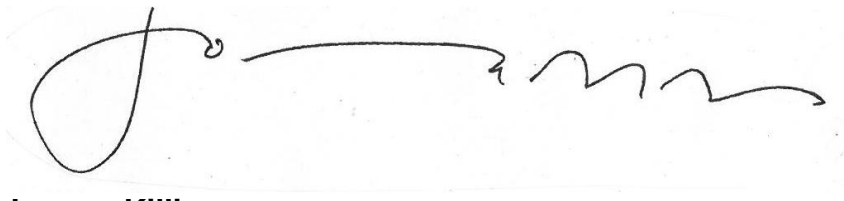


Summons

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, 13 May 2014	Council Chamber, County Hall, Chelmsford, Essex
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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.



Essex County Council

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.

		Pages
1	Election of Chairman	
2	Appointment of Vice-Chairman	
3	Apologies for Absence	
4	Declarations of Interest To note any declarations of interest to be made by Members	
5	Confirmation of the minutes of the meeting held on 11 February 2014	7 - 20
6	Chairman's Announcements	
7	Receipt of petitions and deputations (if any)	
8	To receive a statement from the Leader of the Council Membership of the Cabinet and Deputies to Cabinet Members	21 - 28

- 9 To appoint the Political Groups' representatives to the following committees: 29 - 36**
- Corporate Scrutiny Committee
 - People and Families Scrutiny Committee
 - Place Services and Economic Growth Scrutiny Committee
 - Health Overview and Scrutiny Committee
 - The County Council Members on the Essex County Council and Essex Fire Authority Joint Standards Committee
 - Development and Regulation Committee
 - Audit Committee
 - Investment Steering Committee (the members of the Committee will be the County Council representatives on the Essex Pension Fund Board)
 - Committee to consider applications to undertake certain duties by Members and Foreign Travel by Officers
- 10 To elect the Chairmen of the following committees:**
- Corporate Scrutiny Committee
 - People and Families Scrutiny Committee
 - Place Services and Economic Growth Scrutiny Committee
 - Health Overview and Scrutiny Committee
 - The Essex County Council and Essex Fire Authority Joint Standards Committee
 - Development and Regulation Committee
 - Audit Committee
 - The Scrutiny Board
 - The Investment Steering Committee
 - The Committee to consider applications to undertake certain duties by Members and Foreign Travel by Officers
- 11 To appoint the County Council representatives to the Health and Wellbeing Board**
- 12 To appoint the County Council representative to the Essex Police and Crime Panel**

13	To appoint the County Council representatives to the Essex Pension Fund Board To appoint the members of the Investment Steering Committee as the County Council's representatives to the Essex Pension Fund Board	
14	To appoint the County Council representatives to the Essex Fire Authority	
15	Executive Statements	
16	Motions (standing order 16.11.2)	37 - 38
17	To consider a report of the proposed amendments to the Constitution	39 - 56
18	To receive the Leader's report of Cabinet Issues	57 - 66
19	Questions (Standing Order 16.12) a) Written questions (Standing Order 16.12.1) b) Oral questions of the Leader, Cabinet Member or the chairman of a committee upon any matter relevant to the business of the Council (Standing Order 16.12.6) c) Oral questions of the representative of the Essex Police and Crime Panel (Standing Order 16.12.7) d) Oral questions of the representative of the Essex Fire Authority on any matter relevant to the business of that Authority (Standing Order 16.12.7)	
20	Essex Fire Authority In relation to 19d) above, the report of the Essex Fire Authority's meetings held on 12 February 2014 and 16 April 2014 is attached for information	67 - 72
21	To approve the dates of future meetings	73 - 74

Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 11 February 2014

Present

Chairman: Councillor K Twitchen

Vice-Chairman: Councillor N Hume

Councillors:

J Abbott	M D Fisher	D Louis
J F Aldridge	R Gadsby	M Mackrory
W Archibald	R J Gooding	R A Madden
B Aspinell	I Grundy	M Maddocks
S Barker	C Guglielmi	M McEwen
R L Bass	D Harris	V Metcalfe
A Bayley	A M Hedley	A Naylor
K Bentley	I Henderson	Lady Newton
D Blackwell	T M A Higgins	P Oxley
K Bobbin	R Hirst	M J Page
R G Boyce	P Honeywood	J W Pike
A Brown	R C Howard	C C Pond
M Buckley	M Hoy	J M Reeves
G Butland	J Huntman	S Robinson
J Chandler	A J Jackson	C Seagers
P Channer	E C Johnson	K Smith
K Clempner	J G Jowers	J Spence
T Cutmore	D J Kendall	A Turrell
M Danvers	J Knapman	S Walsh
J A Deakin	N Le Gresley	R G Walters
T Durcan	S Lissimore	J Whitehouse
M Ellis	J Lodge	A Wood
D Finch	R Lord	J A Young

The meeting was preceded by prayers led by the Chairman's daughter the Revd. Ruth Bushyager, Chaplain to the Bishop of Kensington and Chelsea.

1. Audio Recording of the Meeting

The Chairman advised Members that the meeting would be recorded by the BBC.

2. Apologies for Absence

Apologies for absence were received on behalf of Councillors A Erskine, K Gibbs, G Helm and M McGeorge.

3. Declarations of Interest

The Chairman reminded Members of the advice they had been given by the Monitoring Officer concerning arrears of Council Tax outstanding for two months or more. She also drew attention to the note prepared by the Monitoring Officer and circulated in the Chamber concerning declarations of interest appropriate to the Budget debate.

