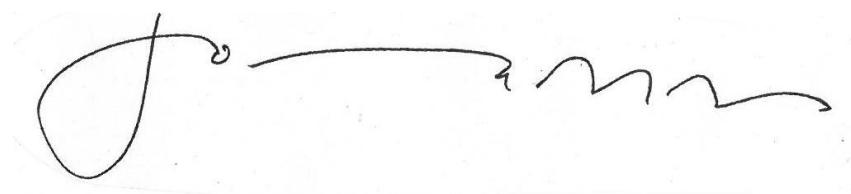


Summons

To all Members of
Essex County Council

You are hereby summoned to attend the meeting of the County Council to be held in the Council Chamber at County Hall, Chelmsford at 10:00 on Tuesday, 14 May 2013 to deal with the business set out in the following Agenda

The meeting is scheduled to end by 1:30 pm.



Joanna Killian
Chief Executive

Officer Support to the Council: Andy Gribben, Governance Officer
Telephone: 01245 430044
Email: andy.gribben@essex.gov.uk

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 can be provided on request in alternative formats such as large print, Braille and on disk.



Agenda

Business to be conducted at the meeting on Tuesday, 14 May 2013

The meeting will be preceded by Prayers led by The Reverend Canon Carol Smith, County Council Chaplain and Vicar of the Church of England Parish Church for Moulsham Lodge with Tile Kiln, in the Diocese of Chelmsford.

		Page
1	Election of Chairman The Chairman will sign the Declaration of Acceptance of Office	
2	Appointment of Vice-Chairman The Vice-Chairman will sign the Declaration of Acceptance of Office	
3	Apologies for Absence	
4	Persons returned and political proportionality	5 - 14
5	Declarations of Interest To note any declarations of interest to be made by Members	
6	Minutes	15 - 30
7	Chairman's Announcements and Communications	
8	Notification of Political Group Membership To receive notification of the memberships of the political Groups and the names of the Group Leaders and their Deputies	

9 Leader and Cabinet

a) To elect the Leader of the Council and

b) to receive notification from the newly-elected Leader of the appointment of the Cabinet including the Deputy Leader of the Council, the powers delegated to them and the appointment of Deputies

10 Council Issues

31 - 52

11 To note the Political Groups' appointments to committees

12 To appoint the Chairmen of Committees

13 Nominations to the Health and Wellbeing Board
To receive notice from the Leader of the Council of the three County Council nominations to the Health and Wellbeing Board

14 To appoint the County Council's representative on the Essex Police and Crime Panel

15 To appoint the County Council's representatives to the Essex Fire Authority

16 To note the dates of future meetings
9 July 2013, 15 October 2013, 10 December 2013 and 4 February 2014

The Chief Executive's Report on return of Members Elected and Political Proportionality

Return of Members Elected

The return of those elected is attached to this Report.

Political Proportionality

Groups of Councillors can register as a political group. Political groups often register along party lines but a political group can be registered jointly with different parties or include only some members of a political party. A councillor can only be a member of one registered political group at a time.

The law requires the Council to allocate committee seats to registered political groups in accordance with political balance rules:

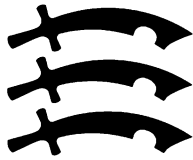
1. The majority party must have a majority of seats on every committee. Where there are co-opted voting members this is a majority of all seats, not just those held by councillors.
2. The total number of ordinary committee seats must be proportionate. So where the Conservative Group has 56% of Council seats it should have 56% of the ordinary committee seats. Overview and Scrutiny Committees and Joint Committees do not count as "ordinary committees".
3. Each individual committee must be as proportionate as possible. A group with 56% of Council seats should have 56% of the seats on each committee.

These rules can sometimes conflict, depending on the number and size of the political groups. If this happens the first rule is the most important, then the second and then the third.

The political balance rules do not always completely determine the balance of each committee. Sometimes the Council unavoidably has some discretion as to how to apply those rules.

For example, if there are committees of the same size which have to be balanced differently under the rules, there is a discretion as to which committee those should be applied to. Any discretion is exercised by full Council.

The attached table shows the allocation of committee seats which comply with the political balance rules.



ESSEX COUNTY COUNCIL

ELECTION

02 May 2013

**Election of 75 County Councillors in 70
Divisions**

Councillors by Electoral Division

**County Returning Officer
County Hall
Chelmsford
May 2013**

BASILDON DISTRICT

BILLERICAY AND BURSTEAD (Two Member Division)

Hedley*	Anthony Michael	Conservative
Twitchen*	Kay	Conservative

LAINDON PARK AND FRYERNS (Two Member Division)

Archibald	William	Labour
Ellis	Mark	UKIP

PITSEA (Two Member Division)

Bobbin	Keith	Labour
McGeorge	Melissa Anne	Labour

WESTLEY HEIGHTS

Smith	Kerry	UKIP
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WICKFORD CROUCH (Two Member Division)

Buckley	Malcolm	Conservative
Le Gresley	Nigel De Lecq	UKIP

BRAINTREE DISTRICT

BOCKING

Helm	Gordon	UKIP
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BRAINTREE EASTERN

Newton	Patricia	Conservative
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BRAINTREE TOWN

Butland*	Graham	Conservative
----------	--------	--------------

HALSTEAD

Pike*	Joe	Conservative
-------	-----	--------------

HEDINGHAM

Finch*	David Malcolm	Conservative
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THREE FIELDS WITH GREAT NOTLEY

Walters*	Roger Glyn	Conservative
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WITHAM NORTHERN

Abbot	James Edward	Green
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WITHAM SOUTHERN

Louis*	Derrick Jonathan	Conservative
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BRENTWOOD BOROUGH

BRENTWOOD HUTTON

Hirst Roger Charles Conservative

BRENTWOOD NORTH

Aspinell* Barry Roy Liberal Democrat

BRENTWOOD RURAL

Naylor* Ann Frances Conservative

BRENTWOOD SOUTH

Kendall* David John Liberal Democrat

CASTLE POINT BOROUGH

CANVEY ISLAND EAST

Blackwell Dave Independent

CANVEY ISLAND WEST

Howard* Ray Conservative

HADLEIGH

Reeves* Jillian Mary Conservative

SOUTH BENFLEET

Bayley Alan John UKIP

THUNDERSLEY

Huntman Jamie David UKIP

CHELMSFORD BOROUGH

BROOMFIELD AND WRITTLE

Aldridge* John Francis Conservative

CHELMER

Spence John Andrew Conservative

CHELMSFORD CENTRAL

Madden* Dick Conservative

CHELMSFORD NORTH

Robinson* Stephen Liberal Democrat

CHELMSFORD WEST

Deakin* Jude Liberal Democrat

GREAT BADDOW

Chandler Jenny Conservative

SOUTH WOODHAM FERRERS

Hume* Norman John Conservative

SPRINGFIELD

Mackrory* Mike Liberal Democrat

STOCK

Grundy* Ian Conservative

COLCHESTER BOROUGH

ABBEY

Fisher* Margaret Donaldson Liberal Democrat

CONSTABLE

Brown* Anne Conservative

DRURY

Lissimore Sue Conservative

MAYPOLE

Harris Dave Labour

MERSEA AND TIPTREE

Jowers* John Gilbert Conservative

MILE END & HIGHWOODS

Turrell* Anne Liberal Democrat

PARSONS HEATH & EAST GATES

Higgins* Theresa Margaret Anne Liberal Democrat

STANWAY & PYEFLEET

Bentley* Kevin Paul Conservative

WIVENHOE ST ANDREW

Young* Julie Ann Labour

EPPING FOREST DISTRICT

BUCKHURST HILL & LOUGHTON SOUTH

Metcalfe* Valerie Conservative

CHIGWELL & LOUGHTON BROADWAY

Knapman* John Conservative

EPPING & THEYDON BOIS

Whitehouse Jon Liberal Democrat

LOUGHTON CENTRAL

Pond* Chris Independent Loughton Residents

NORTH WEALD & NAZEING

Jackson* Anthony James Conservative

ONGAR & RURAL

McEwen Maggie Conservative

WALTHAM ABBEY

Gadsby Ricki Conservative

HARLOW DISTRICT

HARLOW NORTH

Danvers Michael Ralph Labour

HARLOW SOUTH EAST

Johnson* Eddie Conservative

HARLOW WEST (Two Member Division)

