We do not currently plan to adopt the Charter, as there are other, more proactive mechanisms for ensuring safety, quality and dignity of care for those we support.

With respect to the pay, conditions and training opportunities for care

workers, Essex County Council, as the commissioner of care and support services, continues to work with providers to ensure a viable, robust and skilled sector workforce.'

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

'Would portfolio holder please do as many other councils around the country and sign up to the Ethical Care Charter, as ECC already does most of the suggested best practice in the charter.'

<http://www.unison.org.uk/content/uploads/2017/06/ethicalcarecharterEDITFINAL.pdf>

Reply

'Essex County Council routinely works with the Care Quality Commission, the independent regulator of health and social care in England, to make sure social care services provide people with safe, effective, compassionate, high-quality care.'

As a member of the Safeguarding Adults Board, the Council is committed to working with partners to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is being promoted including, having regard to their views, wishes, feelings and beliefs in deciding on any action.

This Council is committed to providing good quality care to all our Adult Social Care service users in Essex.

We do not currently plan to adopt the Charter, as there are other, more proactive mechanisms for ensuring safety, quality and dignity of care for those we support.

With respect to the pay, conditions and training opportunities for care workers, Essex County Council, as the commissioner of care and support services, continues to work with providers to ensure a viable, robust and skilled sector workforce.'

4. By Councillor Harris of the Cabinet Member for Education

'Would the portfolio holder look at the Council's bus service in south Colchester, namely the numbers 50 and 63 buses. Both services are operated by the Heddingham Bus Company.

As the Council subsidises both routes, can the portfolio holder influence the time table so that the services do not run so closely timed to each other, but at a half hourly service. The morning service, for

example, has both the 50 and the 63 run only a few minutes apart, and then leaving bus users with 50 minutes with nothing.

Could negotiation include getting a 30 minute service instead, using hourly service of 50 and 63 with a stagger?’

Reply

‘I am aware of the current close running of services 50 and 63. Both services were won by (separate) combined tender bids which allows the buses to ‘cross work’ between different contracts in the most cost effective way.

- Service 50 is combined with service 92 on Saturdays (and one 92 journey on Wednesdays) and a range of small shopper bus services (50b, 69a, 85, 84b, 79) during the week.
- Service 63 interworks with the school bus service 19.

This arrangement requires the buses to be at certain points at certain times in order to work, which makes it difficult to co-ordinate the 50 and 63. To do so would reduce the level of service available to residents outside central Colchester.

This said, close analysis of the timetables suggests that it may be possible to alter the times of some services to produce a more even headway at some times of the day – mainly in the morning off peak period, without upsetting the rest of the service timetables.

Therefore, officers will raise this possibility with Hedingham Omnibus and see what action can be taken.’

5. **By Councillor Mackrory of the Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy.**

‘The Commission of Inquiry into the A12 chaired by Sir David Rowlands reported in 2008, can the Cabinet Member give an update on the following:

- How many of the 28 recommendations have been implemented and what is the status of those remaining?
- Appendix 9 refers to the number of personal injury accidents between 2004 – 2006, what are the figures from 2007 until the latest available?
- Appendix 11 refers to the road closure statistics from 1st January – 30th April 2008, what are the figures from 1st May 2008 until the latest available?’

Reply

'Essex County Council cannot directly carry out works on the A12, as it is a trunk road and the responsibility of Highways England. However, the County Council used its considerable influence through the A12 Inquiry to make sure that the road was seen as a strategic route which could no longer be planned and managed in an ad hoc and hand-to-mouth manner as it appeared to many that it was at the time; hence the 28 recommendations covering everything from route upgrading to day-to-day management.

Turning to your queries

1. **28 recommendations**

The Sir David Rowlands report was meticulous in its approach and encyclopaedic in its findings, with numerous recommendations. Many of the recommendations now need to be seen in the light of the changes in the way the route is now managed, operated and planned for.

Rather than run through all 28 recommendations, I have grouped together some thoughts on progress since the Inquiry:

Status and Planning for the Route plus its desired standard

At the time of the Inquiry there was a lot of uncertainty as to how any meaningful upgrade could be affected by the then regional approach to funding allocation. I'm glad to say that much has changed, and the A12 is seen now as a de facto important trunk road managed and planned for by a new organisation, Highways England. Highways England is under a remit from Government to deliver objectives not just for congestion and safety, but also to aide economic growth by improving connectivity. This is a sea change in the previous approach, and has ushered in a new Route Based Strategy (RBS) which replaced the previous workaday Route Management Strategies. The first RBS was published firstly as a pilot on 2013, and then in full in 2015. The RBS was followed up by inclusion of the A12 in the Roads Investment Strategy, which set as its target the upgrading to three lanes of all sections of the A12 between M25 (Brook Street) and Colchester (Crown Interchange) by 2025.

Initially an A12 Alliance was set up and was highly influential, but following the publication of a new approach to trunk road management, the meetings have ceased and have been replaced with active strategic planning discussions between Highways England and the County Council. We may conclude that the Inquiry and the Alliance was instrumental in a new approach to the A12 which shows how effective the initiative was.

Priority sections

Much was made of the inadequate sections of route notably at Hatfield Peverel, and between there and Marks Tey as being priorities for improvement. Since the Inquiry the Hatfield Peverel to Witham improvement has taken place, and the section from Chelmsford to Marks Tey prioritised for wholesale upgrading, options for which were unveiled earlier this year.

Management of the road on a day to day basis

Following the Inquiry the A12 patrols were introduced, and important information gathered about the nature of incidents and breakdowns. Regrettably the patrols ceased due to funding difficulties, but this authority has regularly championed their usefulness, and looks forward to their reinstatement whenever this can be afforded by Highways England and the Essex Police. Until that time the Essex Police will and do carry out campaigns, and manage driver behaviour through their current programmes aided by the Safer Essex Roads Partnership work.

Speed management and Information management

The Inquiry called for speed management and information services to be introduced. Since these recommendations were made, two sections of the A12 have had average speed cameras installed, and several VMS signs sited.

Other matters

There were a number of recommendations regarding more minor matters such as laybys, public rights of way and signing /lining. These are attended to by Highways England as part of their day-to-day management of the road through their contracting mechanisms, including the resurfacing and minor defect rectification programme underway at present for example.

2. Accident Record & Road Closures

As I say, Essex does not administer the road on a day-to-day basis, and in order that I give you an accurate update on the 2007 and 2008 figures to which you refer, I have contacted the Route Managers at Highways England, so that they can provide me with up-to-date information. Once I have this I will write again to answer these important points.

Overall I would conclude that the A12 Inquiry was a milestone in getting the route recognised as an important economic driver of

growth, and one which needed an holistic approach which is what the Roads Investment Strategy with its aim to make the A12 an Expressway has started.'

6. By Councillor Mackrory of the Cabinet Member for Education

'Will the Cabinet Member, together with the Cabinet Member for Highways and the Cabinet Member for Housing, Property & Planning, undertake an urgent study into the traffic and highways implications of expanding schools on tight sites in urban areas where the existing highways infrastructure is unsuitable for the increase in traffic generated? The study to include exploring ways of securing funding for the highways upgrades from developer contributions.'

Reply

The following response has been provided by the Cabinet Member for Education, the Cabinet Member for Highways and the Cabinet Member for Housing, Property and Planning.

'As part of every planning application including expansion of school sites a Transport Assessment is conducted which seeks to assess the traffic impacts associated with the development. If these impacts are deemed sufficient enough appropriate developer contributions are sought through the Section 106 process to secure infrastructure improvements. However physical infrastructure is only part of the story there are ongoing school travel planning activities which include ensuring that pupils and parents adopt the most appropriate and suitable method of travel to school. To support this a specific position was created in July 2017 to ensure that there is more emphasis placed on this initiative, particularly in the Colchester area given that a number of schools have been identified for expansion within a defined geographical cluster. This position works closely with officer and member representatives to ensure that the right solutions are delivered with respect to each school.

It should also be noted that the school itself plays a big part in the promotion and monitoring of sustainable travel to schools through 'hands up' surveys, 'park and stride' initiatives and 3PR which is a considerate parking initiative from the South Essex Parking Partnership which the County Council officers are working closely with to roll the scheme out across South Essex.'

7. By Councillor Deakin of the Leader of the Council

'I have regularly attended ECC meetings where Officers are in attendance and working on their laptops, on their laps. Working like this cannot be good for their eyesight or posture and is most certainly not

complying with the correct working height for computer screens.

- Can the Leader tell me how this is promoting best working practice?
- Does this Council provide free eye tests for staff and Members?
- Has this Council carried out a risk assessment on all members of staff who regularly work in this way? If so, when, and what were the findings?

Reply

'ECC is at the forefront of promoting mobile and flexible working and new employees frequently comment how helpful it is to be able to access ECC information easily, flexibly and securely.

The Health and Safety (Display Screen Equipment) Regulations 1992 require that an assessment is undertaken of workstations used for an extended period of time a place used continuously for an hour most days, although a temporary workstation would not need the assessment to be formally recorded. In most cases the use of a laptop at a meeting would not amount to use for a prolonged period of time because people at the meeting will be observing or participating in the meeting and will be watching the discussion and so there would not be prolonged use of the laptop.

Continuous typing on a laptop for an extended period of time without use of a separate screen is not recommended. County Hall is equipped with several thousand workstations where laptops can be connected into an adjustable height screen, keyboard and mouse.

If any member would like to assess their own workstation the guidance is available on the ECC intranet (search for 'VDU') although this is not a formal requirement as the Health and Safety (Display Screen Equipment) Regulations 1992 do not apply to Members.

The Council pays for eye tests for employees who are users of display screen equipment. Neither the 1992 Regulations nor the current scheme of Members allowances allow for reimbursement of these costs for Members.

The law and ECC policy requires that all employees should have a DSE assessment for their workstation. An employee's manager is responsible for ensuring that assessments take place in accordance with the policy. Each assessment will be specific to the needs of the individual employee and their workstation.'

8. By Councillor Young of the Cabinet Member for Education

'Cabinet agreed to set up an Essex Multi Academy Trust. Please can the Portfolio Holder clarify the proposed Governing Body membership

structure and confirm permanent exclusions will be used as a last result.'

Reply

'I thank Councillor Young for her question regarding the development of an LA initiated Multi Academy Trust (MAT) and for her support of this at the recent Cabinet meeting. I would like to clarify that the endorsement by Cabinet was to proceed with an application to the Regional Schools Commissioner for approval. In addition, the Essex MAT (EMAT) will be established as an independent entity from the council. Legally ECC can only hold a 20% stake in the board of trustees and this is the proposal we will be putting forward. Given that the EMAT has not yet been approved by the Regional Schools Commissioner it would not be appropriate to share the details of the Members or Trustees of the proposed EMAT at this time.

In respect of the specific question about exclusions, this would be a matter for the Board of Trustees of the EMAT to consider and would be in line with their policy on behaviour management / exclusions. ECC would advocate to any school in Essex that the permanent exclusion of pupils should always be a last report and in line with the schools adopted policy of behaviour / exclusion.'

9. By Councillor Young of the Cabinet Member for Education

'The change in Home to School Transport policy was scheduled to deliver savings of between £500,000 and £1m yet the 2016/17 final out turn figures revealed savings of just £40k. When will the Portfolio Holder order a review of this policy with a view to making changes?'

Reply

'I thank Councillor Young for her question, although the details presented within it are completely inaccurate.

The table below illustrates spend per school day in the relevant financial years:

Financial year	Spend per school day
2014/15	£134,325
2015/16	£132,862
2016/17	£131,540

In the 2016/17 financial year, the Council spent £2,785 less per day on education transport than in 2014/15 (the last year under the previous policy). A normal school year has 190 days and so the equivalent reduction in spend between 2014/15 and 2016/17 was £529,150.