4. Minutes of the meeting held on 10 December 2013

Resolved:

That the minutes of the meeting held on 10 December 2013 be approved as a correct record and signed by the Chairman.

5. New Year's Honours

The Chairman on behalf of Council congratulated the following former County Councillors, who had received New Year's Honours:

- Councillor Geoffrey Williams, Member of the Order of the British Empire for services to Local Government; and
- Mr Gerard McEwen, Medallist of the Order of the British Empire for services to the community in Essex.

6. Commonwealth Day

The Chairman invited Members to a brief ceremony to raise the Commonwealth flag on the front steps of County Hall on Commonwealth Day at 10 am on 10 March 2014.

7. Awards

The Chairman on behalf of the Council received from Councillor R Bass, Chairman of the Essex Pension Fund Board, an award from the Local Government Chronicle for 'Pension Fund of the Year'. Councillor Bass also made reference to a letter he had sent to Local Government Minister Brandon Lewis as a consequence of a number of concerns regarding the development of regulations that apply to the Local Government Pension Scheme which he felt would carry more weight coming from an award-winning Fund.

8. Explosion in Clacton

At the Chairman's invitation, Councillor A Wood informed Council of the excellent work of the emergency services following an explosion in Clacton and congratulated them, together with Tendring District Council, for their swift response and support to local residents.

9. Presentation of Badge of Office

The Chairman invited Councillors J Huntman and R Bass to address Council concerning the retrieval, from an online auction site, of a former Chairman's silver badge of office that, having been purchased collectively by Councillors Aldridge, Bass, Bayley, Ellis, Finch, Helm, Hume, Huntman, Le Gresley, Madden and Smith was presented to the Council. Councillor Bass thanked Councillor Smith for first identifying the opportunity and stated that he was proud to be associated with it. The Chairman received the badge on behalf of Council and thanked all those involved.

10. Presentation of Petitions

The Chairman received petitions relating to:

- the completion of realm improvements on Loughton High Road presented on behalf of local traders by Councillor C Pond; and
- the introduction of part-night lighting in his Division presented on behalf of local residents by Councillor K Bobbin.

The Chairman noted that Councillor J Whitehouse had intended to present a petition on behalf of residents in Coronation Hill and Lower Swaines Epping relating to traffic congestion in the vicinity of Epping Primary School but as the petition had not yet been received, she invited him to submit it directly or bring it to Council at a later date.

11. The Budget Report 2014/2015

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

The Council received the report on the Budget 2014/2015.

The recommendations as set out in the report were moved by the Leader, Councillor D Finch, and seconded by Councillor K Bentley, Deputy Leader and Cabinet Member for Economic Growth and Infrastructure.

It was moved by Councillor M Mackrory and seconded by Councillor J Whitehouse

‘that subject to the following:

- £3.25 million being drawn down from the Consultation Reserve to maintain Youth Service funding at the 2013 / 2014 level with £0.25m drawn down from the Emergency Contingency dedicated to help the voluntary sector improve its fundraising.
- £4.7 million being drawn down from the Emergency Contingency to Highways and Transportation to fund additional footway and highways repairs and white lining.
- £250,000 being drawn down from the Emergency Contingency to Highways and Transportation to fund additional exceptions to maintain all-night street lighting.
- £750,000 being drawn down from the Emergency Contingency to Families and Children to fund Post 16 school transport to enable young people from low income families to continue in education.
- £1million being drawn down from the Transformation Reserve to establish a network of Enterprise Hubs to help new small businesses become established and survive.’

It was moved by Councillor J Young and seconded by Councillor I Henderson

‘that the budget be increased for the following:

- 1) Additional £1.1m to the Family Innovations Fund (and therefore increasing the budget for Families and Children portfolio by £1.1m)
- 2) Additional £3m to continue the 2013/14 funding level for the Youth Service (and therefore increasing the budget for Education and Lifelong Learning portfolio by £3m)
- 3) Additional £200k to maintain the current provision of Apprenticeships (and therefore increasing the budget for Economic Growth and Infrastructure portfolio by £200k)
- 4) Additional £160k to become a living wage authority (the increase to be spread across the relevant portfolios affected according to the requirement to fund pay budgets up to the level of the living wage)
- 5) Additional £150k to create a hardship fund to be administered by Credit Unions in providing low-interest loans for essential items (and therefore increasing the budget in the Leader and Finance portfolio by £150k)

- 6) Additional £50k as a one off spend towards an independent review into provision of alternative street lighting solutions (and therefore increasing the budget in the Highways and Transportation portfolio by £50k)
 - 7) Additional £1m to set up a Capital Delivery Reserve (and therefore increasing the budget in the Leader and Finance portfolio by £1m)
- and as a consequence of the above proposals to fund the increases by:

- 1) withdrawal of £1.5m from the Collection Fund Reserve in 2014/15
- 2) withdrawal of £3m from the Consultation Reserve in 2014/15
- 3) withdrawal of £1.160m from the General Balance in 2014/15

and the on-going impact of the above permanent items to be added to the Medium Term Resource Strategy for action to be identified to determine a permanent funding solution. These items are:

- £3m to continue the 2013/14 funding level for the Youth Service
- £200k to maintain the current provision of Apprenticeships
- £160k to become a living wage authority.'

It was moved by Councillor P Oxley and seconded by Councillor J Lodge

'that pending the final outcome of the re-designing of the Youth Service the budget for the service for 2014/15 be set at the projected outturn figure of £4.782m for 2013/14 to be funded by a withdrawal of £3m from the General Reserve.'