Durcan* Tony Labour

Clempner Karen Labour

MALDON DISTRICT

HEYBRIDGE AND TOLLESBURY

Bass* Rodney Lister Conservative

MALDON

Channer* Penny Conservative

SOUTHMINSTER

Boyce* Robert George Conservative

ROCHFORD DISTRICT

RAYLEIGH NORTH

Maddocks Malcolm Conservative

RAYLEIGH SOUTH

Gibbs Keith UKIP

ROCHFORD NORTH

Cutmore Terry Conservative

ROCHFORD SOUTH

Seagers Colin George Conservative

ROCHFORD WEST

Hoy Michael Green

TENDRING DISTRICT

BRIGHTLINGSEA

Lord Roger Gordon UKIP

CLACTON EAST

Oxley Pierre Tendring First

CLACTON NORTH

Wood Andy Conservative

CLACTON WEST

Honeywood Paul Bernard Conservative

FRINTON AND WALTON

Page* Mick Conservative

HARWICH

Henderson Ivan Labour

TENDRING RURAL EAST

Erskine Andrew James UKIP

TENDRING RURAL WEST

Guglielmi Carlo Conservative

UTTLESFORD DISTRICT

DUNMOW

Barker* Susan Conservative

SAFFRON WALDEN

Lodge John Stuart Independent

STANSTED

Gooding* Raymond John Conservative

THAXTED

Walsh* Simon Michael Conservative

*Existing member

Essex County Council

Allocation of Seats on Committees as at 10 May 2013

Ordinary Committees (which must be overall and individually proportionate)

Committee	Size	Conservative	UKIP	Labour	Lib Dem	Non-aligned	Green
Development and Regulatory	12	7	1	1	1	1	1
Audit	7	4	1	1	1	0	0
Investment Steering Group	6	3	1	1	1	0	0
Foreign Travel Committee	5	3	0	1	1	0	0

Other bodies (which must be individually proportionate)

Committee	Size	Conservative	UKIP	Labour	Lib Dem	Non-aligned	Green
Corporate Scrutiny	14	8	1	2	2	1	0
People and Families Scrutiny	18	10	1	1	1	1	0
Place and Economic Growth Scrutiny	14	8	2	1	2	1	0
Health Scrutiny Committee	12	7	1	2	1	1	0
Standards Committee (Joint with Essex Fire Authority)	9	5	1	1	1	1	0

Essex Fire Authority	Size	Conservative	UKIP	Labour	Lib Dem	Non-aligned	Green
Fire Authority	20	11	3	2	2	1	1

ⁱ The Conservative Group have indicated that they do not intend to take up their entitlement to a majority of seats on this committee.

Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 12 February 2013

Present

Chairman: Councillor K Twitchen

Vice-Chairman: Councillor N Hume

Councillors:

D Abrahall	R G Gooding	Mrs M A Miller
J F Aldridge	C Griffiths	G Mitchinson
B Aspinell	I Grundy	D Morris
Mrs S Barker	Mrs E M Hart	A Naylor
L Barton	A M Hedley	M J Page
R L Bass	Mrs T M A Higgins	J W Pike
J Baugh	Mrs S Hillier	C C Pond
R G Boyce	R C Howard	Mrs J M Reeves
A Brown	A J Jackson	C G Riley
G Butland	E C Johnson	J Roberts
R Callender	J G Jowers	D C F Robinson
S C Castle	D J Kendall	S Robinson
R P Chambers	J Knapman	Mrs T L Sargent
P Channer	M C M Lager	J M Schofield
Mrs T M Chapman	D Louis	M Skeels
J A Deakin	J R Lucas	Mrs A Turrell
W J C Dick	G W McEwen	R G Walters
J Dornan	M Mackrory	Mrs E A Webster
N D C Edey	R A Madden	Mrs M J Webster
D Finch	P J Martin	Mrs J H Whitehouse
M D Fisher	S Mayzes	B Wood
M Garnett	Mrs V Metcalfe	J A Young

The meeting was preceded by prayers led by Mr John Hull of the Salvation Army.

1. Apologies for Absence

Apologies for absence were received on behalf of Councillors K Bentley, T Durcan, S Candy, L Mead, Mrs I Pummell and S M Walsh.

2. Declarations of Interest

The Chairman reminded Members of the advice they have been given by the Monitoring Officer concerning those who may have any arrears of Council Tax outstanding for two months or more. Any such Members must make a declaration and are not entitled to vote on the Annual Budget but are not prevented from taking part in the discussion

There were no declarations of interest.

3. Minutes of the meeting held on 11 December 2012

Resolved:

That the minutes of the meeting held on 11 December 2012 be approved as a correct record and signed by the Chairman.

4. Recent Deaths

The Chairman informed the Council of the deaths of three former County Councillors and sent condolences to their families.

- County Councillor for Great Baddow, Mrs Joan Beard died on Friday 28 December.

Mrs Beard was first elected to Essex County Council, to represent Great Baddow, on 7 May 1981 and served until 2001 on many committees including the Education Committee, Health and Social Services Select Committee and the Social Services Committee and was elected Chairman of Essex County Council from May 1999 to May 2000.

She was a County representative on the Fire Authority and many other organisations, was a Great Baddow Parish Councillor and a school governor.

The Chairman informed the Council that there would be a memorial service in the Spring and that details would be made available when known.

- County Councillor for Harwich Mr Les Double died on 5 January.

Mr Double represented Harwich as a County Councillor from 1997 to 2009 and served on many committees including Audit and General Scrutiny Committee, Lifelong Learning & Libraries PDG and Planning & Enterprise PDG. He represented Essex County Council on the Essex Fire Authority, the University of Essex Court and the Advisory Committee for Archaeology as well as on many other outside bodies.

He also served as a Harwich Town Councillor for the last 22 years, represented Harwich West ward at Tendring District Council since 1995, a governor of the Harwich School and a director of the East of England Cooperative Society.

- County Councillor for South Woodham Ferrers and Danbury Mrs Eileen Mickelborough died on 19 January.

Mrs Mickelborough was first elected as a County Councillor for Basildon in May 1977 and represented Woodham Ferrers and Danbury as a County Councillor from May 1989 until May 2001.

She served on a wide range of committees including the Education Committee, Community Safety, Planning and the Social Services Committee. She also represented Essex County Council on the University of Essex Court and elsewhere.

She was also a Chelmsford Borough Councillor and served as a magistrate for 11 years.

Members stood in their memory.

5. Awards

The Chairman informed Members that it had been announced that Essex County Council was one of three councils to be shortlisted for Council of the Year for the improvement and efficiency Awards 2013

The Chairman congratulated Councillor S Castle as the Olympics Ambassadors Volunteering schemes have received the Queens Diamond Jubilee Award for their role in encouraging residents to get more involved in the community during the period of the Olympic Games.

The Chairman also announced individual nominations, that;

- Councillor W J C Dick had been shortlisted for an award as 'Scrutineer of the Year',
- Councillor S Castle for 'Partnership Working on the Olympics' and
- Councillor P Martin for the 'Judges Special Award' for his contribution to local government.

6. Congratulations

At the invitation of the Chairman, Members expressed their appreciation to Liz Chidgey, Executive Director for Adults, Health and Community Wellbeing for all her hard work and achievements. She was attending her last Council meeting before becoming Executive Director of Essex Cares.