It is clear that the current policy is delivering much needed savings. It is also significantly fairer. The previous arrangements gave some areas of the county a special deal, paid for by all other Essex taxpayers, which was unfair and unsustainable.

There is no intention to either review or change the policy. A position that is equitable for all parts of Essex is essential and that is what the current policy achieves.'

10. By Councillor Reid of the Cabinet Member for Resources

'In view of the recent problems that occurred with the Teachers' pay system, can the Portfolio Holder tell us that measures are being put in place to prevent the system malfunctioning in the future?

Can she categorically state that all of those teachers who incurred bank charges have been reimbursed and not left in hardship and can she do everything in her power to prevent this happening again?'

Reply

'We have completed an independent investigation into the August pay delay which has been undertaken by our internal auditors which revealed the issue to be one of human error. All internal payroll processes have now been fully reviewed and recommendations made including an additional check put in place to ensure there will be no repetition.

All claims received have been settled.'

11. By Councillor Davies of the Cabinet Member for Highways

'Would the Cabinet Member provide details of all applications to Local Highways Panels that are in the process of being validated, highlighting reasons for those that have remained as "awaiting validation" status for a significant period of time?'

Reply

'Number of all applications, by Local Highways Panel, that are in the process of being validated:

Chelmsford – 34
Maldon – 17
Epping – 13
Castle Point – 6
Brentwood – 5
Rochford – 3

Basildon - 5
Braintree – 28
Colchester – 48
Harlow – 15
Tendring – 21
Uttlesford – 26

Essex Highways aims to have all requested validations complete on time for the December/January Panel meetings; this is so they are able to be programmed by the Panel for the forthcoming financial year. On the rare occasion a validation is required sooner then it will be prioritised.

If your question is in relation to the validation time-scales for a specific scheme I'd be happy to discuss this with you individually.'

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

'Will the portfolio holder please confirm whether or not it is correct that Barnardo's are having to make redundant 30% of its most experienced staff providing support for vulnerable children and families across North Essex in order to meet the budget cuts being imposed by Virgin Care?

Will he further confirm that Essex County Council remains responsible for the support and protection offered to 0 – 19 year olds and that action is being taken to ensure that no child is disadvantaged or made more vulnerable as a result of the council having chosen to allow its Children's Services to be managed by a 3rd party?'

Reply

'Virgin Care in partnership with Barnardo's has been commissioned by ECC and NHS West Essex Clinical Commissioning Group to deliver the 0-19 Child and Family Wellbeing Service across the county from 1 April 2017, within a fixed budget set by commissioners.

Virgin Care and Barnardo's have recently completed a robust and inclusive workforce redesign consultation process to be in a position to ensure colleagues were placed in the right roles to deliver the outcome measures and key performance indicators agreed within their contract. Prior to this, there were 111 Barnardo's colleagues working in children's centres in North East Essex. There are now 78 experienced Barnardo's staff working alongside colleagues employed by Virgin Care in the new service. 8 employees voluntarily left their posts, 9 took voluntary redundancy and 13 have been made compulsorily redundant (a total of 31.18%).

To answer your second point, Essex County Council have previously

delivered the services within this contract by 3rd party providers which has been the case for many years, so this is not a new approach. A comprehensive set of key performance Indicators have been agreed, which have been built on from the previous contract monitoring processes, and these will allow for Commissioners to hold Virgin Care and Barnardo's to account, along with a number of activity level measures that have been put in place during the transition into the new service to ensure service levels do not drop below those that were in place at the contract transfer point at the scheduled monthly contract management meetings.

Regarding disadvantaged families, Virgin and Barnardo's have been specifically commissioned to improve outcomes for some of our most disadvantaged families across Essex. Our extensive early years review identified many disadvantaged families who struggled to access support, for a range of reasons. We believe that the Healthy Family Teams will provide the pro-active support that such families will benefit from and will access this support flexibly and not solely rely on attendance at specific centres, rather through the flexibilities afforded to a more integrated work force. Work is also underway to support families to create their own effective peer support networks to address the underlying areas of isolation we know many of our most disadvantaged families feel. To support this, Barnardo's are leading on building on their previously successful Volunteer programme.'

13. By Councillor Scordis of the Cabinet Member for Highways

'In Colchester, weeds at least a foot high have become a regular sight all over the town. Despite several requests for weeding I was told weeding would only take place at certain times, despite the unpredictable weather patterns we saw this year. Would the portfolio holder be able to re-evaluate when the weeding program takes place?'

Reply

'Colchester was treated in April and September this year. We vary the timings for each district where possible depending on growth.

Any weeding that is required after treatment would need to be completed by the street care teams, normally a district council function, or highway rangers if on a 30mph road. We are very happy to work with the local councils to coordinate any weeding activities after our treatments have happened.

Essex County Council does review the approach, policy and timings on an annual basis but at the moment we do not have plans to increase frequency.'

14. By Councillor Scordis of the Cabinet Member for Highways

'Would the portfolio holder please be able to explain why a broken kerbstone sticking out into the road is not seen as a hazard to cyclists or drivers? Could he clarify how far a kerb would need to be before Essex County Council took action and removed the hazard?'

Reply

'All reported defects are inspected using a strict risk based approach. This allows the prioritisation of our limited resources on those areas that present the greatest risk for road users. In the case of kerb stone defects the assessment would be based on likely footfall in the area, and the potential for interaction with road users.'

I would be happy to ask officers to respond on the specific example you are referring to if you can provide me with location details.'

15. By Councillor Kendall of the Cabinet Member for Highways

'Please could you tell me how much Essex County Council has been paid by Jupiter Spring Productions Ltd to close a number of roads and part of Thorndon Country Park in my County Division between September 28th and October 4th? Why wasn't I consulted as the local member before any decision was made to close the roads and the park?'

Reply

'The closures requested by Jupiter Spring Productions Ltd provided a unique opportunity and whilst we currently have no more filming-related closures planned on our roads, going forward we are keen to explore the economic benefits of charging for filming in Essex County Council's buildings, parks and roads. As well as generating income it offers us an opportunity to promote our great county on an international stage while bringing money into our local economy through film crews who spend at our shops, eat at our restaurants and stay at our hotels.'

Thorndon Country Park was paid a five-figure sum for the use of their north car park and was accessible via its south car park throughout the filming. While Essex Highways has invoiced Jupiter Spring Productions Ltd for the usual cost of processing a road closure.

Road closures do not require consultation with ECC members due to the sheer volume of applications received from companies (especially utilities) in relation to the 5,000 mile road network in Essex. Closures are advertised in the local paper (and in this case) on social media in

advance to help make residents aware.'

16. By Councillor Sheldon of the Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy.

'Can the Cabinet Member reassure my residents that the Council will investigate claims that council contractors damaged the surface of the car park on Benfleet High Road adjacent to Hatley Gardens, when they used it for plant and other storage during the original works on the Sadlers Farm junction that started back in 2010. Can he also give my residents reassurance that if it found that the surface of the car park was damaged by the contractors that the Council will use all means at their disposal to ensure they repair the damage as soon as possible.'

Reply

'Balfour Beatty has agreed, at no expense to the Council, to remedy defects in the Sadlers Farm scheme, and work is due to start on later in Oct. Their proposed way of working has been scrutinised by officers, and an agreed traffic management plan has been assembled. The details are on our website. We will be monitoring the situation closely, and I can assure you that any lessons from the original works a few years ago have been learned, and the contractor understands very well that traffic management is an equal concern to the Council as is the remedying of the defects.

The matter of Hatley Gardens is not quite so straightforward. Although works to Tarpots and the link to Sadlers Farm were undertaken at the same time to the Sadlers Farm main works, the contractor was not the same. Rather than Balfour Beatty it was Eurovia that undertook the works. Therefore remedial work needed now would not be the responsibility of Balfour Beatty. The matter is further complicated by the fact that Essex County Council entered into a licence agreement with Castle Point Borough Council over the use of the car park as a compound for Eurovia to utilise. Under the agreement there was provision for liability to remedy any defects caused by the contractor. Accordingly an inspection was carried out at the end of the works, and damaged areas were repaired. There were however, concerns raised after the works regarding potholes in the car park area, which existed prior to its use as a compound. It seems clear that this issue will require further discussion with Castle Point and I will undertake to ask that this takes place and will reply with the findings.'

17. By Councillor Henderson of the Cabinet Member for Health and Adult Social Care

'Regarding the changes to Adult Social Care Charges; how was the

consultation carried out? Were every one of the 9,100 written to, with a copy of the consultation document to post back; and if not, why not – after all the Council knows who those affected are?’

Reply

‘The consultation process on the charging reforms went through our formal governance procedures, and was published on our website in the normal way.

During 2016 we consulted on the changes, writing to some 9,000 adults receiving non-residential social care, enclosing a copy of the consultation and inviting them to respond. This was over and above publishing the consultation in the normal way and was intended to ensure it came to the attention of those most likely to be affected by it.’

18. By Councillor Buckley of the Cabinet Member for Education

‘Following reports in the national media that some Standing Advisory Committees for Religious Education (SACRE’s) including Essex have recommended that the terms BC (Before Christ) and AD (Anno Domini) be dropped and replaced with terms CE (common era) and BCE (Before Common Era), will the Cabinet Member join me in condemning this act of over-zealous political correctness?’

Given that leading members of Jewish and Islamic faiths have said no offence is caused by the use of the Gregorian calendar, will the cabinet member instruct heads of LEA controlled schools that the common, and well understood, terms BC and AD should continue to be used in Essex Schools?’

Reply

‘Despite reports in the national press to the contrary Essex SACRE have not made a recommendation that the terms BC and AD are replaced by CE and BCE. The current agreed syllabus does not include this recommendation. However, the Essex SACRE have issued a guidance document entitled “responding appropriately to pupils’ religious obligations”, which does make reference to the terms CE and BCE. This is guidance for schools and it is a matter for schools to decide which, if any, elements of the guidance to follow. This guidance reflects the approach of many Religious Education text books, for both primary and secondary schools, which employ these terms in order to show sensitivity to pupils who are not Christians. This has been the case for a number of years.

SACRE members are meeting very shortly and will issue a statement to Essex schools to the effect that both terms can indeed be used. As the implementation of this guidance is a school-led decision.’

19. By Councillor Smith of the Cabinet Member for Education

'Phase 2 of the Westley Green housing development (Dry Street) now has full planning permission, which includes a site for a new primary school. This successful planning application didn't include any detailed plans to build this school. When will this new school be built and who will be paying for this new school, the taxpayer or the developer?'

Reply

'The 10 Year Plan 2017-2026 identified the need for a new school at Dry Street, with an estimated opening date of 2023. This is subject to the rate of house building and occupation which will affect the demand for and sustainability of the new school. The 10 Year Plan is reviewed and updated annually, with the next iteration to be published in January 2018.

The Local Authority has a signed S106 agreement in place which has secured a financial contribution towards the building of the new school. The new school will very likely serve pupils beyond just the Dry Street development, and therefore Basic Need funding (the funding provided by the government to LAs to provide additional school places) may also be used to pay to build the new school.'

20. By Councillor Smith of the Cabinet Member for Culture, Communities and Customer

'During the week leading up to St. George's Day of 2018, will Essex County Council consider running Essex History week to promote and celebrate the people who helped to shape the history of this long standing English county?'