Upon being put to the meeting the proposed amendment not affecting the precept or the balances moved by Councillor Mackrory and seconded by Councillor Whitehouse was declared to be lost.

Upon being put to the meeting the proposed amendment affecting the level of balances moved by Councillor Young and seconded by Councillor Henderson was declared to be lost.

Prior to the amendment affecting the level of balances moved by Councillor Oxley and seconded by Councillor Lodge being put, ten Members demanded a division by name by standing in their places.

The Motion having been put it was declared to be lost by 29 votes for and 42 against.

Those voting for the Motion were Councillors:

J Abbott
W Archibald
B Aspinell
A Bayley
D Blackwell
K Bobbin
K Clempner

M Ellis
M D Fisher
D Harris
I Henderson
T M A Higgins
M Hoy
J Huntman

R Lord
M Mackrory
P Oxley
C C Pond
S Robinson
K Smith
A Turrell

M Danvers
J A Deakin
T Durcan

D J Kendall
N Le Gresley
J Lodge

J Whitehouse
J A Young

Those voting against the Motion were Councillors:

J F Aldridge
S Barker
R L Bass
K Bentley
R G Boyce
A Brown
M Buckley
G Butland
J Chandler
P Channer
T Cutmore
D Finch
R Gadsby
R J Gooding

I Grundy
C Guglielmi
A M Hedley
R Hirst
P Honeywood
R C Howard
N Hume
A J Jackson
E C Johnson
J G Jowers
J Knapman
S Lissimore
D Louis
R A Madden

M Maddocks
M McEwen
V Metcalfe
A Naylor
Lady Newton
M J Page
J W Pike
J M Reeves
C Seagers
J Spence
K Twitchen
S Walsh
R G Walters
A Wood

Prior to the Motion moved by Councillor Finch and seconded by Councillor Bentley being put, ten Members demanded a division by name by standing in their places.

The Motion having been put it was declared to be carried by 48 votes for, 21 against and 2 abstentions.

Those voting for the Motion were Councillors:

J F Aldridge
S Barker
R L Bass
A Bayley
K Bentley
R G Boyce
A Brown
M Buckley
G Butland
J Chandler
P Channer
T Cutmore
M Ellis
D Finch
R Gadsby
R J Gooding

I Grundy
C Guglielmi
A M Hedley
R Hirst
P Honeywood
R C Howard
N Hume
J Huntman
A J Jackson
E C Johnson
J G Jowers
J Knapman
N Le Gresley
S Lissimore
D Louis
R A Madden

M Maddocks
M McEwen
V Metcalfe
A Naylor
Lady Newton
M J Page
J W Pike
C C Pond
J M Reeves
C Seagers
K Smith
J Spence
K Twitchen
S Walsh
R G Walters
A Wood

Those voting against the Motion were Councillors:

J Abbott

T Durcan

J Lodge

W Archibald
B Aspinell
K Bobbin
K Clempner
M Danvers
J A Deakin

M D Fisher
D Harris
I Henderson
T M A Higgins
M Hoy
D J Kendall

R Lord
M Mackrory
S Robinson
A Turrell
J Whitehouse
J A Young

Those abstaining were Councillors D Blackwell and P Oxley.

Resolved:

- a) That the net revenue budget requirement be set at £892.9m for 2014/15.
- b) That the net cost of services be set at £931.8m for 2014/15.
- c) That the total council tax requirement be set at £528.5m for 2014/15.
- d) That council tax remain the same as the amounts for 2013/14, the council tax freeze grant be accepted for 2014/15 and therefore the charge for a band D property will remain at £1,086.75 (for the fourth year running), council tax for other bands to be as follows:

Council tax Band	2013/14 £	2014/15 £
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

- e) That Council approve the council tax for each category of dwelling and the precepts on each of the council tax billing authorities for 2014/15, together with the final tax base, as set out in the table below:

	2014/15 Final Tax Base Band D Equivalent	2014/15 Gross precept £000's
Basildon	56,070	60,934
Braintree	48,971	53,219
Brentwood	30,893	33,573
Castle Point	28,734	31,227
Chelmsford	60,416	65,657
Colchester	57,338	62,312
Epping Forest	50,679	55,076
Harlow	24,769	26,918
Maldon	22,797	24,775
Rochford	29,313	31,856
Tendring	43,475	47,246
Uttlesford	32,826	35,673
Total for ECC	486,281	528,466

- f) That Council agree to the proposed total schools budget of £576.9m for 2014/15 as set out in Appendix C to the Budget Report, which will be funded by the Dedicated Schools Grant.
- g) That the General Balance be set at £57.2m as at 1 April 2014 and the Executive Director for Corporate Services' (section 151 officer) statement on the robustness of the estimates and reserves be noted.
- h) That the capital payments guideline be set at £211.4m for 2014/15.
- i) That Council approve the 2014/15 - 2016/17 Prudential Indicators and limits, together with updated limits for 2014/15 as set out in Appendix F to the Budget Report.
- j) That Council approve The Treasury Management Strategy for 2014/15 as set out in Appendix H to the Budget Report.
- k) That Council approve the policy for making a prudent level of revenue provision for the repayment of debt (the Minimum Revenue Provision Policy) as set out in Appendix F to the Budget Report.
- l) That Council approve The Pay Policy Statement for 2014/15 as set out in Appendix K to the Budget Report.