7. Commemoration of the 1953 Floods

The Chairman informed Members that the Council had received a gift from a Dutch museum in thanks for the Act of Commemoration of the 1953 floods that took place recently at Chelmsford Cathedral. This service was attended by the Princess Royal.

There had also been other activities in connection with this anniversary, notably on Canvey Island and the Chairman requested that Members take time to appreciate the artwork on display in the Council foyer prepared by young people in Essex inspired by those tragic events.

8. Presentation of Petitions

The Chairman formally received petitions relating to;

- The Olympic Legacy and the construction of mountain-bike tracks on Benfleet Downs presented by Councillor Colin Riley and
- The location of a pedestrian crossing following the modernisation work on the Tarpots, Benfleet, presented by Councillor Bill Dick.

9. The Budget 2013/2014

Prior to the consideration of this item the Chairman advised the Council of the procedure to be adopted during the debate.

Councillor J Baugh declared an interest as a Director of Braintree Museum Trust, Councillor G Butland declared an interest as Leader of Braintree District Council and Councillor C Riley declared an interest as a Member of Castlepoint District Council.

The Council received the report on the Budget 2013/2014 including;

- The Medium Term Resources Strategy
- Revenue and Capital Budgets 2013/2014
- Treasury Management Strategy
- The Pay Policy Statement.

The recommendations as set out in the report were moved by Councillor P J Martin, Leader of the Council, and seconded by Councillor D M Finch, Deputy Leader Cabinet Member for Finance and Transformation Programme

Prior to the motion being put to the meeting the Chairman agreed to the request of Councillor Pond that recommendation (k) The Pay Policy Statement, be put to the meeting separately.

It was moved by Councillor M Mackrory and Seconded by Councillor D Kendall that the following words be added to recommendation;

'that subject to additional provision of;

- £36,000 to Youth Provision to fund one Benefits Advice Youth Worker,
- £3.4 m to Highways to fund additional footway and pot hole repairs and white lining,
- £200,000 to Passenger Transport to fund a smart travel card scheme for 18 – 24 year-olds in receipt of Job Seekers Allowance or undertaking apprenticeships to attend interviews and for the first month following employment,
- £300,000 to Health and Wellbeing to fund swimming concessions for under 16s,
- £140,000 to Strategy and Policy to finance (i) a dedicated fund raiser serving all 12 Essex CABs, plus associated implementation costs, to reduce reliance on local authority grants and (ii) to provide funding to train four CAB Debt Advisor Trainers and
- £85,000 to Waste Management to fund the reopening of the Martins Farm, St Osyth Recycling Centre on a part-time basis,

and to the provision of;

- £199,020 being deleted from the budget for Special Responsibility Allowances,
- £96,000 being deleted from the budget for Strategy and Policy-Member Support by reducing the number of cabinet advisors by two and
- £750,000 being deleted from the budget for Communications and Customer Relations,

and to any consequential adjustment being made to the general balance recommended to the Council.'

Upon being put to the meeting the proposed amendment was declared to be lost.

Upon being put to the meeting the motion in the name of Councillor Martin was declared to be carried including recommendation (k) The Pay Policy Statement which was put to the meeting separately and accordingly it was:

Resolved:

- a) That the budget requirement be £907.2m.
- b) That the Council Tax requirement be £518.1m.
- c) That the net cost of services be £969.0m.
- d) That the Revenue Budget for 2013/14 be as set out in sections 4 and 5 of the report.

- e) That the latest Council Tax Freeze grant be accepted for 2013/14, thereby implying that there will be no increase in the Band D Council Tax for 2013/14, which will therefore remain at £1,086.75. The full detail of all bands is as follows:

Council Tax Band	2012/13 £	2013/14 £
Band A	724.50	724.50
Band B	845.25	845.25
Band C	966.00	966.00
Band D	1,086.75	1,086.75
Band E	1,328.25	1,328.25
Band F	1,569.75	1,569.75
Band G	1,811.25	1,811.25
Band H	2,173.50	2,173.50

- f) That the council tax base be 476,730.
- g) That the reserves and balances be as set out in section 4.13 of the report.
- h) That the capital programme for the period from 2013/14 – 2016/17 be approved, as set out in section 7 of the report, noting the funding sources and implications for the medium term resource strategy.
- i) That the Executive Director for Finance, in consultation with the Cabinet Member for Finance and Transformation, be authorised to make adjustments to the phasing of payments in the capital programme between years, should that be necessary in order to address any slippage arising as the capital programme for 2012/13 is finalised and to note that any impact on the Prudential Indicators will be reported to the Cabinet at the next available quarterly review.
- j) That the 2013/14 Prudential Indicators, Treasury Management Strategy and Minimum Revenue Provision policy be as set out in section 8 of the report.
- k) That the Pay Policy statement for 2013/14 be as set out in section 9 of the report.
- l) That the Executive Director for Finance's (section 151 officer) statement on the robustness of the estimates and reserves included in this budget be noted (paragraph 4.16 of the report).
- m) That the provisional Dedicated Schools Grant (DSG) figures set out in paragraph 4.10 of the report be noted.
- n) That the findings of the Equality Impact Assessment (EIA) carried out and included at section 16 of the report be noted.

10. Health and Wellbeing Board Terms of Reference

The Leader, Councillor Peter Martin presented a report on the Terms of Reference and Procedure Rules for the Essex Health and Wellbeing Board.

Resolved:

That the draft Essex Health and Wellbeing Board Terms of Reference and Procedure Rules as set out in the Annex to the report be approved.

11. Council issues

The report of Council Issues was received and upon being put to the meeting recommendations relating to;

Item 1: The Essex Police Authority and the Essex Police and Crime Panel and

Item 2: The Date of Council Meeting February 2014

were agreed and accordingly it was

Resolved:

Item 1: That Paragraph 16.7(xiv) of the Constitution, relating to the order of business at ordinary meetings of the Council, be amended from 'to consider reports / minutes of the Essex Police and Essex Fire Authorities' to read 'to consider reports / minutes of the Essex Police and Crime Panel and the Essex Fire Authority'.

Item 2: That the date of the meeting of the Budget Council in February 2014 be postponed from Tuesday, 4 February to Tuesday, 11 February at 10 am.

12. Cabinet Issues

The report of Cabinet Issues from the meeting of 22 January 2013 was received.

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

Members responded to questions as follows:

- (i) Relating to a) the provision of sixth-form education in Loughton and b) the Council's response to the consultation on the National Curriculum (Councillor CC Pond of the Cabinet Member for Education, Lifelong Learning & the 2012 Games)

The Cabinet Member replied that a) he believed the Council would be able to meet the aspirations of parents in Loughton and the Epping area. This was dependent upon the use of various local assets held by schools. Councillor Metcalf as the Cabinet Member's Deputy had led on this work over the last four years and b) in his response to the consultation would note the excellent education outreach services of the Essex Records Office, Museums and Essex Libraries.

- (ii) Residents who don't have access to the internet (Councillor D J Kendall of the Leader)

The Leader responded that web-based communication enables the Council us to reach out to more people than any other means. However, by strengthening the role of local members and the use of libraries there are opportunities to reach those who either don't have access to the internet or to more vulnerable sections of our communities.

- (iii) On the 'Community Right to Challenge' and the lack of provision for public speaking at Council meetings (Councillor D J Kendall of the Leader)

The Leader responded that the two issues were not linked although the 'Right to Challenge' was a great example of localism in action.

- (iv) To enquire how much of the £35million now allocated was to re-repair the potholes from last year that now need repairing again (Councillor B Aspinell of the Leader)

The Leader responded that recurring inclement weather damaged the road network and that necessitated constant repair and investment in the maintenance of the fabric of the roads.

- (v) Regarding the possibility of using the Weald Country Park saw-mill and workshop as a means of providing bespoke bus-shelters and other assets and thereby reducing expenditure (Councillor B Aspinell of the Cabinet Member for Customer Services, Environment and Culture)

The Cabinet Member responded that he would investigate.