Reply

'I take Councillor Smith's suggestion on board and agree wholeheartedly that celebrating Essex's history is vital. For Essex County Council this is a year-round rather than one-week event. We make it clear through our programme of work across the council, as well as the Vision for Essex and our Organisation Strategy that we are dedicated to celebrating the rich and diverse culture, history and people of this county in everything that we do; and we do this in many different ways.

One of the special ways we are celebrating this next year is through our project *Snapping the Stiletto: 100 Years of Change*. Because next year marks the 100 years since the first British women received the vote, the 90th anniversary of all women receiving the vote and the 50th anniversary of the Dagenham Ford Worker's Strike, Essex County

Council and its museum partners are exploring, recording and celebrating the diverse and inspirational stories of Essex women and will be exhibiting them across the county throughout the year.

The Essex Record Office's *You Are Hear* project, which, along with digitising the ERO sound and video archive, has been using innovative and exciting techniques to celebrate local people and bring our county's archive into the public domain through listening benches and audio kiosks which are now permanently installed across the county.

You can see similar celebrations of our history and our people through projects such as Resorting to the Coast, with Tendring Council and the Grand Theatre of Lemmings, our Essex Summer of Art, as well as commemorations of the end of the First World War, Armed Forces Day and various other events throughout the year that provide significant recognition of the phenomenal history of Essex and beyond.'

21. By Councillor Abbott of the Cabinet Member for Highways

'This summer in the Division I represent I received a significant number of complaints from residents regarding blocked public rights of way (PRoW), which I reported. The blocked sections of PRoW appear to relate in part to the Council's policy of only cutting routes once per year.

Due to the growing cycle, a single cut means that there will inevitably be periods where overgrowth becomes impassable in certain locations, particularly where there are dense nettles, brambles, etc.

Is the Council still committed to ensuring that PRoW remain open all year round so that they can continue to perform their important function of offering people safe off-road access for walking?

If so, what is the Council going to do, potentially including working with partners, to make sure that such blockages do not become an annual problem?'

Reply

'Essex County Council is committed to ensuring that Public Rights of Way are open all year round. Whilst it is acknowledged that the cutting schedule only allows for one cut, it is not necessarily this single cut that is the issue in respect of vegetation growth obstructing the PROW.

There is always a difficult balance to strike and cutting too early will deliver little benefit to users and, due to the duration of the programme, there will inevitably be a period toward the end of the programme where some areas begin to become overgrown.

Individual reports of obstructed PROW can be made through the Essex Highways website and will be assessed to identify if further action, aside from the cutting schedule, is required.

We are committed to working with partners to enhance the service and by way of example, are now working with 57 volunteer groups, a number that has more than doubled in three years.

Having said this, we are always interested in exploring new ways of delivering services and it might be that the localism motion that was passed at the last Full Council – and referred to the Place Services and Economic Growth Scrutiny Committee – could point towards a more effective way of delivering PROW cutting with our partners, as you suggest.’

22. By Councillor Robinson of the Cabinet Member for Health and Adult Social Care

‘Will the Cabinet Member please update us on discussions being held with District-level housing departments to improve joint working, in particular to reduce delayed discharges from hospital and to reduce homelessness and its consequences.’

Reply

‘There are a number of engagement and consultation forums where Essex County Council works positively with districts on housing and homelessness issues:

- Essex Housing Officers Group (hosted by ECC on behalf of districts)
- Essex Homelessness Officers Group (hosted by ECC on behalf of districts)
- Housing, Health and Social Care forum

There is also an Essex Homelessness Trailblazer prevention initiative funded by the DCLG which ECC successfully obtained funding of £890k for two years.

This initiative commenced on 1st April and provides 10 homelessness prevention mentors across Essex. These mentors work with all districts and work collaboratively on homelessness prevention cases. The mentors will typically work on cases that are complex. So far this service has had over 100 referrals, and delivery of the service is monitored by the Essex Homelessness Officers Group.

As part of this initiative we have set up an Essex-wide strategic steering group to focus on homelessness prevention.

We are engaged in a comprehensive strategy to decrease the level of delayed transfers of care, which is a particular focus of the Improved

Better Care Fund initiative.

However, housing is not seen as a significant issue in reducing delayed transfers of care.'

23. By Councillor Turrell of the Cabinet Member for Health and Adult Social Care

'Can the Cabinet member explain why Mencap and the Essex Carers' Network were not consulted about the revised charging policy for social care support when Essex County Council's own impact assessment report specifically talks about consulting or involving those groups that are likely to be affected by the policy decision? Does he also understand the stress caused to those carers looking after disabled children to receive increased bills of £50 a month and in some cases £100 a month?'

Reply

'Essex County Council routinely publishes consultations on its website, in the same way as many other councils and government departments do. Essex Mencap and Essex Carers' Network are well-established and sophisticated organisations and presumably routinely responds to consultations in which it has an interest.

You will appreciate that there are many bodies supporting the frail and elderly and those with disabilities across Essex, and it would be impractical to contact them all individually.

During 2016 we consulted on the changes, writing to some 9,000 adults receiving non-residential social care, enclosing a copy of the consultation and inviting them to respond. This was over and above publishing the consultation in the normal way and was intended to ensure it came to the attention of those most likely to be affected by it.

We did not take the decision to change the way in which we calculate individual's charges lightly. Essex has, for many years, had a system of charging that was, in comparison with most other local authorities with adult social care responsibility, relatively generous. As you know like most local authorities, Essex is faced with continuing financial pressure and we can no longer afford this approach.

It is true that some adults have seen a substantial increase in their charges as a result of the changes we have implemented, however it is also the case that no one has been left with less than their guaranteed minimum income in accordance with the law. While I do understand that lifestyles choices are important to the adult concerned, I have to be clear that our role is to meet eligible needs (not preferences) and to do so in line with the statutory guidance as set out above.

While I fully understand that the changes we have introduced are having a considerable impact on those affected by them, I am satisfied that we have acted lawfully and that the implementation has been as fair and transparent as possible. As a Council we have a duty to collect the revenue due to us to ensure we can continue to support those who need our help.

We will continue to charge in line with the Cabinet Decision of December 2016 and the relevant law and statutory guidance.'

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

The Questions asked were:

	Member	Topic	To whom
1.	Councillor Kendall	Department for Transport proposals Section 19 and Section 22 contracts	Cabinet Member for Education
2.	Councillor Kendall	Drug awareness and drug education in schools	Cabinet Member for Education
3.	Councillor Henderson	Concern about a delay in bus pass renewal	Cabinet Member for Education
4.	Councillor Sargeant	Cycling commitment in the County	Cabinet Member for Education
5.	Councillor Pond	Costs of calls to the ECC enquiry phone number – use of geographical numbers	Cabinet Member for Education, Communities and Customer
6.	Councillor Pond	Photographs of the state of the highways before development works	Cabinet Member for Highways
7.	Councillor Scordis	Housing White Paper consultation response	Leader of the Council
8.	Councillor Scordis	Haven Road, Colchester- flooding and drainage issues – Highways engage with the issue	Cabinet Member for Highways

9.	Councillor Sheldon	Sadler's Farm junction works disruption	Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and Digital Economy
10.	Councillor Mackrory	Chelmsford Railway Station bridge fines – use of monies	Cabinet Member for Highways
11.	Councillor Mackrory	Police and Crime Commissioner – paid advisor to ECC, role and remuneration	Leader of the Council
12.	Councillor Harris	Budget for replacement of street lights	Cabinet Member for Highways
13.	Councillor Harris	Child Assessment and Development Unit – Autism service	Cabinet Member for Health and Adult Social Care
14.	Councillor Young	Care charges – AFILIA	Cabinet Member for Health and Adult Social Care
15.	Councillor Smith	Section 278 agreements	Cabinet Member for Highways

13. Oral Questions of the representative of the Essex Police and Crime Panel on any matter of that Panel

There were no questions asked of Councillor Jowers, the representative of the Essex Police and Crime Panel.

14. Oral Questions of the representative of the Essex Fire Authority regarding the Report to the Constituent Authorities of the meeting on 6 September 2017

There were no questions asked of Councillor Hedley, the representative of the Essex Fire Authority, regarding the Report to the Constituent Authorities of the meeting on 6 September 2017.

However, Councillor Turrell, noting that the Essex Fire Authority had now been abolished, asked Councillor Hedley how the work of the Police, Crime and Fire Commissioner was to be properly scrutinised.

Councillor Young thanked Councillor Hedley for his commitment to partnership working and the work of past members of the Fire Authority and also enquired how ongoing performance reports and target-setting would be scrutinised under the new governance arrangements.

The Chairman advised that both questions were beyond the remit of the former representative of the Essex Fire Authority as neither question was related to the report to the Constituent Authorities of the meeting on 6 September 2017. However, he undertook to relay their questions to the Police, Crime and Fire Commissioner on their behalf.

Councillor Hedley in response to the remarks that had been made by Councillor Young and others, paid tribute to all past members of the Essex Fire Authority, thanking them for their valuable service and paying particular tribute to the late Councillor Tom Smith-Hughes, sentiments which were echoed by the Chairman of the Council.

Chairman

Motions

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

1 Improving Air Quality

Moved by Councillor Abbott and seconded by Councillor Pond:

‘This Council calls upon the Administration to

1. Adopt an overarching Council Air Quality Improvement Policy.
2. Ensure that services provided or commissioned by the Council are conducted with proper regard to their effects on air quality, and that contractors abide by the provisions of the overarching policy.
3. Phase out the payment of expenses to those driving the most polluting vehicles, and enhance cycle and car-sharing mileage provision
4. Encourage Her Majesty’s Government to institute a scrappage scheme for the most polluting private and commercial vehicles.
5. Ensure that the Council’s comments on any Local Plan require public transport infrastructure, modal shift, and electric vehicle facilities be a central part of that Plan.
6. Enter dialogue with Her Majesty’s Government and Local Planning Authorities to ensure that reduction of air pollution is properly considered in planning determination.
7. Support inter-urban and rural cycling and walking (including PROW) so as to provide safer off-road routes.’

2 All Night Lighting

Moved by Councillor Davies and seconded by Councillor Henderson:

‘At the July 2014 council meeting a motion was moved by Councillor Henderson calling on this authority to discontinue the £6.5m part night lighting strategy and to consult and gather views on alternative lighting strategies and technologies such as LED lighting.

Council notes with interest that Kent County Council has now converted all 118,000 street lights to LED bulbs providing All Night Lighting whilst saving £5.2m in energy costs every year. Kent County Council’s decision is based on

LED technology being more efficient, reducing energy and maintenance costs, carbon emissions, light pollution and the need for customers to report faulty street lights.

This Council calls on the administration to follow the example of Kent County Council by converting all Essex street lights to LED bulbs and reinstating All Night Lighting across Essex making our county safer while making much needed financial savings and improving the environment.'

3 Business Rate Retention Scheme

Moved by Councillor McKinlay and seconded by Councillor Spence:

'With the phasing out of the revenue support grant, ECC welcomes government plans to introduce pilot programmes for the retention of business rates and expresses its continuing commitment to engage in such schemes. The 100% Business Rate Retention scheme, due to come in in 2020/21 will provide additional financial support to local government, with an anticipated national annual surplus of £6.25 billion.

This money is currently unallocated. The Council calls upon the government to use this pot of money for the funding of pressures in Social Care, and is proposing to work with central government to ensure the final arrangements work both nationally and for the benefit of Essex residents.'

4 Greater infrastructure devolution to deliver growth

Moved by Councillor Mohindra and seconded by Councillor Bentley:

'This Council recognises with gratitude the huge investment that the Government and SELEP have already pledged to invest into Essex with such schemes as the new Junction 7A on the M11 and improvements to existing junctions 7 and 8, not to mention the collaborative working with DFT in joint financing with ECC on the A120 consultation and preparation work plus the improvements planned to the A12.