12. Adjournment

With the agreement of Council the Chairman adjourned the meeting for luncheon at 1:09pm.

The meeting reconvened at 2:12pm.

13. Apology

With the leave of the Chairman the Leader apologised for remarks made earlier in the meeting.

14. The Corporate Outcomes Framework 2014-18

The Leader, Councillor D Finch, presented a report seeking the Council's agreement to a new Corporate Outcomes Framework for the period 2014-2018.

Resolved:

That Council adopt the Corporate Outcomes Framework 2014-18, set out as the Annex to the report.

15. Appointments

The report of changes to committee memberships was received and adopted.

16. The Leader's Report of Cabinet Issues

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

The report of Cabinet Issues was received and adopted.

17. Written questions to the Leader of the Council and Cabinet Members

The published answers to the 17 written questions submitted in accordance with Standing Order 16.12.1 were noted.

The following supplementary questions were asked as a result of having received a response:

- (1) Councillor M McEwen requested the Cabinet Member for Education and Lifelong Learning to consider what efforts could be made when undertaking a consultation to reach the end-user more consistently.

The Cabinet Member replied that such efforts should and would be made.

- (2) Councillor D Kendall requested of the Cabinet Member for Highways and Transportation that the audit work undertaken to measure the success of the Jet Patcher system be made available to Members and shown by Division.

The Cabinet Member replied that he did not believe the information was readily available in this way. He suggested that the request could be made via the Scrutiny Committee.

- (3) Councillor D Kendall requested of the Cabinet Member for Highways and Transportation that the expenditure on maintenance repairs be reported to Members and shown by Division.

The Cabinet Member replied that he was doing his best to be transparent, the figures were already broken down by District but he believed that it would not be constructive to break down the figures any further.

- (8) Councillor K Smith sought an assurance from the Cabinet Member for Education and Lifelong Learning that improvements to Woodlands School in Basildon would lead to it becoming one of the premier schools in South Essex.

The Cabinet Member affirmed that this was the intent.

- (9) Councillor M Mackrory asked the Leader of the Council when the report on the future of Shire Hall would be seen.

The Leader replied that this was a reasonable question, discussions were in hand with a number of third parties and he would discuss it with Councillor Mackrory outside of the meeting.

- (13) Councillor T Higgins asked the Leader of the Council if, when consultations were reviewed by Scrutiny Committees, that consideration be given to the use of Plain English.

The Leader agreed.

- (14) Councillor M Danvers asked the Cabinet Member for Highways and Transportation if local Members could be informed of impending consultations in their Divisions and the process to be employed.

The Cabinet Member thanked Councillor Danvers for bringing the matter to his attention and agreed that all Members would be notified in future of relevant consultations.

- (15) Councillor J Whitehouse asked the Cabinet Member for Highways and Transportation if he considered that two years was too long a wait to replace four street lights.

The Cabinet Member considered it was a reasonable point.

- (17) Councillor J Abbott thanked the Cabinet Member for Highways and Transportation for the answer to the first part of his question but asked if he would address the question concerning the options for terminating the contract with Ringway Jacobs.

The Cabinet Member replied that there was no consideration being given to terminating the contract.

18. Oral questions of Leader of the Council, Cabinet Members and Committee Chairmen

1. Councillor C Pond asked the Cabinet Member for Highways and Transportation if he was aware that a local bus company had recently been prosecuted? He asked if officers were exercising the maximum supervision

of service providers. He also asked if Members could receive a brief report of the survey of local bus routes as well as the likely timetables.

The Cabinet Member responded in the affirmative to each of the questions.

2. Councillor K Smith asked the Leader of the Council in the absence of the Cabinet Member for Public Health and Wellbeing if guidance would be issued clarifying the use of electronic cigarettes on public premises.

The Leader undertook to ask the Cabinet Member to respond to Councillor Smith.

3. Councillor G Butland asked the Leader of the Council in the absence of the Cabinet Member for Public Health and Wellbeing if the Council would draw to the attention of the residents in Essex the intention of the NHS to make available patients' records for a national database and the patients' rights to opt out of this arrangement.

The Leader undertook to discuss the matter with the Cabinet Member before issuing any necessary guidance.

4. Councillor R Howard asked the Cabinet Member for Highways and Transportation if he was aware that there remained a number of street lights on Canvey Island still not working despite a recent intervention by the Cabinet Member.

The Cabinet Member was concerned that the matter remained unresolved. He was informed that 1.88% of all street lights in Essex were not working and although this was a small percentage he was aware that when a number of broken street lights were adjacent this caused particular and disproportionate distress.

5. Councillor B Aspinell asked the Leader of the Council if he could provide details concerning the construction work on 'A-Block' of County Hall, particularly the cost, whether or not the work was covered by insurance and the estimated date for completion. He also commented unfavourably on the colour chosen for the cladding.

The Leader replied the work was largely complete. Only minor works and white-lining of the car-park remained. It had taken 18 months to complete and had cost in the region of £1 million. He would provide the details to Councillor Aspinell. He stated that he liked the colour of the cladding.

6. Councillor J Abbott asked the Cabinet Member for Waste and Recycling if the survey and formal consultation on the future of recycling centres would be subject to scrutiny before it was issued, if the impact on recycling levels would be a factor for consideration as well as the potential risk of an increase in fly-tipping?

The Cabinet Member replied in the affirmative to all the questions.