- (vi) To seek information on the effectiveness of reporting highways incidents online (Councillor M C M Lager of the Cabinet Member for Highways and Transportation)

The Cabinet Member responded that there has been some work undertaken recently to analyse the reporting and handling of highways defects. He undertook to provide this analysis to Mr Lager when it was complete.

- (vii) Regarding the Council's response to the government's requirements to speed up the adoption process (Councillor D Morris of the Cabinet Member for Children's Services)

The Cabinet Member responded that whilst speed was important so was long-term stability and to ensure that the adoption break-down rate was low. The Cabinet Member noted that Essex had one of the best rates in the Country and needs to continue to pay attention to the needs of 'Hard to Place' children who require particularly stable placements.

- (viii) Seeking clarification of budgetary provision for highways maintenance and infrastructure and a request that budgetary provision be made for the

continuance of the work of the Highways Panels (Councillor R Bass of the Cabinet Member for Highways and Transportation)

The Cabinet Member responded that a) the £15million and £20million mentioned in the Leader's budget speech were included in the budget shown and b) it was anticipated that Local Highways Panels would be retained in some form and that, if so, funding will be identified and moved from elsewhere within the existing budget.

- (ix) Regarding forthcoming changes in the field of Adult Social Care (Councillor Garnett of the Cabinet Member for Adult Social Care)

The Cabinet Member responded that a report on this matter would be brought to Full Council at a later date.

- (x) A request that the Leader accept the best wishes from the Opposition on his forthcoming retirement. Mr Mackrory noted that The Leader had assumed control at a difficult time and had given long and good service to this county and to local government. It was requested that he accept thanks for his courteous treatment of the Leader of the Opposition and the Liberal Democrat Group particularly during the period when the former Group Leader, Tom Smith-Hughes, was ill (Councillor M Mackrory of the Leader)

The Leader expressed his thanks to Mr Mackrory and his Liberal Democrat colleagues. He then took the opportunity to thank the Deputy Leader David Finch, Members of Cabinet and the Chairman. He also extended his thanks to the Chief Executive, Joanna Killian and the Corporate Leadership Team all of whom have provided excellent advice and support. He thanked the Conservative Group but, finally, paid particular tribute to the support he had received over the years from his wife.

14. Written Questions (Standing Order 16.11.3)

Councillor J Whitehouse declared a personal interest in respect of question 8 as she was a saver with a credit union.

1. By Councillor B Aspinell of the Cabinet Member for Customer Services, Environment and Culture

'There are two three bedroom semi-detached houses at Weald Country Park in Brentwood. I understand that one has been empty for six years and the other for two years. These houses are being maintained by the taxpayer, but have been allowed to get damp and devalue. Why have these properties not been let or sold, as they could have raised thousands of pounds for the County Council and provided much needed housing for Brentwood residents?'

Reply

The two properties referred to are both within the boundary of Weald Country Park.

Essex County Council does not release houses that are inside the boundary of Country Parks for private sale – as our experience has been that new occupiers can cause significant operational problems – in what are public facilities. These houses are in an extremely visible position and Essex County Council needs to ensure that they are maintained to a high standard and that there are no use or maintenance issues that detract from the park.

A project has been undertaken to see if the entrance to the park could be adjusted so that these sites could be screened from the rest of the park; unfortunately this was not feasible.

As a Local Authority we cannot enter into direct tenancy agreements, as this can infer a variety of rights, including 'right to buy'.

Essex County Council are able to 'lease' the sites to a third party under a business tenancy and we are in discussion with a charity that provides housing for ex-serviceman.

Two country park properties that have become vacant and fall outside the boundary of any country park have recently been sold and realised a capital receipt for the County Council.

2. By Councillor J Deakin of the Cabinet Member for Finance and Transformation Programme

'Would the Cabinet Member please give me an update on the plans for the Hayward School site in Maltese Road, Chelmsford?'

Reply

The site is currently being assessed for a number of potential re-uses.

The proposals include:

- a new primary school to meet growing basic need in the area and a new hub premises for children's services, bringing these together from across Chelmsford with the new family solutions operation,
- a post 19 facility for young people transitioning from the Columbus College to adulthood. This is being worked up by the Academies Enterprise Trust,
- as a potential site for the provision of alternative education,
- The King Edward Grammar School, which adjoins the site, has expressed an interest in acquiring part of the open area of the site for playing field expansion.

The bids will be considered by Cllr Castle as part of the Education Estates Strategy and by Cllr Finch once all the necessary information is available and alternative accommodation options for some of the proposals have been explored.

3. By Councillor J Deakin of the Cabinet Member for Highways and Transportation

‘Would the Cabinet Member please advise how many zebra crossings have been installed since 2009 in the County that did not meet the policy?’

Reply

Thank you for your question.

If you could clarify which policy you are referring to in your question, I would be happy to have an answer provided to you.

4. By Councillor D Kendall of the Cabinet Member for Highways and Transportation

‘When members in Brentwood were recently discussing the dangerous Ongar Road / Sandpit Lane junction, and the possibility of constructing a small solid island roundabout, they were told that any significant improvements were likely to involve diversion of statutory undertakers’ equipment. Early indications from EDF and Transco suggested that the diversion of their equipment alone would cost in the region of £480,000. No figures had been provided at the time from other utility companies whose equipment is known to pass through the junction. Members were also told that an alternative traffic light scheme would also incur the same statutory undertaker costs.

Would the Cabinet Member please clarify the following points:

1. How does the County Council challenge or seek to validate these statutory undertaker costs at this particular junction or at any other junction scheme across the County?
2. How can the same statutory undertaker costs for a small solid island roundabout scheme be the same as for a traffic signal scheme?
3. As the statutory undertaker costs for EDF and Transco equate to £480,000, which is more than Brentwood's total Local Highways budget for the year, how are we ever going to get the much-needed safety improvements we need for our area?’

Reply

Thank you for your question.

1. High level estimates to identify potential costs are sought as

part of the detailed design stage. Every attempt is made to 'design around' the need to move utilities, and costs are challenged wherever possible, although the scope to reduce these is very often limited.

2. The feasibility study for installing traffic signals at this junction indicated extensive kerb alterations would be required to widen both main road approaches. This would incorporate dedicated right-turn lanes to prevent right turning vehicles from obstructing through traffic and the estimated costs for this were in the same order as those for the utility diversion costs for the roundabout scheme. Any schemes that require changes to the kerbs in this location are highly likely to require the relocation of utilities.
3. The answer is the same as when you asked a similar question back in October 2012 i.e. The prioritisation of local schemes by Members is an important function of Local Highways Panels (LHPs) and where a scheme is too large to deliver in a single year, LHPs have the option of spreading the cost of these over more than one year.

5. By Councillor A Turrell of the Cabinet Member for Highways and Transportation and The Cabinet Member for Education, Lifelong Learning and the 2012 Games

'Many Primary Schools are on main routes, and roads outside their schools are gritted during cold weather. However, there are many Primary Schools that are on minor roads, and these become very dangerous because they are not gritted.

Parents in my Division who have children at Queen Boudicca are having great difficulties during icy conditions; the conditions are made even worse because the road is on a slope.

One solution would be to include all Primary Schools on the list of roads to be gritted. Would the two Cabinet Members please advise if they would work together to find a way to solve this issue?'

Reply (from the Cabinet Member for Highways and Transportation)

Thank you for your question.

Essex County Council prioritises its resources on A and B roads and Bus routes which together constitute 80% of all traffic movement with the remainder of the network receiving treatment once the priority network is secure, and in line with available resources.

We do however recognise that other roads are important to local residents and in addition to our hugely popular scheme where we provide salt to town and parish councils, this year ECC also operated a salt scheme for Members in urban areas. This enables local Members to arrange for salt to be used in locations that are important to the local community, for example, outside schools. I have been advised that Councillor Turrell did not opt to take part in this scheme.