This Council now calls on the Government to go further and help with funding other schemes such as the A127 and the A13 as major corridors of economic growth and to enter into joint working to deliver these and other vital projects. To also, where possible, devolve the monies needed to ECC to enable consultation and design work needed, emulating the close working relationship as witnessed over the A120 work.'

Report title: Revision of Pay Policy Statement	
Report to: Council	
Report author: Gavin Jones, Chief Executive and Head of the Paid Service	
Date: 12 December 2017	For: Decision
Enquiries to: Gavin Jones, Chief Executive or Pam Parkes, Director of Organisational Development and People	
County Divisions affected: All Essex	

1. Purpose of report

- 1.1. The Localism Act 2011 requires the Council to have pay policy statement adopted by council each year.
- 1.2. The Council must cover a number of statutory issues and the Council must comply with the policy. The pay policy statement may be revised at any time by a resolution of the Council.
- 1.3. The statement must set out the authority's policies relating to:-
 - (a) the remuneration of its chief officers:
 - a. the level and elements of remuneration for each chief officer,
 - b. remuneration of chief officers on recruitment,
 - c. increases and additions to remuneration for each chief officer,
 - d. the use of performance-related pay for chief officers,
 - e. the use of bonuses for chief officers,
 - f. the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority
 - (b) the remuneration of its lowest-paid employees, and
 - (c) the relationship between—
 - (i) the remuneration of its chief officers, and
 - (ii) the remuneration of its employees who are not chief officers.
- 1.4. The Pay Policy Statement has been updated to provide the appropriate governance for the work that is currently underway to implement proposed

changes to the pay and grading system as part of organisation re-design Phase 2.

2. Recommendations

- 2.1. That with immediate effect the document at appendix 1 be adopted as the pay policy statement for 2017/18 and 2018/19.
- 2.2. Note that the current pay policy statement will continue to have effect for current employees until their contracts of employees are changed by collective agreement, consent or otherwise.

3. Background and proposal

- 3.1. Essex County Council is part way through an ambitious change programme in order to help deliver its strategic priorities for the next 4 years. This includes an organisation re-design and as part of this change programme, the Council has already redesigned pay for Directors and Executive Directors (layers 1 and 2). These changes are already reflected in the 2017/18 statement.
- 3.2. The current statement signalled the Council's intention to review pay for the large majority of ECC employees, ie those employed on ECC pay bands 1-9. The pay policy statement made it clear that any changes would need a change in the Pay Policy Statement.
- 3.3. As will be seen from appendix A to the draft pay policy statement, the current bands are long, with significant overlaps between bands. Progression through the band is slow, meaning that there is a wide variety in people's pay for the same job. This creates perception of pay unfairness. In addition, we use the national local government job evaluation system for bands 1-4 and then the Hay system for bands 5-9.
- 3.4. At the request of the Chief Executive, following consultation with the leader we have negotiated with the trade unions to formulate a new system of pay to replace current bands 1-9.
- 3.5. Agreement in principle has been reached with the trade unions who are now consulting their members help inform their decision as to whether or not a collective agreement can be signed.
- 3.6. The Pay Policy Statement cannot be signed without changing the Pay Policy Statement. Council is asked to approve the revised pay policy statement.
- 3.7. The proposed new pay system provides for:
 - Bands 1-9 to be replaced with new pay grades C-J.
 - There will be no overlap between bands.

- There will be no individual performance related pay, including for the current year.
- Clear policy guidelines on how to position pay on appointment and how to progress individual pay within the grade.
- Annual pay reviews will be determined locally but will need to be within the available budget approved by full Council.
- The aim will be for most employees to be in the middle zone of the grade after 3 years (based on the Public and Not-for-Profit pay market), with the top zone of each grade only available to employees meeting exceptional criteria to be determined by the Chief Executive or his delegate.
- Special rules will apply for social work practitioners in order to maintain competitiveness in this hard to recruit area.

3.8 It is proposed to implement the new pay grades between December 2017 and July 2018. Implementation will be broadly aligned to the implementation of the new structure of the Council.

4. Policy context

- 4.1. Essex County Council has produced a Pay Policy Statement for each year since 2012 to comply with the requirements of the Localism Act 2011.
- 4.2. A key aim of the organisational strategy is to transform the Council to achieve more with less. Whilst the current proposals will cost more in the short term, they will resolve issues relating to pay and are likely to improve the motivation and retention of the workforce.

5. Financial Implications

- 5.1 The proposed Pay and Grading Re-design entails an estimated initial investment of c£3.0m (c1.5% of the pay bill) in 2018/19 to increase salaries to new minimums based on the financial cost modelling. The current estimates for the commitment to pay progression the middle zone over a 3-year period equate to a further increase to the pay bill of circa 1.4% per annum (excluding any further increases that might need to be made as part of the annual pay review process, e.g. to take into account market movement in pay ranges).
- 5.2 This investment in Pay and Grading Re-design will provide both a “quid pro quo” to balance the modernisation of the new structure and a fairer distribution of pay across the workforce.
- 5.3 The funding of this pressure has been discussed at the Strategic Business Board and with cabinet members. Year one (2018/19) will be funded as a one off investment, and years two (2019/20) and three (2020/21) will be funded through existing budgets via:
- efficiencies i.e. service design, technology and headcount reductions
 - significantly reduce the use of in-year pay adjustments
 - reduce daytime flat-rate allowances

- change our overtime policy: from 1.5x to 1.0x Monday-Saturday, increase the threshold for the pay grade where overtime can be claimed and restricted to pre-planned/emergency only (with greater use of TOIL).

6. Legal Implications

- 6.1. The pay policy statement is binding on those making decisions on the aspects covered by the policy.
- 6.2. In order to implement new pay policies the Council must change the pay policy statement.
- 6.3. Changing the Pay Policy Statement does not itself have any effect on existing contracts of employment, but the Council will seek to enter into a collective agreement with recognised trade unions which will change existing contracts of employment.
- 6.4. The Council's pay policy must comply with equalities legislation and we seek to ensure that it does this.

7. Equality and Diversity implications

- 7.1. Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when ECC makes decisions it must have regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - (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.
- 7.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.
- 7.3. The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. The new pay and grading structure and associated pay policy guidelines are being designed to ensure and uphold equality of pay, both pay determination upon appointment and pay progression through the grade. Financial modelling indicates the new pay and grading system will help ensure equality of pay across all protected characteristics once all pay movements have been applied over the 3-year modelling period. A detailed equality impact assessment will be included in the decision-making process to approve the additional financial requirements arising from the implementation of a new pay and grading system.

8. List of Appendices

(available at www.essex.gov.uk if not circulated with this report)

- 8.1 Pay Policy Statement for 2017/18 and 2018/19 (amended 12 December 2017)
- 8.2 Equality impact assessment - this is summarised in section 7 above.

9. List of Background papers

Documents setting out proposed pay grades and how they would work.

Pay Policy Statement for 2017/18 and 2018/19

(amended 12 December 2017)

1. Introduction and Scope

The purpose of the statement is to provide transparency with regard to the Council's approach to setting the pay of its employees (excluding those working in schools) by identifying;

- The methods by which the salary grades of all employees are determined
- The detail and level of remuneration of its most senior employees i.e. 'chief officers', as defined by the relevant legislation
- The detail and level of remuneration of the lowest paid employees
- The relationship between the remuneration for highest and lowest paid employees
- The Committee(s)/Panel responsible for ensuring the provisions set out in this statement are applied consistently throughout the Council and recommending any amendments to the full Council

The Authority seeks to be able to recruit and retain employees in a way which is externally competitive and internally fair. Essex County Council (ECC) pay policy is applied consistently across the entire pay spectrum, from the lowest to the highest grade.

This Pay Policy Statement 2017/18 sets out ECC's position in relation to pay for its senior managers and lowest paid employees in compliance with the Localism Act 2011.

2. Determination of Grade and Salary

All roles are evaluated using the Hay job evaluation methodology to ensure roles are graded fairly, accurately and consistently. This allocates each role a locally agreed grade. These grades are Chief Officer and Senior managers (Grades A to B job size 3) and other officers (Grades C to J). Each grade is matched to a salary range. The salary range for each grade has been determined using the HAY public sector benchmarking data and these salary ranges are determined and set annually by ECC.

No evaluation process exists for Soulbury or Youth and Community conditions, but employees are placed within nationally defined grading structures.

The Hay Job evaluation methodology is used nationally and internationally, and provides the basis for grade determination based upon a range of established factors.

All senior managers are paid on specific individual salaries within a salary range. The salary ranges exist to set a minimum and maximum for each grade. Reviews of salaries will be

undertaken against an assessment of the relevant local and national market including an assessment of inflation rates (both price and wage inflation).

3. Background

ECC Policy is that remuneration at all levels of ECC (the lowest to the highest paid employees) must be sufficient to attract, appoint and retain high quality employees while at the same time recognising that pay and benefits are met from public funds.

Pay policy at ECC is currently to apply local pay and conditions except for a small group of employees retained upon National Conditions of Service in specific recognised specialist pay groups (Soulbury, Youth and Community and Teaching groupings and some employees who have TUPE'd into ECC).

The values of the incremental points contained within specialist National grading structures (such as Soulbury, Teaching groupings and Youth & Community) are as determined by national negotiations between the Local Government Employers and the trade unions. Pay claims, generally on an annual basis, are submitted by the trade unions and considered by the Local Government Employers (following consultation with local authorities). ECC Policy is to adopt any changes made to salary scales arising from national negotiation for these groups only.

A new senior grading and pay structure for layers 1 and 2 of the organisation (senior roles) was introduced from 1 April 2017 and this has now been developed for all remaining posts in scope for local pay.

Layer 1 of the organisation is the Executive Directors.

Layer 2 of the organisation is made up of:

- Directors
- Heads of Service whose manager is directly managed by the Chief Executive.

The new pay grades have been proposed by referenced to the HAY 'Public and Not for Profit' market. The grading structure comprises salary ranges with minimal overlaps and no incremental points. All employees are appointed at a specific individual salary within the pay range.

Pay ranges are revisited from time to time to ensure they remain appropriate when benchmarked against the identified market.

The National Living Wage is the minimum rate paid to ECC's lowest paid permanent and fixed term employees irrespective of their age. This will be kept under review if the National Living Wage becomes out of step with other ECC grades.

4. Definition of Lowest and Highest Paid Employees

As stated above, ECC Policy is that all grades applied to posts are determined by job evaluation. The lowest paid employees fall within posts currently evaluated at band 1 and with effect from 1 April 2018, salary grade J (see Annex A for values of new and current bands).

The highest paid employee is the Chief Executive. Other than the post of Chief Executive, the highest paid posts within ECC fall within posts evaluated at Grade A (see Annex A for values).

5. Pay Ratios

The recommendation of the Hutton Report into 'Fair Pay in the Public Sector', as recognised by the Government in the Code of Recommended Practice for Local Authorities on Data Transparency, was that a pay ratio of the salary of the Chief Executive compared to the median average salary in the organisation should be published.

For the current financial year 2017/18 the ratio is 1:7.6

6. Publication of Pay Data

In order to be transparent, ECC publishes the details of senior manager salaries for all employees paid £50,000 per annum or more. This is published in line with the DCLG Local Government Transparency Code 2015.

This data is reviewed and refreshed annually and can be found on the ECC website under 'Senior Salaries'.

Information on senior manager salaries (where salaries are over £150,000 per annum, pro rata for part-time officers) is also published in ECC's Annual Statement of Accounts.