7. Councillor S Robinson, commenting on the excellence of the Community Energy Buying Scheme, asked the Cabinet Member for Waste and Recycling if there were plans for the exercise to be repeated at some time in the future.

The Cabinet Member thanked Councillor Robinson for his comments and hoped that there may be further opportunity for residents to take advantage of such a scheme.

8. Councillor S Barker asked the Cabinet Member for Education and Lifelong Learning if he could assure the residents of Uttlesford, particularly in the Great Dunmow and Thaxted areas, that should there be continued population growth there would be a reappraisal of the current level of schools provision?

The Cabinet Member stated that he was aware of the issues in the Uttlesford District and currently there were proposals being developed that he believed would address the situation.

9. Councillor K Smith thanked the Cabinet Member for Highways and Transportation for his recent visit to Basildon Hospital and asked if he had any particular observations to make?

The Cabinet Member stated that it had been a very productive and constructive visit. He had observed the roads in the locality of the Hospital and was very unhappy with the state of some of them. He noted that there had been an expansion in the Borough and was very conscious of the need to provide adequate infrastructure to support it.

19. Oral questions of the representative of the Essex Police and Crime Panel

Councillor S Robinson asked Councillor J Jowers, the representative of the Essex Police and Crime Panel, if he recalled that at the last meeting he had enquired if all incidents reported to the Police were recorded? Councillor Jowers had stated at that time that he would pose the question at the Panel's meeting on 12 December 2013. He wondered if Councillor J Jowers had been able to clarify the situation at that meeting.

Councillor Jowers replied that he had been informed that all crime that can be is recorded.

20. To note the report of the Essex Fire Authority's meeting on 4 December 2013 and to ask questions of the Authority's representative

The report of the Fire Authority's meeting on 4 December 2013 was received.

There were no questions of the Authority's representative.

21. Concluding remarks by Members

It being the last scheduled meeting of the Council at which the Chairman would preside for the entire meeting, Members congratulated her on the quality of her Chairmanship throughout her term of Office.

The meeting closed at 15:25.

Chairman
13 May 2014

Leader and Cabinet

Attached is a list of the Cabinet Members, their deputies and the Portfolios of Responsibilities.

1. **Leader of the Council and Cabinet Member for Finance – David Finch**
Deputy – Valerie Metcalfe
2. **Deputy Leader of the Council and Cabinet Member for Economic Growth and Infrastructure – Kevin Bentley**
Deputy – Penny Channer
3. **Transformation and Corporate Services– Roger Hirst**
Deputy – Kay Twitchen
4. **Children and Families – Dick Madden**
Deputy – Ricki Gadsby
5. **Education and Lifelong Learning – Ray Gooding**
Deputy – Sue Lissimore
6. **Public Health and Wellbeing – Ann Naylor**
Deputy – Malcolm Maddox
7. **Adults Social Care – Anne Brown**
Deputy – Terry Cutmore
8. **Highways and Transportation – Rodney Bass**
Deputy – Eddie Johnson and Ray Howard
9. **Libraries, Communities and Planning – John Jowers**
Deputy – Mick Page
10. **Waste and Recycling – Roger Walters**
Deputy – Malcolm Buckley

These proposals provide for 11 Deputies all of whom the Leader wishes to receive the relevant Special Responsibility Allowance of £13,375 under the Members Allowances Scheme.

Recommended:

That the number of Deputies entitled to receive a Special Responsibility Allowance under the Members Allowance Scheme be increased from 9 to 11.

Portfolios 2013

Leader and Cabinet Member for Finance

- 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
- Audit and Risk
- Essex Shared Services
- Chairman of Health and Wellbeing Board
- County Council representative on South East Local Enterprise Partnership
- Community Leadership and Community Strategy
- Community Budgets and Essex Partnership Board
- Equalities and Diversity
- Policy and Strategy Team
- Governance Team and Democratic Services
- External and internal communications
- Liaison with MPs
- Customer services (Contact Centre, Member Enquiries)
- Capital Programme Governance
- Information services and technology
- Traded services
- The functions of other portfolio holders in their absence or in an emergency

Transformation and Corporate Services

- Essex Transformation Programme
- Procurement and commercial services
- Asset management and Facilities Management

- Property Strategy
- Legal services
- Human Resources and Employee Services
- Business Support
- Performance and Organisational Intelligence

Children and Families

- Lead Member for Children's Services and the Children's Trust Arrangements (overall "responsibility" as defined in Section 19 of the Children Act 2004)
- Children's social care, including: the safeguarding of children; looked after children; services to vulnerable children and young people and their families; and adoption and fostering
- Preventative services, including the development of community budgets for families with complex needs
- Corporate Parenting
- Children's Centres
- Youth offending
- Domestic Violence

Education and Lifelong Learning

- Mainstream schools and education including: diversity, organisation, planning and admissions; standards and achievement; attendance; 14-19 provision; transport for educational purposes; behaviour and education welfare services
- Early Years and pre-school
- Special Schools
- Special Education Needs provision, including specialist and complex services in mainstream schools
- School improvement
- Raising the Participation Age

- Youth services and careers advice
- Adult Community Learning

Public Health and Wellbeing

- Public Health and Community wellbeing, healthier communities
- Adult public health and health inequalities
- Health Watch liaison
- Mental health services
- Child and Adolescent Mental Health Services (CAMHS)
- Drug and Alcohol Action Team
- All child health-related matters
- Sport and physical activity
- Registration services
- Coroners

Adults Social Care

- 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
- Support to carers
- Joint commissioning and contracting
- Health system reform and integration
- Health partnerships