6. By Councillor D Kendall of the Cabinet Member for Highways and Transportation

'Would you please tell me how many claims Essex County Council has received from motorists for compensation for damage sustained to their vehicles caused by potholes on the County's roads over the last three financial years?

Would you please provide a breakdown of this figure for each year?

How many claims has the County accepted and paid compensation for each year over the same period?

How much has the County actually paid out in compensation regardless of the original claim date for each year?'

Reply

Thank you for your question.

Financial Year	Total amount paid during year, regardless of claim date	Number of claims paid	Total Claims received
2009/2010	£171,475.98	557	1830
2010/2011	£174,361.97	481	1306
2011/2012	£155,656.71	464	611
Grand Total	£501,494.66	1502	3747

Please note that the totals given above are based on the entire claim, not just the compensation paid to residents, as we do not record this separately; so it can include solicitor's costs, compensation for injuries, benefits to DWP, hospital charges, special damages, loss of earnings etc.

7. By Councillor J Whitehouse of the Cabinet Member for Highways and Transportation

'In reply to my question at the December Full Council meeting, you were unable to tell me which footways would be resurfaced in 2013 /

2014, as this would not be known until the Highways Capital Programme was finalised within the overall Council budget.

Are you now in a position to list these works, or – if not, when will details be available?

Would you please list the footways in Epping and Theydon Bois which will be resurfaced in whole or part and how each one came to be on the list – e.g. was the poor state of the footway noticed by a highways inspector, was it reported by a Councillor or member of the public, together with details of the date on which it was first reported. Are reports of falls on a footway recorded and what action follows from such a report?’

Reply

Thank you for your question.

Based on the outcome of the Council meeting on 12 February 2013 I will provide you with the information you have asked for when the detailed programme is finalised.

With reference to your request regarding reports of falls on a footway; if such falls are reported to Essex County Council, an inspection of the footway is undertaken to assess if any remedial action is required.’

8. By Councillor J Whitehouse of the Cabinet Member for Finance and Transformation Programme

‘Which Credit Unions received financial support from ECC in the last 3 years and how much was this for each one?’

Of this financial support how much for each credit union was a direct grant, how much was retained for officer time, how much was for posters and leaflets provided by ECC and how much was for equipment?’

Did the financial support cover anything else? If so, what and for how much?’

Reply

‘Which Credit Unions received financial support from ECC in the last 3 years and how much was this for each one?’

There are five active credit unions in Essex – Basildon Credit Union; Colchester Savers; Essex Savers; HarlowSave; and Holdfast. Over the last three years, Essex County Council has funded them all. The levels of financial support are as follows:

- *Colchester Savers* – 2010: £14,000; 2011: £5,000
- *Essex Credit Unions Together* (four Essex credit unions: Basildon Credit Union; Colchester Savers; Harlow Save; Holdfast) – 2012: £70,000
- *Essex Savers* – 2010: £55,000; 2011: £15,000; 2012: £15,000

‘Of this financial support how much for each credit union was a direct grant, how much was retained for officer time, how much was for posters and leaflets provided by ECC and how much was for equipment?’

These figures are all direct grant – no element of these grants were retained for officer time, poster, leaflets or equipment. Officer time, posters, leaflets and equipment and similar has been offered and should be considered as in-kind support.

All credit unions have received elements of in-kind support, from publicity and design work, to the offer of access to libraries as credit union collection points and business planning and bid-writing support. Take-up has depended on the appetite of individual credit unions.

It is not possible to cost the officer time accurately, given the varying degrees of involvement credit unions have sought from the local authority. Essex Savers has received the greatest level of officer support, conservatively estimated at £12,000.

Essex Savers has also received additional support for publicity materials, costed at £5,000 over the period in question.

There are no additional costs for equipment.

‘Did the financial support cover anything else? If so, what and for how much?’

The figures outlined above for financial support to local credit unions were direct grants.

In addition to direct grants and officer time, posters, leaflets and equipment (categorised as in-kind support), the provision of rent-free volunteer-run collection points in libraries has also been made available to local credit unions.

Essex Savers has taken up this offer, resulting in an estimated opportunity cost (based on access to eight libraries each week for three years) to the local authority of c. £28,000.

15. Questions to the Essex Fire Authority Representative

In response to a question from Councillor J Young regarding press reports of plans to close fire-stations, Mr Hedley the Essex Fire Authority representative replied that the review underway at present was complex but he would raise the matter at the AGM of the Essex Fire Authority and he invited Councillor Young, at the forthcoming LGA meeting to do the same.

16. Questions to the Representative of the Police and Crime Panel

There were no questions.

17. Chairman's closing remarks

The Chairman concluded the meeting by remarking that this was the final Full Council meeting before the 2013 May election and there many Members who were not standing at those elections. She paid tribute to them and thanked them for all they had done for the Community of Essex and for this Council.

She also noted, further to the remarks already made by members, that this was the last meeting for the Leader, Councillor Peter Martin. She added her own appreciation of his leadership which was marked by his determination and dignity, humour and rigorous fairness.

On behalf of the Council she thanked him for all he had done.

The meeting closed at 13:06

Chairman

14 May 2013

Agenda item 10
Council Issues

1. Scrutiny

1. Purpose of Report

- 1.1. To consider a revised committee structure (and consequent amendments to the Constitution) following consideration by the Scrutiny Board of the Scrutiny Review.

2. Decision Areas and Recommendations

The proposals have been considered and approved by the Scrutiny Board and it is therefore

2.1. Recommended:

(1) That the Council

(a) establish the following overview and scrutiny committees with the terms of reference set out in the amended Articles 9 and 10 of the Constitution in Appendix 1:

Corporate Scrutiny Committee (14 members)

People and Families Scrutiny Committee (18 members including 4 statutory co-opted members)

Place Services and Economic Growth Scrutiny Committee (14 members)

Health Overview and Scrutiny Committee (16 members including 4 co-opted representing city, borough and district councils)

in place of the existing Executive Scrutiny and Children and Young People, Community and Older People and Economic Development, Environment and Highways Policy and Scrutiny Committees and the former statutory Health Overview and Scrutiny Committee.

(2) That the Monitoring Officer be authorised to make any necessary adjustments to the Constitution in relation to the numbers and proportions on Committees arising from the review of scrutiny and the political proportionality on Committees.

2. Special Responsibility Allowances

Purpose of Report

To consider making some adjustments to the Special Responsibility Allowances payable under the Council's Members Allowances Scheme.

Background

Following the County Council Elections the Special Responsibility Allowances payable have been reviewed to ensure they are appropriate to the circumstances of a new Council. The proposed changes are set out in Annex 2 to this Report.

Recommended:

That, having regard to the report of the Independent Remuneration Panel, the Council adopts a scheme of member allowances based on the current scheme but with the following additions and deletions:

- (i) Delete the following Special Responsibility Allowances:

Deputy to Cabinet Member paid at £16,625
Deputy Leader of Main Opposition Group
Leader of Main Opposition Group
Chairman of Appeals Panel
Opposition Spokesperson

- (ii) Add the following special responsibility allowance:

Leader of one of the three largest opposition groups: £5,350.

3. Changes to the Constitution

The Council's constitution is reviewed after elections to reflect the new political balance of the Council. In a few places the Constitution currently provides for there to be a Leader of the Opposition who has previously been taken to be the leader of the largest opposition political group. Following the 2013 election the Council has five opposition groups, three of which have nine members. Accordingly it is proposed to delete references to Leader of the Opposition Group in the Constitution.

Recommended:

That the Constitution is amended as set out below.