In the accounts for the last financial year 2016/17 ECC published information about exit packages agreed during this year. This information is given by reference to total numbers within bands (of £20,000 up to £100,000 and thereafter £50,000 bands). Details of individual exit packages will be given as required by law.

7. Pay upon Appointment

All appointments to Chief Officer and senior manager posts are made on a specific individual salary within the salary range that the role has been allocated to. Consideration will be given to:

- The wider recruitment market
- Relativity of salaries of comparable roles

- Equality
- Size and responsibilities of the post and duties to be undertaken

Appointments to posts on a salary in excess of £100,000 will be made by Councillors sitting on the Committee.

For posts graded B job size 3, the decision on the salary of a senior post, prior to an offer being made, will be determined by the Director ODP in consultation with the recruiting manager.

Other posts below layer 2 will be appointed to the appropriate pay grade for the role as determined by job evaluation. The appointment salary will be made in accordance with Pay Policy Guidelines that have been agreed by the Chief Executive. Pay progression will also be determined in accordance with these Pay Policy Guidelines.

8. Governance

ECC policy is to delegate authority for decision-making to the appropriate level and to detail such delegations within the Constitution.

Under ECC's Constitution, the Chief Executive is the Head of the Paid Service and has delegated authority to appoint, dismiss and determine pay for all employees except where this function is specifically delegated to Members under the constitution or by law. The Chief Executive has authorised certain other officers to appoint and dismiss certain staff.

The full Council appoints Members to a politically balanced committee called the 'Committee to determine the Conditions of Employment of Chief & Deputy Chief Officers' referred to as Chief & Deputy Chief Officers Committee C&DCOC. This committee has authority to:

- recommend to full Council the appointment of the Head of the Paid Service,
- to appoint and dismiss Chief and Deputy Chief Officers (other than the Chief Executive, the s151 officer and the monitoring officer) and
- to consider and approve the recommendations of the Chief Executive and the Leader of the Council in respect of performance payments for the Chief Executive and Executive Directors.
- to determine pay levels for Chief and Deputy Chief Officers including market supplements and retention payments (which may only be made in exceptional circumstances).

The Committee can delegate functions relating to Layer 2 employees to a Sub-Committee.

Any change of pay for Chief Officers and for layer 1 and layer 2 employees other than in accordance with normal progression through the grade including market supplements or other retention payments must be approved by the Committee.

The appointment or dismissal of the Head of the Paid Service, the section 151 officer or the monitoring officer is required to be approved by the full Council.

The authority must consult with the Secretary of State before dismissing its Director of Public Health.

Pay Progression in general

Levels of base pay increase and bonus payments are determined by the Chief Executive annually taking into account a number of factors including individual performance, market conditions, benchmarking data and affordability.

This decision may also result in a base pay freeze. Pay Policy Guidelines allows the application of different progression arrangements for different grades grading groups and different pay levels within a grade (known as 'zones'). Pay Policy Guidelines approved by the Chief Executive set out more detail regarding the principles of how annual pay increases will be applied.

Pay Progression for Chief Officers

In addition, for Chief Officers an increase in base pay progression may also take a further form. Where a Chief Officer has been appointed to a role below the mid-point of the relevant grade, accelerated base pay progression towards mid-point may take place in accordance with a progression plan.

Pay beyond the mid-point of the grade for Chief Officer would require the approval of the Committee.

9. Other Reward Mechanisms

Any payment in this section requires approval by the Chief Executive and Director of ODP if:

- (i) the proposed additional payment is to an employee whose salary is already £100,000. or more, or
- (ii) the proposed additional payment if approved would result in the employee's salary rising to £100,000 or more

See section 8 for payments to employees at Layer 1 or Layer 2.

a) In Year Adjustments to base pay

In the event that a salary adjustment in year needs to be applied to a member of the Corporate Management Board or a Chief Officer, any decision will be taken by the Committee to determine the Conditions of Employment of Chief and Deputy Chief Officers.

The Council's approach to making such changes would be that they would only be made based on a compelling business case such as a change in market conditions or a significant change in duties attached to the post.

Pay Policy Guidelines set out more detail regarding the principles, process and sign-off for individual in year adjustments to pay in exceptional circumstances, outside the annual pay review process.

b) Career Progression Schemes

In addition, a small number of Career Progression Schemes have been developed and implemented within Functions.

These schemes allow additional base pay progression dependent upon employees achieving specified qualifications and experience.

c) Market Supplements

As a general rule, the benchmarked local performance grades provide relevant and adequate compensation to attract and retain employees for the majority of posts and the necessity to apply a salary supplement should not exist.

There may be specific circumstances, however, where an additional market supplement may be required to either attract hard to recruit categories of employees or to retain such employees within the employment of ECC.

In all cases a business case will need to be developed to support the payment of market supplements. The business case will need to be approved by the relevant Executive Director and the Director, Organisation Development and People. All market supplements applied are required to be kept under regular review and withdrawn should the recruitment position improve.

d) Other Pay Arrangements

As ECC further develops, for example its traded functions, it may be necessary to develop segmented pay arrangements to fit the nature of the business. All such pay variations will be approved by the Committee if they affect posts at layer 1 or layer 2 and by the Chief Executive for other employees. Any such arrangements will need to consider the implications of the Equality Act 2010.

e) Pay Protection

ECC has pay protection arrangements, via a collective agreement, which provides a mechanism to assist employees to adjust to a reduction in pay arising from organisational change, job evaluation or redeployment.

Different pay protection applies in different circumstances.

f) Allowances

In certain cases, additional allowances will be paid to certain categories of employee for a specific additional contractual or business requirement (such as for qualified first aiders, or for those who work certain shift patterns, or those available under agreed National Conditions).

g) Pension

ECC operates the Local Government Pension Scheme and the Teachers' Pension Scheme and makes pension contributions as required to all employees who participate in either scheme. Both pension schemes are compliant with Pension Automatic Enrolment legislation.

A number of employees have transferred to ECC under a specific staff transfer arrangement which allowed them to continue membership of the NHS pension scheme. ECC makes contributions on their behalf and complies with Pension Legislation in respect of the NHS scheme.

ECC has determined and published policies around the discretions available under the LGPS.

h) Lease Car Scheme

ECC operates a lease car scheme, and Policy is that employees at any level within the organisation may be offered participation within the scheme where there is business need

i) Lease Car Alternative Annual Allowance Payment

ECC Policy is that employees occupying roles at a senior level (as determined by the Chief Executive) may either participate in the ECC car leasing scheme without having to demonstrate business need, or receive a an annual allowance as an alternative.

This is provided as a discretionary policy and may be withdrawn at any time, subject to the provisions of individual employees' contracts of employment.

j) Private Medical Health Insurance

ECC provides the facility for employees occupying roles at a senior level (as determined by the Chief Executive) to receive Private Medical Health Insurance cover. Upon application, cover is provided for employee and either their spouse or their children.

Employees may upgrade to family cover at their own additional expense. Private Medical Health Insurance provides a Benefit in Kind and is included in P11D statements and results in a tax liability for participating employees.

This is provided as a discretionary policy and may be withdrawn at any time, subject to the provisions of individual employees' contracts of employment.

k) Childcare Vouchers

ECC Policy is that all permanent employees may participate in the Childcare Voucher scheme through a salary sacrifice arrangement.

The Government is scheduled to launch a new scheme (introduction date to be determined during 2017/18) designed to assist employees with their childcare costs. ECC will continue to offer the Childcare Voucher scheme to existing users for as long as there is a demand and taxation advantage to offering it.

l) Cycle to Work Scheme

ECC Policy is that all permanent employees may participate in the Cycle to Work scheme through a salary sacrifice arrangement.

m) Buying of Annual Leave

Employees are given two opportunities per annum to purchase additional annual leave through a contractual arrangement.

n) Individual & Team Rewards

ECC Policy is that employees or teams may receive recognition for undertaking additional duties that are significantly outside the scope of their normal role for a short period of time or excelling in the performance of their duties.

Such recognition can take the form of:

- Reward payments
- Reward vouchers
- Award of additional annual leave
- Thank you letters
- E-recognition cards

Individual and team rewards are separate from acting up payments where an employee is formally covering the duties, usually of a more senior role, receiving the appropriate rate for that role.

10. Chief Officer Salaries 2017/18

Chief Officers are all employed at Layers 1 and 2. ECC Policy on the recruitment of Chief Officers is therefore as detailed at paragraph 8 of this Statement.

The salary packages applied to posts of Chief Officers and other roles specified in the Accounts and Audit Regulations 2015 will be published on ECC website and within the Statement of Accounts.

11. Appointments to Designated Roles 2017/18

ECC Policy on the recruitment of Chief Officers and Deputy Chief Officers is as detailed at paragraph 8 of this Statement.

12. Early Retirement/Termination of Designated Roles 2017/18

ECC Policy on the termination of Chief Officers' employment is as detailed at paragraph 8 of this Statement and within the Constitution.

ECC early retirement policy is that requests for early payment of benefits will be agreed (before the age of 60) only if there is a compelling business reason for doing so.

13. Settlement Agreements

In exceptional circumstances to avoid or settle a claim or potential dispute, ECC may agree payment of a settlement sum. All cases must be supported by a business case and take account of all legal, financial, contractual and other responsibilities.

14. Small Business, Enterprise & Employment Act 2015

ECC will implement the Repayment of Public Sector Exit Payment Regulations if and when enacted.

15. Further Information

For further information on the Council's Pay Policy please contact the Council's Reward Manager on 03330 320769.

Annex A

After April 2018 some of these grades will be phased out under local agreement or superseded by new grades.

Current Salary Ranges Bands

Band	Minimum	Maximum
Band 1	£14,469	£16,300
Band 2	£15,200	£23,200
Band 3	£17,300	£28,800
Band 4	£22,700	£40,750
Band 5	£28,500	£50,400
Band 6	£35,500	£59,500
Band 7	£46,000	£69,100
Band 8	£55,000	£85,500
Grade B Job Size 3	£81,000	£99,000
Grade B Job size 2	£100,000	£120,000
Grade B Job size 1	£121,000	£140,000
Grade A	£141,000	£170,000
Chief Executive	Spot Salary	£195,000

Proposed Salary Ranges to be phased in from April 2018 or earlier on the implementation of new structures

Band	Minimum	Maximum
Grade J	£15,749	£17,500
Grade I	£17,500	£20,000
Grade H	£20,000	£24,000
Grade G	£24,000	£30,000
Grade F	£30,000	£38,000
Grade E	£38,000	£50,000
Grade D	£50,000	£65,500
Grade C	£65,000	£81,000
Grade B Job Size 3 - Senior	£81,000	£99,000
Grade B Job size 2 - Senior	£100,000	£120,000
Grade B Job size 1 - Senior	£121,000	£140,000
Grade A - Senior	£141,000	£170,000
Chief Executive - Senior	Spot Salary	£195,000

Social Care Pay Range

Role	Minimum and Maximum
Social Care Leadership & Management roles	£46,000 to £57,000 £57,000 to £65,000 £65,000 to £81,000
Senior practitioner roles	£38,000 to £46,000
Qualified social care roles	£30,000 to £41,000
Newly-qualified social care roles	£26,000 to £30,000

Council Issues

1. Committee Seat Allocation

The creation of the Police, Fire and Crime Commissioner as the Fire Authority for Essex has meant that Essex County Council is neither required to appoint members to sit on the Authority nor manage standards by having a joint committee.

At the October 2017 Full Council meeting it was agreed that the current Audit Committee and the Standards function would be reconstituted as the Audit, Governance and Standards Committee.