Economic Growth and Infrastructure

- Matters of strategic, regional or countywide significance in relation to integrated spatial development and economic growth
- Major infrastructure and major transport schemes relating to the Economic Growth Strategy
- Economic development and regeneration
- Integrated County Strategy
- Enterprise, international trade and inward investment
- Deal for Growth and lead for Heselstine Review single funding pot strategy
- Skills and apprenticeships (including vocational centres, Train to Gain and Work-Based Learning)
- Liaison with business community and sub-regional partnerships (Thames Gateway, West Essex, Haven Gateway and Heart of Essex)
- Tourism
- Broadband
- External funding programmes
- Emergency Planning
- Lead member for armed forces liaison and engagement (military covenant)

Highways and Transportation

- Highways maintenance (including bridleways, footpaths and byways), all car parking and road safety, traffic and vehicle regulation, school crossing patrols and public transport
- Local Transport Plan
- Local Highways Panels
- Delivery of the Highways capital programme
- Passenger Transport
- Concessionary fares

- Cycling

Waste and Recycling

- 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

Libraries, Communities and Planning

- 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
- Place Consultancy services
- Country Parks and 2012 Legacy (including Hadleigh and Lee Valley)
- Localism (including Locality Boards)
- Big Society (including Big Society revenue and capital fund)
- Rural affairs
- Relations with district, city, borough, parish and town councils
- Relations with the voluntary and community sector

- Countywide Traveller Unit
- Sustainable development
- Community Safety
- The County Council's representative on the Essex Police and Crime Panel

Membership of Committees – as set out below

**CORPORATE
SCRUTINY COMMITTEE
(14)**

(8 Con : 1 UKIP: 2 Lab: 2
LD : 1 NA)

John Aldridge

William Archibald

Susan Barker

Malcolm Buckley

Graham Butland

Jude Deakin

John Knapman

Jamie Huntman

Mike Mackrory

Malcolm Maddocks

Pierre Oxley

Joe Pike

Colin Seagers

Julie Young

Conservative Subs:

Mick Page

Jenny Chandler

Labour Sub:

**PEOPLE AND FAMILIES
SCRUTINY COMMITTEE
(18)**

(10 Con :1 UKIP:1 Lab: 1
LD : 1 NA + 4 Co-opted)

Susan Barker

Dave Blackwell

Jenny Chandler

Michael Danvers

Ian Grundy

Theresa Higgins

Paul Honeywood

Ray Howard

Anthony Jackson

Roger Lord

Maggie McEwen

Mick Page

Colin Seagers

Andy Wood

Conservative Subs:

Bob Boyce

Valerie Metcalfe

Labour Sub:

**PLACE SERVICES AND
ECONOMIC GROWTH
SCRUTINY COMMITTEE
(14)**

(8 Con : 2 UKIP: 1Lab: :2
LD: 1 NA

Alan Bayley

Graham Butland

Terry Cutmore

Andrew Erskine

Carlo Guglielmi

Tony Hedley

Ivan Henderson

David Kendall

Valerie Metcalfe

Chris Pond

Stephen Robinson

Kay Twitchen

Simon Walsh

Andy Wood

Conservative Subs:

Malcolm Maddocks

John Spence

Labour Sub:

Anthony Durcan	Julie Young	Julie Young
<i>Liberal Democrat Sub:</i>	Keith Bobbin	Dave Harris
Anne Turrell	<i>Liberal Democrat Sub:</i>	<i>Liberal Democrat Sub:</i>
<i>UKIP Sub:</i>	Jon Whitehouse	Barry Aspinell
Gordon Helm	<i>UKIP Sub:</i>	<i>UKIP Subs:</i>
	Keith Gibbs	Mark Ellis
		Kerry Smith

**HEALTH OVERVIEW &
SCRUTINY COMMITTEE
(12)**

(7 Con : 1 UKIP: 2 Lab: 1
LD: 1 NA)

**ECC AND ESSEX FIRE
AUTHORITY JOINT
STANDARDS COMMITTEE
(9)**

(5 Con : 1 UKIP: 1 Lab: 1
LD : 1 NA)

(Chairman to be ex officio Only
one member of the Executive
may be a member)

**DEVELOPMENT AND
REGULATION COMMITTEE
(12)**

(7 Con: 1 UKIP: 1 Labour: 1
LD: 1 NA: 1 Green)

Dave Blackwell	William Archibald	James Abbott
Keith Bobbin	Susan Barker	John Aldridge
Penny Channer	Terry Cutmore	Keith Bobbin
Margaret Fisher	Gordon Helm	Bob Boyce
Ricki Gadsby	Roger Hirst	Penny Channer
Keith Gibbs	Theresa Higgins	Mark Ellis
Dave Harris	Joe Pike	Carlo Guglielmi
Ray Howard	Chris Pond	John Lodge
Eddie Johnson	John Spence	Mike Mackrory
Sue Lissimore	<i>Labour Sub:</i>	Patricia Newton
Jillian Reeves	Julie Young	Jillian Reeves
Andy Wood		Simon Walsh

Conservative Subs:

Paul Honeywood

Kay Twitchen

Labour Sub:

Anthony Durcan

Ivan Henderson

UKIP Sub:

Nigel LeGresley

Conservative Subs:

Ian Grundy

Colin Seagers

Labour Sub:

William Archibald

Liberal Democrat Sub:

Theresa Higgins

UKIP Sub:

Keith Gibbs

AUDIT COMMITTEE (7)

(4 Con : 1 UKIP: 1 Lab: 1 LD)

(none to be on Cabinet)

INVESTMENT STEERING COMMITTEE (6)*

(3 Con : 1 UKIP: 1 Lab: 1 LD)

* The Conservative Group has indicated it does not intend to take up its entitlement to a majority of seats on this Committee

COMMITTEE TO CONSIDER APPLICATIONS TO UNDERTAKE CERTAIN DUTIES BY MEMBERS AND FOREIGN TRAVEL BY OFFICERS (5)

(3 Con: 1 Lab: 1 LD)

(to include the Leader and Deputy Leader)

Susan Barker

Malcolm Buckley

Karen Clempner

Terry Cutmore

John Knapman

Nigel Le Gresley

Anne Turrell

Conservative Subs:

Tony Hedley

Malcolm Maddocks

Labour Sub;

Keith Bobbin

Liberal Democrat Sub:

Michael Mackrory

UKIP Sub:

Andrew Erskine

Rodney Bass

Susan Barker

Karen Clempner

Norman Hume

Nigel Le Gresley

Jon Whitehouse

Conservative Sub:

John Spence

Labour Sub:

Bill Archibald

Keith Bobbin

UKIP Sub:

Jamie Huntman

Michael Danvers

David Finch

Mike Mackrory

Dick Madden

Simon Walsh

Conservative Sub:

Kevin Bentley

Labour Sub:

Ivan Henderson

Bill Archibald

Election of Chairmen

**CORPORATE
SCRUTINY COMMITTEE**

Chairman:

Mike Mackrory

**PEOPLE AND FAMILIES
SCRUTINY COMMITTEE**

Chairman:

Ian Grundy

**PLACE SERVICES AND
ECONOMIC GROWTH
SCRUTINY COMMITTEE**

Chairman:

Simon Walsh

**HEALTH OVERVIEW &
SCRUTINY COMMITTEE**

Chairman:

Jillian Reeves

**ECC AND ESSEX FIRE
AUTHORITY JOINT
STANDARDS COMMITTEE**

Chairman:

Joe Pike

**DEVELOPMENT &
REGULATION COMMITTEE**

Chairman:

Bob Boyce

AUDIT COMMITTEE

Chairman:

Susan Barker

SCRUTINY BOARD

Chairman:

Simon Walsh

**COMMITTEE TO
CONSIDER
APPLICATIONS TO
UNDERTAKE CERTAIN
DUTIES BY MEMBERS
AND FOREIGN TRAVEL
BY OFFICERS**

**INVESTMENT STEERING
COMMITTEE**

Chairman:

David Finch

Chairman:

Rodney Bass

Agenda item 11

Nominations to the Health and Wellbeing Board

Anne Brown, David Finch and Ann Naylor as members with Dick Madden and Ray Gooding as the named Substitutes.

Agenda item 12

Appointment to the Essex Police and Crime Panel

John Jowers as member with Dick Madden as his named Substitute.

Agenda item 13

Appointment to the Essex Pension Fund Board

Rodney Bass, Susan Barker, Karen Clempner, Norman Hume, Nigel Le Gresley, Jon Whitehouse *Conservative Sub*: John Spence, *Labour Sub*: Bill Archibald, Keith Bobbin, *UKIP Sub*: Jamie Huntman

Appointments to the Essex Fire Authority

(11 Con: 3 UKIP: 2 Lab: 2 Lib Dem: 1 Non-aligned: 1 Green)

Barry Aspinell

Alan Bayley

Graham Burtland

Jenny Chandler

Michael Danvers

Jude Deakin

Andrew Erskine

Carlo Guglielmi

Tony Hedley (authorised to answer questions at Council on behalf of the Authority)

Ivan Henderson

Paul Honeywood

Michael Hoy

John Knapman

Maggie McEwen

Patricia Newton

Colin Seagers

John Spence

Pierre Oxley

Kerry Smith

Anne Turrell

Andy Wood

Julie Young

The Labour and the Liberal Democrat Groups are allocated two seats each on the Essex Fire Authority, but three nominations have been received from each of the Groups.

Motions under Standing Order

16.11.2

1. Review of the Ringway-Jacobs Contract

Moved by Councillor R Lord and seconded by Councillor N Le Gresley

‘That in view of the continued disquiet felt by many County, District and Parish Councillors as well as the general public, about the state of Essex Highways, this Council calls for a re-negotiation of the Ringway-Jacobs maintenance contract, as it has failed to bring true competition into highway maintenance and in all likelihood will destroy the prospect of any local companies being able to tender in future.

In addition, due to the lack of performance oversight and accountability, Council believes that in future, no contract should exceed 50% of all reactive maintenance or 25% of cyclical maintenance, and the remaining work should be split between a minimum of five unconnected competing companies.

The objective of these changes would be to increase competition, raise quality, reduce vehicle damage and enhance road safety for both motorists and pedestrians.’

2. School Crossing Patrols

Moved by Councillor D Kendall and seconded by Councillor T Higgins

‘That this Council recognises that the safety of children walking to school and crossing busy roads is paramount.

Council, therefore, calls on the Cabinet Member for Highways and Transportation to abandon his proposal to withdraw funding for school crossing patrols (where controlled crossings exist) in the interests of children’s safety.’