Issue	Current	Proposed replacement
<p>Paragraph 7.8 of the Constitution governs when people who are not members of the Cabinet may speak at Cabinet meetings.</p> <p>It is proposed that this provision be deleted and not replaced as, subject to the Code of Member Conduct, all members may attend Cabinet Meetings and are permitted to speak with the permission of the Chairman.</p>	<p>Representatives of the opposition group on the Council may attend Cabinet meetings with the entitlement to speak (NB: only one observer may speak about any one report). The number and names (including a designated substitute) will be agreed by way of a Protocol between the Political Groups and will reflect the political composition of the Council from time to time.</p>	
<p>Paragraph 16.12.2(iii) allows for the leader of the opposition to make a 10 minute speech in reply to the proposed budget.</p> <p>It is proposed to grant this right to the largest three political groups.</p>	<p>the Leader of the Opposition Group when responding to the budget speech – 10 minutes.</p>	<p>Each Leader of the three largest Opposition Groups when responding to the budget speech – 6 minutes.</p>
<p>Paragraph 16.21 allows Executive Members to make executive statements. All Councillors may ask questions in response. Under the constitution the Leader of the Opposition has a formal right of reply, although this has not in practice been exercised as the dialogue takes place in the question and answer process.</p> <p>It is recommended that this provision be removed.</p>	<p>The Leader of the Council or a Cabinet Member may update the Council on current issues of importance that cannot be covered elsewhere as part of the usual business, provided that the Leader of the Opposition will have an equivalent opportunity to reply.</p>	<p>The Leader of the Council or a Cabinet Member may update the Council on current issues of importance that cannot be covered elsewhere as part of the usual business.</p>
<p>Paragraph 16.21 continued</p>	<p>The subject of any proposed statement and the identity of the person who will be making it should</p>	<p>The subject of any proposed statement and the identity of the person</p>

16.21.1 (ii)	be notified to the Governance Manager by 5.00pm on the Friday prior to the Council meeting, for e-mail notification to all Members of the Council and to provide the Leader of the Opposition with a reasonable opportunity to prepare.	who will be making it should be notified to the Governance Team Manager by 5.00pm on the Friday prior to the Council meeting, for e-mail notification to all Members of the Council
Paragraph 16.21 continued 16.21.1 (iii)	In exceptional circumstances where it has not been possible to provide notification and identify the person making the statement by 5:00pm on the Friday prior to the Council meeting, such notification and identification shall be made to the Lead Governance Officer as soon as possible for notification to the Leader of the Opposition and for the agreement of the Chairman of the Council that it may proceed.	In exceptional circumstances where it has not been possible to provide notification and identify the person making the statement by 5:00pm on the Friday prior to the Council meeting, such notification and identification shall be made to the Governance Team Manager as soon as possible for notification to the leaders of all political groups and for the agreement of the Chairman of the Council that it may proceed.
Paragraph 16.21 continued 16.21.1 (v) and (vi)	(v) The Leader of the Opposition or other nominated Member of the Opposition group on the Council will have the right to reply, up to a maximum of five minutes, including any questions which require a response from the originator of the Statement. (vi) The originator of the Statement shall respond briefly to the matters raised in the Opposition's response.	Delete and renumber paragraph (vii) to (v)
19.6 – Chair of Executive Scrutiny (now to be called Corporate Scrutiny Committee). The role of Chairman of this committee will be open to the leaders of the three largest opposition groups.	19.6 Chairmanship At its annual meeting the Council shall elect a Chairman of each Overview and Scrutiny Committee. The Leader of the Opposition shall be elected as Chairman of the Executive Scrutiny Committee.	19.6 Chairmanship At its annual meeting the Council shall elect a Chairman of each Overview and Scrutiny Committee. The Council will elect a Chairman of the Corporate Scrutiny Committee from the

		Leaders of the three main opposition groups each year in alphabetical order by Group name.
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NEW ARTICLE 9 OF THE CONSTITUTION

**ARTICLE 9
OVERVIEW AND SCRUTINY COMMITTEES****9.1 Functions of the Overview and Scrutiny Committees**

The Council will appoint the Overview and Scrutiny Committees set out in Article 9.5 below.

In relation to the functions and responsibilities listed, and any other matter at the request of the Scrutiny Board, the Committees have power:

- (i) to review or scrutinise decisions made in connection with the discharge of Executive functions;
- (ii) to make reports or recommendations to the Council or Cabinet with respect to the discharge of Executive functions;
- (iii) to review or scrutinise decisions made in connection with the discharge of non-executive functions; and
- (iv) to make reports or recommendations to the Council or to Cabinet on matters affecting the Council's area or its citizens.

9.2 Membership

No Overview and Scrutiny Committee shall include any Member of the Cabinet.

A Deputy to a Cabinet Member may not serve on an Overview and Scrutiny Committee that scrutinises the work undertaken by that Cabinet Member.

No Member may be involved in scrutinising a decision in which he has been directly involved.

9.3 Chairmen of Overview and Scrutiny Committees

The Chairman of each Overview and Scrutiny Committee will:

- (i) provide leadership of the relevant Overview and Scrutiny Committee;
- (ii) facilitate and encourage the active involvement of all Members on the relevant Overview and Scrutiny Committee; and
- (iii) promote a consensual, apolitical approach to the Committee's activities.

9.4 Roles and Responsibilities of the Overview and Scrutiny Committees

The Overview and Scrutiny Committees, within their terms of reference, will:

- (i) engage in policy review and policy development, with a focus on improvement and how it can best be achieved;
- (ii) scrutinise decisions made or actions taken in connection with the discharge of the Council's and the Cabinet's functions;
- (iii) scrutinise the performance of the Council and the Cabinet;
- (iv) engage with the community and encourage community engagement;
- (v) question and engage with Members of the Cabinet and/or Committees and Chief Officers;
- (vi) look outwards and show community leadership by providing constructive challenge to other public bodies particularly those with whom the Council delivers services in partnership;
- (vii) consider any matter affecting the area or its inhabitants;
- (viii) consider any matters referred by full Council or Cabinet;
- (ix) make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- (x) take evidence from a senior Council Officer/Cabinet Member if requested by a petition supported by at least 2,000 signatures as specified in the Council's Petitions Policy; and
- (xi) develop and maintain a work programme.

Where an issue relates to the work of two or more scrutiny committees the Scrutiny Board shall determine by which committee or committees it shall be reviewed.

9.5 The Overview and Scrutiny Committees

Each Overview and Scrutiny Committee shall exercise the function of call-in of a decision made by a Cabinet Member which falls within its remit in order to consider whether:

(i) to refer the decision back to the person who made it; or

(ii) to refer the matter to the full Council to decide whether to refer the decision back to the person who made it.

9.5.1 Corporate Scrutiny Committee

Membership: 14 Members

- The overall strategic direction, policies and priorities of the Cabinet and of Council, including the overall corporate revenue and capital budget strategy of the Authority
- Financial Resources (revenue and capital), precepts and levies
- Community Leadership and Community Strategy
- Community Budgets and Essex Partnership Board
- Equalities and Diversity
- Policy and Strategy Team
- External and internal communications
- Customer services (Contact Centre, Member Enquiries)
- Capital Programme Governance
- Procurement and commercial services
- Asset management and Facilities Management
- Legal services
- Performance and Organisational Intelligence
- Essex Transformation Programme
- Audit and Risk

- Information services and technology
- Human Resources and employee services
- Business Support
- Essex Shared Services
- Property Strategy
- Traded services
- Emergency Planning

9.5.2 People and Families Scrutiny Committee

Membership: 18 members (including 4 statutory co-opted members voting on education issues only)

- Children's Services and the Children's Trust
- Children's social care
- Preventative services, including the development of community budgets for families with complex needs
- Corporate Parenting
- Children's Centres and early years provision
- Youth offending
- Domestic Violence
- Schools and education
- Early years
- Transport for educational purposes
- Education welfare services
- Special Schools

- Special Education Needs provision, including specialist services in schools
- School improvement
- Youth services and careers advice
- Adult Community Learning
- Adult social care
- The support of and assistance of people with learning or physical disabilities or sensory impairment and older people and the homeless
- Safeguarding vulnerable adults
- Supporting people
- Lifetime disabilities
- Joint Commissioning and Contracting
- Support to carers