To increase the size of the Audit, Governance and Standards Committee from seven to 10 members would reflect the increased importance of the committee and would allow all groups to be represented on it.

Group	Current Committee Seat allocation	Proposed 10 Member Committee
Conservative	5	7 (+2)
Liberal Democrat	1	1
Labour	1	1
Non-aligned	0	1 (+1)

Recommendation

- (1) Amend paragraph 8.1.2 of the Constitution that relates to Audit, Governance and Standards Committee, by replacing 'Seven Members' with 'Ten Members'.
- (2) Allocate the additional places on the Committee to political groups as indicated above

2. Motion amendment deadlines

The deadline for the receipt of amendments to motions at full Council is currently 9:00am on the morning of the meeting. Paragraph 16.9.8(ii) of the constitution 'amendments to motions' states:

- '(ii) No amendment may be moved unless:
- (a) it has been put in writing and handed to the Chairman by no later than 9am on the morning of the meeting in a format to be specified by the Monitoring Officer;'

A number of members had suggested that bringing forward the deadline would more easily facilitate the amendments to be circulated electronically in advance and allow

sufficient time for their proper consideration at group pre-meetings on the morning of full Council.

Recommendation

That paragraph 16.9.8(ii) of the Constitution be amended to read:

‘(ii) No amendment may be moved unless:
(a) it has been put in writing and handed to the Head of Democracy and Transparency or their nominee no later than 12:00 midday on the working day before the meeting in a format to be specified by the Monitoring Officer;’

3. Changes to Membership of Committees – for noting

The following changes have been made by officers under delegated powers in accordance with notification given by the Leader of the Conservative Group:

- Councillor Mike Garnett replaced Councillor Carole Weston as a member of the Corporate Policy and Scrutiny Committee.
- Councillor Anthony Hedley replaced Councillor Gagan Mohindra as a member of the Essex Pension Strategy Board.
- Councillors Penny Channer and Andy Erskine will be the additional members of the Audit, Standards and Governance Committee if the Committee increase is agreed. Councillors Malcolm Maddocks and Andrew Sheldon are named substitutes.

The following changes have been made by officers under delegated powers in accordance with notification given by the Leader of the Non-Aligned Group:

- Councillor Dave Blackwell replaces Councillor James Abbott on Development and Regulation Committee
- Councillor Kerry Smith replaces Councillor Colin Sargent on Corporate Policy and Scrutiny Committee
- Councillor James Abbott will be the Non-aligned Group member of the Audit, Standards and Governance Committee if the Committee increase is agreed
- Investment Steering Committee – representative to be notified.

4. Appointment of a Sub-Committee of the Committee to determine the Terms and Conditions of employment of Chief and Deputy Chief Officers

Executive Directors are usually Chief Officers and Directors are usually Deputy Chief Officers, though this is not always the case. For example, the Director of Adult Social Services is a Chief Officer and a Director.

The Committee to determine the Terms and Conditions of employment of Chief and Deputy Chief Officers is responsible for the appointment, dismissal and pay of Chief and Deputy Chief Officers as well as appeals brought by these officers against decisions affecting them.

The Committee has five members. At present it is able to appoint sub-committees of three Members to deal with particular appointments, dismissals or appeals, but it only has the power to act when authorised by the committee.

The Council has historically operated using a five member committee other than at times of significant restructure where a three member committee has been given delegated authority to deal with director appointments in order to reduce the demands on panel members.

This has been done by a specific report to the committee at the start of the restructure process. However, it is suggested that using a three member sub-committee to appoint Deputy Chief Officers is a proportionate way to proceed. This will make it easier to convene panels in a way convenient to members and avoid delays to recruitment.

However, to do so requires a change to the Constitution because the sub-committee will be used generally for Deputy Chief Officers, rather than being used for particular appointments.

Recommendation

1. That the Sub-Committee be created with general power to deal with appointments, dismissals or appeals relating to Deputy Chief Officers.
2. That the Constitution is amended at 8.1.3 as follows:

8.1.3 Committee to determine the Terms and Conditions of employment of Chief and Deputy Chief Officers

Membership: Five Members of the Council to include the appropriate Cabinet Member.

(i) subject to (iv) below, to be responsible for the appointment and dismissal of Chief/Deputy Chief Officers and appeals against dismissal of such persons with the power:

(a) to appoint sub-committees of three Members to deal with particular appointments, dismissals or appeals; and

(b) to authorise the Chief Executive or his nominee to deal with a particular appointment or dismissal;

(ii) to resolve any issue relating to the terms or conditions of employment of Chief/Deputy Chief Officers not already covered by the Council's Officer Employment Procedure Rules; and

(iii) to decide the level of performance pay to be awarded to the Chief Executive and members of the Corporate Leadership Team.

(iv) The Committee is not authorised to dismiss the Head of Paid Service, the Monitoring Officer or the Section 151 Officer.

Appointments Sub-Committee – Terms of Reference

Membership: Three Members of the Council to include the appropriate Cabinet Member.

1. To exercise any of the Committee's powers with respect to Deputy Chief Officers.

5. Reconstitution of the Essex Fire Authority

On 30 September 2017 the Police, Fire and Crime Commissioner became the Essex Fire Authority. As a result ECC no longer appoints members to the fire authority. The recommendations in this report are designed to tidy up the constitution to reflect this and the fact that the Police and Crime Panel is now the Police, Fire and Crime Panel:

Recommendations

1. That in Part 1, Summary and Explanation the text :

'(viii) Other Public Bodies

The Council is also required to appoint Members to the Essex County Fire and Rescue Authority.'

be amended to:

'(viii) Other Public Bodies

The Council is also required to appoint a representative to the Essex Police, Fire and Crime Panel.'

2. That paragraph 6.3 (vii) which reads:

'(vii) appointing Members to the Essex County Fire and Rescue Authority and the Essex Police and Crime Panel;'

be amended to read:

‘(vii) appointing a representative to the Essex Police, Fire and Crime Panel;’

3. That the table under paragraph 8.1.8, Non-Voting Members:

‘Essex Police and Crime Commissioner’ be amended to:

‘Essex Police, Fire and Crime Commissioner’

4. That paragraph 16.12.7 of the constitution which reads:

‘Essex Police and Crime Panel and/or Essex Fire Authority.

A Member may ask any question of the representative of either the Essex Police and Crime Panel or the Essex Fire Authority relevant to the business of the bodies.’

be amended to:

‘Essex Police, Fire and Crime Panel.

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

5. That item 60 in Appendix 3 to the constitution, the **List of Approved Bodies**

‘Fire Authority’ be amended to

‘Essex Police, Fire and Crime Panel’

6. Amendments to the Membership of the Essex Health and Wellbeing Board

On 7 November 2017 there was published a decision by the Leader of the Council to amend the membership of the Health and Wellbeing Board with a view to allowing greater oversight by the Board of key decisions taken within the health and voluntary sectors for local communities across Essex.

The Board is established in accordance with Section 194 of the Health and Social Care Act 2012 and constituted to meet local requirements.

The membership is amended to be:

Voting Members	
Statutory Members	How Nominated or Appointed
3 County Councillors	As nominated by County Council Leader
Essex County Council Director of Adult	By appointment to post

Social Care (DASS)	
Essex County Council Director of Children's Services (DCS)	By appointment to post
Essex County Council Director of Public Health (DPH)	By appointment to post
Representative of Health Watch Essex	Appointed by Health Watch Essex
Representative of North East Essex CCG	Appointed by North East Essex CCG
Representative of Mid Essex CCG	Appointed by Mid Essex CCG
Representative of West Essex CCG	Appointed by West Essex CCG
Representative of Basildon & Brentwood CCG	Appointed by Basildon & Brentwood CCG
Representative of Castle Point and Rochford CCG	Appointed by Castle Point and Rochford CCG
Other Members	How Nominated or Appointed
Chief Executive of Essex County Council	By appointment to post
4 Borough/City/District Council Representatives	Appointed by the Board on the nomination of the Borough/City/District Council Leaders and Chief Executives Group
3 Voluntary Sector representatives	Appointed by the Board on the nomination of Borough/City/District Council Leaders and Chief Executives Group
NHS Commissioning Board Essex LAT Director	By appointment to post
3 Representatives of Essex Acute Hospital Trusts	Appointed by the Board on the nomination of the Trusts
2 Representatives from Essex mental health and non-acute providers	Appointed by the Board on the nomination of the Trusts
1 Representative from Mid and South Essex Clinical Commissioning Groups in common	Appointed by the Board on the nomination of Mid and South Essex Clinical Commissioning Groups Joint Committee in Common
Non-Voting Members	
Essex Police, Fire and Crime Commissioner	By election to post
Independent Chair of the Essex Safeguarding Children's and Adults Boards	By appointment to posts

Recommendation

To note the amendments to the membership of the Essex Health and Wellbeing Board and that this has been reflected in the constitution.

7. Additional Approved Body to those listed in the Constitution

At the Annual Meeting of Council in May 2016, Members approved Appendix 3 to the Scheme of Allowances that lists those bodies, not part of the Council's Committee structure, where attendance at meetings is deemed to be an approved duty. The expectation is that the list is updated regularly and the Veolia Pitsea Marshes Maintenance Trust is not currently shown in the list.

Recommendation

To add Veolia Pitsea Marshes Maintenance Trust to the list of Approved Bodies as set out in Appendix 3 to the Scheme of Allowances in the constitution.

8. Changes to Post Title

On 13 December the post of Head of Democratic Services will be replaced with the post of Head of Democracy and Transparency. The constitution needs to be updated accordingly:

Recommendation

That references to 'Head of Democratic Services' are replaced with 'Head of Democracy and Transparency' wherever they occur in the Constitution.

The Leader's Report of Cabinet Issues

This report is to receive the minutes of Cabinet Meetings held on 17 October and 23 November 2017.

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

Recommendation

To receive the minutes of Cabinet meetings held on 17 October and 23 November 2017.

Minutes of the meeting of the Cabinet, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Tuesday, 17 October 2017

Present:

Councillor	Cabinet Member Responsibility
David Finch	Leader of the Council (Chairman)
Susan Barker	Culture, Communities and Customer
Ian Grundy	Highways
Louise McKinlay	Resources
Dick Madden	Children and Families
John Spence	Health and Adult Social Care
Simon Walsh	Environment and Waste

Councillors T Ball, J Beavis, M Buckley, S Canning, P Channer, R Gadsby, A Goggin, T Hedley, I Henderson, M Mackrory, C Pond and A Turrell also attended.

1 Apologies for Absence

Apologies for absence were received from Councillor Kevin Bentley (Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and Digital Economy), Councillor Sue Lissimore (Cabinet Member Housing, Property and Planning) and Councillor Ray Gooding (Cabinet Member for Education).

2 Minutes: 19 September 2017

The minutes of the meeting held on 19 September 2017 were agreed as a correct record and signed by the Chairman subject to an amendment of Councillor Turrell being made to the list of councillors in attendance.

3 Declarations of Interest

Councillor M Mackrory declared a Code interest in agenda item 5 (Financial Overview) in that he is a director of Boswells multi-academy trust - item 5 below refers.

Councillor C Pond declared a Code interest in agenda item 7 (Spend of improved Better Care Fund) in that he is a member of the North-East London Joint Health Overview & Scrutiny Committee - item 7 below refers.

Councillor M Mackrory declared a Code interest in agenda item 7 (Spend of improved Better Care Fund) in that he is a company member of Farleigh Hospice - item 7 below refers.

Councillor J Spence declared a Code interest in agenda item 9 (Medtech accelerator investment) in that he is a governor of Anglia Ruskin University - item 9 below refers.

4 Questions from the Public

There were none.

5 2017/18 Financial Overview as at the Half Year Stage (FP/745/02/17)

The Cabinet considered report FP/745/02/17, which set out the forecast financial position of Essex County Council's (ECC) revenue and capital budget as at the half year stage of the 2017/18 financial year. This reported a full year forecast overspend on revenue of £1.4 million (0.1%) against a net budget of £914.5m. This assumed that the balance of the Emergency Contingency (of £4m) was fully committed; if there were no further calls, then the full year forecast under spend was expected to be £2.6m. This position is an improvement on the Quarter 1 report of £3.5m.

The report also set out an underspend of £1.1m on capital against the current budget of £264.7m. Assuming that the capital budget requests were approved, there would be an underspend of £560,000.

Councillor Louise McKinlay, Cabinet Member for Resources and Councillor Dick Madden, Cabinet Member for Children's and Families provided the following information in response to questions by Councillors Mackrory, Henderson, Turrell and Pond.

- The error with the Rochford District Council tax issue amount is an estimate.
- Rechargeable support services costs are kept under constant review; however we do have a large share of the market for support services.
- The Chairman will speak to the Chief Executive about the wording used in paragraph 11.2, under Financial Implications, with regard to its being perceived as a political statement
- A written answer will be provided to Councillor Turrell in relation to the transit site provision.
- There has been an increase in the delivery of outreach services following the closure of some of the Children's Centre's across Essex with an increase of 40-70% outreach delivery. It was agreed that Councillor Madden would speak to Councillor Henderson outside the meeting on the specific issues raised.
- The savings from support services will not be fully achieved in 2017/18 but will be full year savings in 2018/19.
- We constantly review the budget and will be working with Scrutiny in the budget setting process.
- Councillor Madden will speak to Councillor Henderson separately after the meeting regarding the provision for hard-to-reach families.
- A reference to Epping will be checked as to whether it should be Epping or Epping Forest within the report and report back to Councillor Pond.

Resolved:

1. That there be a draw down of funds from reserves as follows:

- a. A sum (not to exceed £5m) determined by the Section 151 Officer from the Transformation Reserve to portfolios as required to fund redundancy costs arising from Organisational Design subject to services not being able to mitigate this expenditure
- b. £1.6m from the Quadrennial Reserve to the Leader portfolio attributable to costs associated with the local elections held in May 2017
- c. £432,000 from the Capital Receipts Pump Priming Reserve to the Resources Recharged Support Services portfolio in relation to funding for the Capital Receipts team
- d. £301,000 from the Community Initiatives Fund Reserve to the Reserve for Future Capital Funding, via the Environment and Waste portfolio, to match expenditure incurred to date in 2017/18 in relation to community projects.

2. That funds to reserves are appropriated as follows:

- a. £116,000 to the Transformation reserve from Highways portfolio in relation to 2017/18 savings identified in the recent LED Street Lighting Final Business case.

3. That the following adjustments are made:

- a. To transfer £4,598 from the Carry Forward reserve to the General Balance. This is the remaining balance from 2016/17 which is no longer required
- b. To vire a total of £1.2m to the Resources Recharged Support Services portfolio from Health and Adult Social Care (£665,000), Culture Communities and Customer (£178,000), Education (£172,000), Housing, Planning and Property (£101,000), Environment and Waste (£55,000) portfolios and a further £454,000 unused balance from the Grant Equalisation reserve, relating to mitigations for the Organisational Development savings
- c. To vire a total of £160,000 from Deputy Leader and Economic Growth, Skills, Infrastructure and the Digital Economy (£46,000), Health and Adult Social Care (£34,000), Children and Families (£23,000), Leader (£23,000), Leader Recharged Support Services (£23,000) and Education (£11,000) portfolios to the Resources Recharged Support Services portfolio as a contribution towards Business Support for Executive Directors

- d. To vire a total of £1.0m from Other Operating Costs interest receivable budgets to Resources (£996,000) and Leader (£50,000) portfolios to mitigate unachieved savings
- e. To amend the capital budget which allows for capital slippage of £8.2m, capital budget additions of £7.4m, capital budget reductions of £6.2m and advanced works of £6.4m.

6 Extension of Section 75 Partnership Agreement with Essex Partnership University NHS Foundation Trust (FP/906/08/17)

The Cabinet considered report FP/906/08/17, which asked for an extension of the two Section 75 Partnership Agreements relating to the provision of an integrated mental health service with Essex Partnership University NHS Foundation Trust (EPUT) for a 12 month period from 1 April 2018 to allow time for a commissioning exercise to take place.

Councillor John Spence, Cabinet Member for Health and Adult Social Care provided the following information in response to questions by Councillors Mackrory and Pond.

- The Child Assessment and Delivery Unit (CADU) is not covered within the agreement; however a clear way forward has now been established and an announcement will be made shortly on this.
- Councillor Spence will reply directly to Councillor Pond regarding the precise geographical net for EPUT.

Resolved:

1. That the two Section 75 Partnership Agreements with Essex Partnership University NHS Foundation Trust (EPUT) are extended for the 12 months period from 1 April 2018, subject to the right of the Council or EPUT to terminate at any time on six months' written notice. The total annual contract value is £5.6m, split between the North Essex Section 75 Partnership Agreement £3.6m and South Essex Section 75 Partnership Agreement £2.0m.
2. That a report will be brought back to Cabinet no later than May 2018 to enable it to make a decision on how these services will be commissioned after the expiry of the extension.

7 Approve Spend of Improved Better Care Fund (FP/932/09/17)

The Cabinet considered report FP/932/09/17 by the Director for Adult Social Care, presented by the Cabinet Member for Health and Adult Social Care and were asked to agree the allocation of the additional £24.7m in 2017/18 and the £16.8m in 2018/19 and £8.3m in 2019/20.

Councillor John Spence, Cabinet Member for Health and Adult Social Care, responded to the questions received by Councillors Mackrory, Henderson and Pond.

- Issues are dealt with as they arise and it has become increasingly evident that late transfers are a problem; this is the right investment decision now.
- The funding is supplementary on top of the main funding we receive. In three years money will be invested where it is needed.
- A review of the implementation of the new charging policy has been requested.
- Health service provision is complex across the county including in Epping Forest District.

Resolved:

1. That the 65% of the additional social care monies announced in the March 2017 Budget be used to maintain investment in services and offset pressures and that, subject to the amounts being received from central government, these amounts be £16.126m in 2017/18; £11.054m in 2018/19; and £5.482m in 2019/20.
2. That £8.6m be made available for new initiatives in 2017/18 with the funding being available for these initiatives reducing to £5.733m in 2018/19 and to £2.867m in 2019/20.
3. That £2.371m be committed in 2017/18 for the initiatives detailed in paragraph 3.12 of the report.
4. That the per capita allocations for each CCG area outlined in paragraph 3.11 of the report can be spent on schemes as set out in the BCF plan.
5. That we enter into section 75 agreements with the five Essex CCGs to reflect the above decisions and on such other terms as agreed by the Director, Adult Social Care.

8 Extension of the Foster Care Select List Contracts (FP/783/03/17)

The Cabinet considered report FP/783/03/17 by the Director for Commissioning, Children, presented by the Cabinet Member for Children and Families Care and were asked to agree to the extension of the current Select List Agreements with services providers for external foster care for a period of 12 months.

In response to a question from Councillor Mike Mackrory, Councillor Dick Madden, Cabinet Member Children and Families confirmed the use of foster families in London but they are largely located in Essex and the support that is provided is the same wherever the child is located.

Resolved:

1. Agreed to extend the current Select List Agreements with the current providers from 21 November 2017 to 20 November 2018.
2. Agreed that the Cabinet Member for Children and Families be authorised to approve the new Select List following an annual review to be undertaken in January 2018 with existing providers only.

9 Medtech Accelerator Investment (FP/912/08/17)

The Cabinet considered report FP/912/08/17, which sought approval for ECC to invest £500,000 into Medtech Accelerator Ltd (Medtech Accelerator) in return for the issue of 500,000 in shares in Medtech Accelerator Ltd, representing a 20% stake in the company and a position on the Medtech Accelerator Board.

In response to a question from Councillor Turrell, Councillor Finch, Leader of the Council confirmed that the paper had been through a rigorous legal and financial process.

Resolved:

1. That the Executive Director, Economy, Localities and Public Health may enter into an agreement to subscribe for or purchase at face value 500,000 ordinary £1 shares into Medtech Accelerator Limited, representing a 20% of the shares of the Company, subject to his being satisfied, after taking legal advice, that the Company's articles of association provide appropriate protection for the Council's investment.
2. That the purchase be an addition to the capital programme funded from borrowing.
3. That the Leader will make a decision about the identity of ECC's representative as a director of Medtech Accelerator Limited.

10 Decisions taken by or in consultation with Cabinet Members (FP/930/09/17)

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

11 Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Thursday 23 November 2017 at 10.00am at County Hall, Chelmsford, CM1 1QH.

There being no further business, the meeting closed at 10:35am.

Chairman

**Minutes of the meeting of the Cabinet, held in Committee Room 1
County Hall, Chelmsford, CM1 1QH on Thursday, 23 November 2017****Present:**

Councillor	Cabinet Member Responsibility
Kevin Bentley	Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy (Chairman)
Susan Barker	Culture, Communities and Customer
Ray Gooding	Education
Ian Grundy	Highways
Dick Madden	Children and Families
John Spence	Health and Adult Social Care
Simon Walsh	Environment and Waste

Councillors T Ball, M Durham, R Gadsby, M Mackrory, C Pond and J Young were also present.

- 1 Apologies for Absence**
Apologies for absence were received from Councillors David Finch, Leader of the Council, Louise McKinlay, Cabinet Member for Resources and Sue Lissimore, Cabinet Member for Housing, Property and Planning.
- 2 Minutes: 17 October 2017**
The minutes of the meeting held on 17 October 2017 were agreed as a correct record and signed by the Chairman.
- 3 Declarations of Interest**
None.
- 4 Questions from the Public**
The Cabinet welcomed Mr Barry Nee, Ms Katharine Bright and Ms Sharon Brayley who had registered to speak on agenda item 5 (A120 Braintree to A12: report on option selection and consultation (FP/830/05/17)).

Question 1**(Mr Barry Nee, No to Routes B and C Action Group)**

Speaking on behalf of the No to Routes B and C Action Group, Mr Nee highlighted significant public concern at the proposal before the Cabinet to

proceed with four routes prior to notifying a preferred route to Highways England. He stated that the Action Group had, during the last 4-5 days, obtained over 600 signatures to a petition calling for routes B and C to be dropped.

Mr Nee was of the view that, were a decision taken to proceed with the four routes, the Highways England Project Control Framework would require further public consultation. As a supporter of the A120 upgrade, he was concerned that any delay may lead to the possibility of missing the deadline for inclusion within the RIS2 2020 - 2015 funding round for infrastructure investment.

Mr Nee sought reassurance that, if it was agreed to proceed with the four routes, a further full, open and transparent public consultation would be undertaken, mirroring the good work that had been done to engage with the public as part of the previous consultation.

At the invitation of the Chairman, Mr Nee presented him with the petition referred to above. The Chairman advised that this would be dealt with in accordance with the Council's petitions procedure.

Question 2
(Ms Katharine Bright, Local Resident)

Ms Bright expressed concern at the transparency of the process with regard to the A120, in particular the involvement of councillors within Essex and bodies such as Colchester Borough Council and Haven Gateway Partnership. During the consultation, residents had been advised both in writing and verbally that the decision on the preferred route was separate to that relating to garden communities and other housing development in the local area. However, organisations such as Colchester Borough Council and Haven Gateway Partnership, together with businesses, were lobbying strongly and appeared to suggest that routes B and C should be selected based on their potential for opening up land for development. This was causing public confusion, and concern that others may be reaching decisions on the basis of information which had not been widely shared.