9.5.3 Place Services and Economic Growth Scrutiny Committee

Membership: 14 members

- Major infrastructure and major transport schemes relating to the Economic growth Strategy
- Economic development and regeneration
- Enterprise, international trade and inward investment
- Integrated County Strategy
- Skills and apprenticeships (including vocational centres, Train to Gain and Work Based Learning)
- Major Projects and Infrastructure (including highways capital programme)
- Tourism
- Broadband
- External funding programmes

- Strategic and local planning
- Waste and mineral planning
- Flood Management
- Development Management
- Heritage, Culture and the Arts
- Libraries
- Built Environment; and Historic Environment
- Natural Environment
- Country Parks
- Localism (including Locality Boards)
- Big Society (including Big Society revenue and capital fund)
- Rural affairs
- Relations with district, city and borough, parish and town councils
- Relations with the voluntary and community sector
- Countywide Traveller Unit
- Sustainable development
- Community Safety
- Highways maintenance (including bridleways, footpaths and byways), all car parking and road safety, traffic and vehicle regulation, school crossing patrols and public transport
- Passenger Transport
- Concessionary fares
- Cycling

- Waste disposal
- Recycling Centres for Household Waste
- The promotion of recycling and waste minimisation and the disposal of waste
- Energy and emissions reduction
- Trading standards

9.6 to 9.8 No change

NEW ARTICLE 10 OF THE CONSTITUTION

ARTICLE 10 HEALTH OVERVIEW AND SCRUTINY COMMITTEE

10.1 Health Scrutiny Committee

The Council will appoint a Health Overview and Scrutiny Committee to discharge the functions conferred on the Council by statute to review and scrutinise, and receive referrals in connection with, any matter relating to the planning, provision and operation of the health service in its area and such other matters as are identified in 10.3 below.

10.2 Membership

16 members (including up to 4 non-voting co-opted members appointed by, and at the invitation of, the Committee on the nomination of other Essex local authorities).

10.3 Roles and Functions

The Health Overview and Scrutiny Committee will have the following roles and functions:

- (i) to review and scrutinise the totality of local services planned and provided including the work of the Health and Wellbeing Board as part of their wider responsibility to seek health improvements and reduce health inequalities for their area and its inhabitants;
- (ii) to refer contested proposals for major service changes to the Secretary of State;
- (iii) to scrutinise the social care services provided or commissioned by NHS bodies exercising local authority functions under section 31 of the Health Act 1999;
- (iv) to review or scrutinise health services commissioned or delivered in the Council's area within the framework set out below:
 - (a) arrangements to secure hospital and community health services to the inhabitants of the Council's area;
 - (b) the provision of such services to those inhabitants;
 - (c) the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
 - (d) the public health arrangements in the area; e.g. arrangements for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;
 - (e) the planning of health services, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population; and
 - (f) the arrangements made by NHS bodies for consulting and involving patients and the public;

(v) to review and scrutinise the totality of local services including social services, planned and provided as part of their wider responsibilities to seek health improvements and reduce health inequalities; and

(vi) act as consultee to an NHS body within the remitted area on issues of:

(a) substantial developments of the health service in the Council's area; and

(b) any proposals to make any substantial variation to the provision of such services.

(vii) to review and scrutinise:

(a) sport and the 2012 Games Legacy

(b) Registrars Service

(c) the Coroner's Service.

10.4 Proceedings of the Health Overview and Scrutiny Committee

The Committee will conduct its proceedings in accordance with the Health Overview and Scrutiny Committee Procedure Rules contained within Part 4 of this Constitution.

Members Allowances

Introduction

All local authorities are required to have a scheme of members' allowances. The current scheme of members' allowances expires on 14 May 2013. It is therefore necessary to have a new scheme. This report makes recommendations as to the new scheme.

The recommended new scheme is the same as the old scheme but with changes to special responsibility allowances to reflect changes in the Council. A further review is being undertaken particularly to deal with the way in which travel expenses will be paid.

Background

The Council has the power to pay allowances to its members. In order to do this it must have a written scheme of allowances which sets out the amount of allowances payable and circumstances in which they are payable. The scheme must be approved by the full Council. In approving the scheme the Council must have regard to a report of an independent remuneration panel ("IRP"). The Council's Independent Remuneration Panel last reported in 2010.

The Legislative Framework

The legal framework for members' allowances is established by section 18 of the Local Government and Housing Act 1989 and governed by the Local Government (Members' Allowances) (England) Regulations 2003.

Every local authority must have a scheme providing for payment of a basic allowance of the same amount to every councillor. A scheme may also provide for special responsibility allowances to be paid to councillors for certain types of roles specified in regulations and described in the scheme.

The amount of each special responsibility allowance need not be the same for each identified category of responsibility but can vary depending upon the demands of the particular role, e.g. not all committee chairmen need attract the same allowance.

There is no limit on the amount of basic or special allowances but they clearly need to be reasonable in the context of the nature of the responsibilities involved.

The scheme of allowances can be amended at any time but may normally only be revoked with effect from the start of a financial year.

The Independent Remuneration Panel

When making or changing their scheme of allowances, local authorities must have regard to the recommendations of an independent remuneration panel (IRP). The IRP last reported in 2010. The regulations do not state that a fresh report has to be obtained every time the scheme is reviewed. Another independent report will incur further cost and may recommend increasing the allowances. Members would still have to consider the report and consider any recommendations.

In 2010 the IRP reported and recommended the current level of allowances. Relevant extracts from the report are set out at Appendix 1. They also recommended that the allowances be increased each year. The Council chose not to increase allowances. The Council is not proposing to increase them above the 2010 allowances now. It is unlikely that the Panel would recommend lower allowance levels now given that the challenges faced by the Council have if anything increased since 2010. It is not proposed to have a further report of the remuneration panel.

However, the recommendations in the Panel's 2010 report must be taken into account when determining the Allowances Scheme but the recommendations do not have to be adopted. They are an important guide for members but should not be regarded as a rule.

Differences between the Previous Scheme and the Proposed Scheme

The only differences proposed relate to special responsibility allowances as follows:

1. Delete allowance payable to the Chair of the Appeals Panel. This panel meets on an ad hoc basis and it is no longer considered appropriate to pay a special responsibility allowance.
2. At present there is an allowance payable to the Leader and Deputy Leader of the Main Opposition Group. In addition, a Special Responsibility Allowance is payable to opposition spokespersons. The Council now has five opposition groups. The three largest groups all have nine members so there is not a main opposition group. It is proposed to delete all these allowances and introduce special responsibility allowance for the leaders of the three largest political groups. It is proposed that this should be set at 10% of the Leader's allowance, £5,350 per annum.
3. At present there are two levels of allowance payable to Deputy to Cabinet Members. These are £13,375 and £16,265. The Independent Remuneration Panel recommended that the higher rate be frozen until caught up by inflationary increases in the lower rate. The Council has not applied inflationary increases to any allowance and these anomalies remain. Accordingly it is proposed to pay a Special Responsibility Allowance for Deputy to Cabinet Members at a single rate of £13,375.

Whilst there is no proposal to change the level of SRAs payable under the scheme other than as proposed above, the Leader, Deputy Leader and Members of the Cabinet will voluntarily take a 3% reduction in the SRAs they receive. As all the SRAs are calculated

as a proportion of the Leader's Allowance making the reduction this way does not then impact on the amounts set out in the Scheme.

Recommended:

That, having regard to the report of the Independent Remuneration Panel, the Council adopts a scheme of member allowances based on the current scheme but with the following additions and deletions:

(iii) Delete the following Special Responsibility Allowances:

- Deputy to Cabinet Member paid at £16,625
- Deputy Leader of Main Opposition Group
- Leader of Main Opposition Group
- Chairman of Appeals Panel
- Opposition Spokesperson

(iv) Add the following special responsibility allowance:

- Leader of one of the three largest opposition groups: £5,350.