Ms Bright sought to understand how the choice of route would be made, and questioned why a decision would be taken to select routes B or C when the County Council's own analysis of the consultation outcome suggested that routes D and E were the most favourable.

Question 3
(Ms Sharon Brayley, Local Resident)

Ms Brayley stated that people had been reassured many times that there would be no relationship between the decisions on garden communities and that on the A120 preferred route. However, further evidence, including at the A120 launch presentation and within the report before the Cabinet today, suggested that this was not the case. In addition, people had been reassured that there would be no developer contributions towards the cost

of the A120, but an FOI request had shown that such contributions would not be decided prior to the approval of the local plan.

Residents understood the difficulties arising from the management of multiple workstreams with crossovers. However, concerns had arisen in relation to positions taken by Colchester Borough Council and certain of its members (including a councillor with involvement in the garden communities), and from circulation of a map for public consultation which showed Great Tey garden community with the A120 following only routes B and C. FOI requests had shown that a great deal of technical and other work was needed before the County Council would be in a position to take an informed decision on the preferred route.

Ms Brayley called on the County Council to continue considering the A120 scheme in isolation from the garden communities project. She asked for clarification as to whether a decision on the preferred route for the A120 was being influenced in any way by considerations relating to Great Tey.

Response by the Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy and the Cabinet Member for Health and Adult Social Care

Councillor Bentley emphasised that, although consultees were entitled to express their view, responsibility for selecting a preferred route for submission to government lay with Essex County Council (ECC). No decision on the route had yet been made and neither Councillor Bentley nor his predecessor in the role had made any public comment regarding the possible outcome. The map to which Ms Brayley referred related to the Colchester Local Plan process and had included routes B and C for illustrative purposes only. Councillor Bentley was aware of the Local Plan process, but it was entirely separate from the decision to be taken by ECC regarding the preferred route and would have no bearing upon it. Although the outcome of the public consultation on the routes was important, it was only one of a number of factors (including technical studies) to be taken into account by the Council in reaching that decision.

Councillor Bentley advised that the A120 work had been planned well in advance of the garden communities project, and it was a coincidence that they were now progressing at the same time.

Unless further work led to any significant changes to the four routes which it was proposed to take forward, there were no plans to hold a further public consultation. Councillor Bentley was confident that the process to date had been open and transparent, and that everyone who so wished had had the opportunity to make their views known. As the four options were currently very close based on the outcome of the public consultation and the technical work undertaken so far, it was important to take time to complete the additional technical work required, to ensure that the ultimate decision was accurate and not open to challenge. This decision would be taken in an open and transparent way. Councillor Bentley advised that the final decision for selecting the preferred route would be taken by Highways

England.

In closing, Councillor Bentley commented that this was a project requiring significant investment which would transform the local area.

At Councillor Bentley's invitation, Councillor Spence, Cabinet Member for Health and Adult Social Care and representing ECC on North Essex Garden Communities Ltd (of which he was Board Chair), addressed the meeting. He commented that although the exact shape of any housing development would be affected by the roads close to it, this would not be a factor on which the Company would seek to influence any decision. North Essex Garden Communities Ltd (NEGC) had had no discussions regarding the preferred route, and Councillor Spence had made no representations on the subject to Councillor Bentley, either on behalf of the Company or in a personal capacity. He and Councillor Bentley were taking care to keep themselves apart on this issue, and Councillor Bentley's decision would be made based on the evidence, including the outcome of the public consultation.

Councillor Spence emphasised that the content of Local Plan documents was a matter for the councils concerned, over which NEGC had no influence. Although the relevant councils had made clear that the maps issued were for illustrative purposes only (as they could only be at this stage), he understood why residents would have preferred to see all potential routes shown.

5 A120 Braintree to A12: report on option selection and consultation (FP/830/05/17)

Three members of the public (Mr Nee, Ms Bright and Ms Brayley) asked questions on this item - minute 4 above refers.

The Cabinet received an update on the A120 route options following public consultation for a new dual carriageway road between Braintree and the A12, to outline and assess the choices open to Essex County Council (ECC) for their post-public consultation announcement and to recommend the way forward.

The Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy responded as follows to questions by Councillors Mackrory, Pond and Young:

- The proposals to upgrade the A120 considered in 2005 had not proceeded due to decisions taken at central government level.
- Acknowledging that responsibility for taking the final decision on Essex County Council's preferred route option was to be delegated to him, the Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy affirmed his commitment to ensuring that the decision was taken in an open and transparent way. Although the exact details were yet to be finalised, the decision would be publicised in advance, with the possibility of

organising a public launch event. Responsibility for the ultimate decision on the preferred route lay, however, with Highways England.

- A written reply would be provided to Councillor Mackrory enlarging upon the assessment contained in the first bullet point of Option C within paragraph 7.5 of the report.
- The absence of an overwhelmingly strong single candidate from amongst the options consulted upon had led to the proposal to continue work on option appraisals in relation to four of the five routes (B, C, D and E) for presentation to Government. All aspects of the routes, including the detail concerning the proposed junctions within Braintree town and the implications in terms of cost and pollution, would be analysed.

The Chairman thanked Mr Nee, Ms Bright and Ms Brayley for attending the meeting.

Resolved:

1. That of the initial 68 route options assessed and the five options taken to consultation, only two broad options, corresponding to the central (routes B and C) and southern corridors (routes D and E), will now be pursued in greater detail to determine the best overall performing route;
2. That Option A (northern corridor) is the worst performing option and would appear unlikely to emerge as a candidate for preferred route status through further study;
3. That work continue to present a full set of route option appraisals to Government in accordance with Highways England processes; and
4. That a final decision on Essex County Council's preferred route option be delegated to the Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure, and the Digital Economy in consultation with the Executive Director for Infrastructure and Environment.

6 M11 J7A - Decision to acquire land by Compulsory Purchase and the publication of Compulsory Purchase Orders and associated documents (FP/968/10/17)

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

The Cabinet considered a report which provided information on the current status of the M11 J7A project and sought authority for ECC to exercise its own highways construction etc powers and those of Highways England Company Limited to compulsorily purchase the land identified on the land plots drawing in Appendix A and detailed in Schedule 1 to Appendix B for the purpose of constructing the scheme. The report requested authorisation for the publication of the necessary Compulsory Purchase Orders (CPOs) to avoid potential delays and excessive costs should land negotiations, which are ongoing, prove

unsuccessful. Acquisition was required for both temporary and permanent situations (as denoted by the colour of the land plots on the CPO plan attached as Appendix B to the report).

The report also requested authority to proceed with the project through the Main Works tender process up to the decision to award the contract and to delegate authority to award the Enabling Works contract to the Director for Capital Delivery, Paul Crick.

In presenting the report, the Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy highlighted an amendment to recommendation 2.3, such that the words 'to the schedule and' be inserted after 'minor changes'. This is reflected in resolution 3 below.

In response to Councillor Pond, the Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy advised that the negotiations surrounding the scheme, and the desire to see this key project implemented without delay, may result in the County Council assuming certain additional highway responsibilities. He noted Councillor Pond's preference for a negotiated settlement with landowners where possible, and emphasised that no decisions regarding compulsory purchase would be taken prior to consultation with the Leader of the Council.

Resolved:

1. That the Director, Capital Delivery be authorised to enter into agreements with Highways England and the Secretary of State for Transport, under which the Council will deliver the M11 Junction 7A scheme at the expense of Highways England / the Secretary of State for Transport.
2. That, if the Director, Capital Delivery is unable to acquire the land by agreement on reasonable terms he may, after consulting the Leader of the Council, authorise the making of Compulsory Purchase Orders to acquire the land shown at Appendix A to report FP/968/10/17 for the construction of the M11 J7A scheme and the improvement of the B183 and other roads and to pursue the Orders to confirmation as well as any additional legal processes required as a result of the arrangements with Highways England Company Limited.
3. That the Director, Capital Delivery, be authorised to agree minor changes to the schedule and to the boundaries of the land to be acquired after consulting the Leader of the Council.
4. That the Director, Capital Delivery may progress enabling works to facilitate construction of the scheme.
5. That the tender process for the enabling works be progressed using the Eastern Highways Framework procurement process.
6. That authority be delegated to the Director, Capital Delivery to award the enabling works contract to the tenderer who submits the bid which is evaluated as the highest scoring, subject to a maximum

value of £3m.

7. That the Director, Capital Delivery be authorised to approve the illustrative design and undertake procurement of a contractor using a design and build contract using the restricted procedure in the Public Contracts Regulations 2015. This will include the determination of the price/quality split of the contract by the Director, Capital Delivery. A further report will be submitted to the Cabinet on the award of the contract to the successful tenderer.

7 Award of Service Orders under 0538 Residual Waste Disposal Framework (FP/947/09/17)

Information contained within a confidential appendix was taken into account in reaching a decision on this issue (minute 12 below refers).

The Cabinet was asked to approve the award of a number of Service Orders to various waste disposal providers following a mini-competition conducted pursuant to the 0538 Residual Waste Disposal Framework set up by Essex County Council (ECC) in October 2017.

The Cabinet Member for Environment and Waste responded as follows to questions raised by Councillors Mackrory, Pond and Young:

- The proposals contained within the report represented contingency arrangements required to meet ECC's statutory duties as a Waste Disposal Authority. They would only be implemented in the event that the TOVI waste treatment facility in Basildon were to become wholly or partly unavailable, at which point there would be cost implications in relation to additional liability for landfill tax. The Cabinet Member emphasised that the landfill option would be pursued only as a last resort if absolutely necessary.
- A written reply would be provided to Councillor Mackrory regarding any risk assessment undertaken to identify the likely need for implementation of the contingency arrangements.
- The proposed arrangements for meeting the costs associated with the contract would not disadvantage any other service areas within Waste Management.
- Refuse Derived Fuel (RDF) was of low grade and unsuitable for domestic use in this country. It would be exported abroad.
- There was a commitment to increase recycling rates by engaging with partners through the Essex Waste Partnership. Experience had shown that the most successful way of achieving this was by influencing behavioural change.

Resolved:

1. That 13 Service Orders totalling £19.7m be awarded to the relevant providers for the period February 2018 - 31 March 2019 as set out in paragraph 3.4 of report FP/947/09/17, following a mini-competition conducted in accordance with the Residual Waste Disposal Framework (reference 0538), with the breakdown of the individual

order values as set out in the confidential appendix to report FP/947/09/17.

2. That the actual spend under each order be determined by officers using delegated powers, as set out in paragraphs 3.5 - 3.7 of report FP/947/09/17.

8 Decisions taken by or in consultation with Cabinet Members (FP/957/10/17)

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 19 December 2017 at 10.00am at County Hall, Chelmsford, CM1 1QH.

10 Exclusion of the Press and Public

Resolved:

That the press and public be excluded from the meeting during consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information as specified in paragraph 3 of Schedule 12A of the Local Government Act 1972.

11 M11 J7A - Decision to acquire land by Compulsory Purchase and the publication of Compulsory Purchase Orders and associated documents (FP/968/10/17) - Confidential Appendix F (Public and press excluded)

The Cabinet noted Confidential Appendix F to report FP/968/10/17, which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 6 above refers).

12 Award of Service Orders under 0538 Residual Waste Disposal Framework (FP/947/09/17) - Confidential Appendix (Public and press excluded)

The Cabinet noted the confidential appendix to report FP/947/09/17, which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 7 above refers).

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Chairman
23 January 2018