Report by: Sir Rodney Brooke, Chairman, on behalf of Essex County Council's Independent Remuneration Panel

To: County Council – 9 February 2010

Subject: Review of the Members' Allowances Scheme

Summary: The County Council is invited to receive the report of the Independent Remuneration Panel and approve a scheme of Members' Allowances for the period 8 June 2009 to 6 May 2013.

1. Background

Under the Local Authorities (Members' Allowances) (England) Regulations 2003, every relevant local authority is required to review its Members' Allowances Scheme at least once every four years. In doing so, local authorities are required to establish and maintain an independent Remuneration Panel, whose function is to provide the local authority with advice and recommendations on its scheme, the amounts to be paid and whether such allowances should be pensionable.

Local Authorities must include in their scheme of allowances a basic allowance, payable to all Members, and may include provision for the payment of special responsibility allowances and a dependents' carer's allowance. In addition, the 2003 Regulations allow for the inclusion of a travel and subsistence allowance and a co-optees' allowance, within the allowances scheme.

2. The Independent Remuneration Panel (IRP)

The Independent Remuneration Panel comprises the following three independent Members appointed in 2008:

Sir Rodney Brooke	(Chairman with extensive experience regarding IRP's)
Sir Ian McAllister	(Representative of the local business community involved with ExDRA)
Sue Sumner	(Representative of the Voluntary Sector).

3. The work of the Independent Remuneration Panel

It is a number of years since there has been a thorough review of the Council's scheme of allowances and it is now out of step with best practice in other Councils. The brief the Panel received from the Council was to start with a blank sheet and develop a scheme that properly recompenses Councillors operating in a large, visionary local authority; bears comparison with other Councils; is completely

transparent about what can or cannot be claimed; and justifiable to a public become cynical about the issue generally.

After preliminary meetings, the Panel met on three occasions between October and December to undertake the review, during which they met with the two political group leaders, the Deputy Conservative Group Leader and the Chief Executive. In order to help the Panel formulate its thinking it asked for views from all members and a number of them submitted evidence for the Panel. The Panel had recourse to an extensive analysis of Members' Allowances Schemes in other comparable local authorities. It also had a number of written statements from specified members giving an indication of their work load and responsibilities.

In making its recommendations the Panel also took the view that as far as possible increases in allowances should be met by savings elsewhere in the scheme. In line with good auditing practice, the Panel recommends that all claims by members should be validated and accompanied by all appropriate receipts.

4. Recommendations of the Independent Remuneration Panel (IRP)

Special Responsibility Allowances (SRAs)

The scheme makes provision for the payment of Special Responsibility Allowances (SRAs) for those Members who have significant additional responsibilities, compared to a backbench Member. SRAs are payable for duties that fall into a number of categories, such as a Cabinet Member; a Committee Chairman or a Group Spokesperson. The rules also say that where one political group is in control of the Council, provision must be made for the payment of an SRA to at least one Member of a minority group. Because the provision of an SRA is only meant to be for significant additional responsibility, there is an expectation in the statutory guidance that no more than 50% of elected Members should be eligible to receive an SRA. Essex is one of the largest counties in the UK and we accept that there need not be a rigid adherence to the Government guidance that no more than 50% of members should receive special responsibility allowances. However, while we accept the need for support to Cabinet Members, we question whether there is a need for 16 deputies. The Panel would like the need for 16 deputies to be reviewed.

The sizes of the various political groups following the County Council elections and the final shape of the Executive structure were key factors in determining the Panel's proposals on SRAs.

The Panel is recommending that the current system of calculating SRAs as multipliers of the Basic Allowance be changed so that they are calculated as proportions of the Leader's allowance with the exception of the allowances in respect of the Chairman and Vice-Chairman of the Council. While the roles of Chairman and Vice-Chairman are vital, they are ceremonial in nature and the Panel therefore felt that the level of SRA should be set independently of those whose responsibilities were relative to the Leader. The Panel recommends that all SRAs

including those in respect of the Chairman and Vice-Chairman of the Council should be subject to annual increases during the four-year period in line with the locally determined award made to senior staff by the Council.

The Panel has reviewed the list of posts receiving SRAs and the amounts and recommends that SRAs be paid as per the attached list set out in Appendix 1 of the Members' Allowance Scheme.

The Panel's proposed changes to the list are as follows:

- That in looking for a reasonable comparator for an allowance for the Leader of the Council the Panel considered the salary paid to a backbench MP was applicable. The proposed Leader's SRA has been set so that when combined with the Basic Allowance it equates to the salary of an MP.
- That there are very few identifiable differences to the work undertaken by Executive Deputies and Deputies to Cabinet Members therefore they should all be referred to by the same title and be paid the same amount;
- That there appeared to be no justification to pay an allowance to the Vice-Chairman of the Executive Scrutiny Committee as distinct from any other Vice-Chairman;
- That the Chairman of the Scrutiny Board should receive an allowance recognising the significant responsibility the role entails;
- That it was inconceivable that the Leader of the Council would ever be anyone different to the Leader of the Main Group therefore this allowance should be deleted from the scheme;
- That without the post of Leader of the Main Group there was no justification for an allowance to a Deputy Leader of the Main Group. However, the present post holder undertook many very important tasks which assisted the Leader with the smooth running of the Council and it would be unfair to remove this allowance at this stage. The Panel recommended that if the present incumbent were to cease to fulfil this role then the allowance should cease at that stage;
- That the Leader of the Main Opposition Group should be rewarded for the role he/she performs in holding the Administration to account and not rely on Chairing a Committee to receive a suitable allowance;
- That the Main Opposition Group Spokespersons should receive an allowance to recognise the role they perform particularly in relation to the Policy and Scrutiny Committees and the number of meetings they have to attend; and
- That the Chairman and Vice-Chairman of the Council currently receive a sum which seemed reasonable for the role they perform and that there was no need to alter this amount other than by any annual increase which may occur in future years.

Summary

1. The net effect of these recommendations is to decrease the number of Members eligible to receive a special responsibility allowance from 55 (73%) to 53 (70%).
2. The annual cost of the revised scheme (including subsistence, excluding banded travel) is estimated to be £1,733,896 + £30,000 (75 x £400 subsistence) = £1,763,896.

Predicted ECC Allowances 2010 to 2013	Rate	Amount	Total £K
Basic Allowance (- subsistence)(75)	-	£11,500	£862,500
Leader	100%	£53,500	£53,500
Deputy Leader	75%	£40,125	£40,125
Cabinet Members (8)	66%	£35,310	£282,480
Deputies to Cabinet Members (16)	25%	£13,375	£214,000
Scrutiny Board Chairman	40%	£21,400	£21,400
Committee Chairman (13)	25%	£13,375	£173,875
Deputy Leader of Conservative Group (post to cease when present incumbent steps down)	40%	£21,400	£21,400
Leader of Opposition Group	30 %	£16,050	£16,050
Deputy Leader of Main Opposition Group	10%	£5,350	£5,350
Opposition Spokes persons (7)	2.5%	£1,337	£9,359
Chairman Standards Committee	2.5%	£1,337	£1,337
Chairman of the Council	-	£21,680	£21,680
Vice-Chairman	-	£10,840	£10,840
TOTAL			£1,733,896

Recommended:

That the County Council be invited to consider the recommendations of the Independent Remuneration Panel with regard to proposed changes to the Members' Allowances Scheme for the period 8 June 2009 to 6 May 2013 and as detailed in Appendix 1 of the Members' Allowance Scheme (where the Panel is recommending that a SRA be deleted it is proposed that this be implemented with effect from April 2010.)

Sir Rodney Brooke – Chairman of the Independent Remuneration Panel
February 2010