3. Essex Roads and Footpaths

Moved by Councillor J Young and seconded by Councillor I Henderson

‘That Council acknowledge the growing public dissatisfaction with the condition of road surfaces and footpaths in Essex which, over the course of the year, has seen a sharp rise in the number of defects that remain outstanding on our roads.

Despite re-prioritisation one year ago and even more of taxpayers' money available for Ringway Jacobs, Council believes the contract is not delivering value for money and action is needed to address widespread public dissatisfaction ensuring that the safety of residents is put first.

Council calls on the Administration to explore opportunities to devolve powers and funding to local authorities for smaller priority schemes such as pothole repair, giving localities greater flexibility, accountability and councillor representation over delivery departing from current governing arrangements, which are wholly inadequate for a County of this size.'

4. Unconventional Fossil Fuels

Moved by Councillor J Abbott and seconded by Councillor M Hoy

'That this Council recognises that exploration of unconventional fossil fuels undermines action on climate change and diverts resources away from investment in a safe, secure and sustainable renewable energy future.

This Council notes that there are possible significant adverse impacts from the industrial exploration and production of fossil fuels by hydraulic fracturing on those communities in Essex living near deposits, including water contamination and air pollution - as highlighted by the European Commission and the UN.

This Council notes with concern that the Government is considering allowing companies to exploit shale gas reserves under privately owned land even if the owners object.

This Council supports the application of the precautionary principle to its own decision-making and policy-making on unconventional fossil fuels and calls on the Government for a moratorium on unconventional fossil fuel exploration within the UK.'

Review of the Constitution

1. Review of the Constitution

Introduction

Article 1.5 of the Constitution relates to the duty to monitor and review the Constitution. It provides for the Monitoring Officer to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect, and to ensure that appropriate amendments are recommended as and when necessary for the purpose of updating or improving the Constitution. The Monitoring Officer shall review the Constitution at least, but not limited to, annually with a view to recommending any such amendments to the annual meeting of the Council. Any minor amendments and routine updating of the Constitution shall be the responsibility of the Monitoring Officer.

A number of changes have been made to the Constitution since May last year in response to changes to the composition of the Council since the 2013 Elections, the latest being changes to the Council's Standing Orders in relation to the procedure for dealing with written motions at Council. Consequently, the Monitoring Officer does not foresee the need for wholesale changes to the Constitution at this point. The list of potential changes to the Constitution covers minor amendments needed to provide greater clarity, reflect recent changes in legislation, changes to officer titles and to committees. It also includes proposals for public question time at meetings.

These changes have been reviewed by a Member Reference Group Chaired by the Chairman of the Council and comprising the Vice-Chairman and Group Leaders or their nominees.

Recommended:

That the changes to the Constitution set out below be approved.

1. Amendment to Article 4 (Officers)

The change is needed to recognise that the Scrutiny Officer is now the Scrutiny and Corporate Governance Manager. The proposed amendment is shown below:

The wording beneath the table is new and will permit changes to officer titles as and when agreed by the Chief Executive.

4.4 Statutory Officers

Full Council has designated the following posts as shown:

Post	Designation
Chief Executive	Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989.
Executive Director for Corporate Services	Chief Finance Officer appointed under section 151 of the Local Government Act 1972
Executive Director for People Commissioning	Director of Children's Services appointed under Section 18 of the Children Act 2004 and Director of Adult Social Services appointed under section 6 of the Local Authorities Social Services Act 1970
Director of Corporate Law and Assurance	Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
Director of Commissioning: Healthy Lifestyles	Director of Public Health under section 73A of the National Health Service Act 2006
Scrutiny and Corporate Governance Manager	Scrutiny Officer under Section 9FB of the Local Government Act 2000.

The Post titles as shown in the first column of the above table may be varied by the Chief Executive.

2. Amendment to Article 5 and Access to Information Procedure Rules

The definition of a Key Decision is contained in Article 5. However, there is further clarification of the definition contained in paragraph 19.14 of the Access to Information Procedure Rules. This is not intuitive and means that only those in the know would think to look for the further clarification elsewhere in the Constitution. It is therefore proposed that the definition is consolidated in Article 5 as set out below. Paragraph 19.14 would then be deleted.

“5.3.2 Key Decisions

A “Key Decision”, as set out in the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012, is a decision of the Executive which is likely either:

- (i) to result in the Council incurring expenditure or making savings which are in excess of £500,000, except as otherwise determined under financial regulations; **or**
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions.

All other decisions shall be considered as non-Key Decisions.

A Key Decision will include those decisions which will have a material effect on the Council’s services, including but not limited to:

- (i) an existing service or access to an existing service being substantially expanded or reduced or ceasing altogether or a new service being proposed;
- (ii) a service which is currently provided in-house by the Council being outsourced;
- (iii) a partnership being entered into with a third party which involves an element of risk share or transfer;
- (iv) a decision that involves any new policy or strategy or which forms part of the development of or a change to the Policy Framework or the Budget;
- (v) a decision to exercise the Council’s power to trade or charge for discretionary services; and
- (vi) consideration of any matter which will result in a recommendation to full Council.

For the avoidance of doubt the following shall not be a Key Decision:

- (i) Routine money market transactions; and
- (ii) In relation to the letting of contracts, and where the Key Decision is the proposal to let the contract, subsequent decisions in relation to any

procurement process from inviting tenders up to and including awarding the contract to a particular contractor are not then Key Decisions.

A decision taker may only make a Key Decision in accordance with the requirements of the Cabinet Procedure Rules and the Access to Information Procedure Rules set out in paragraph 19.13, contained within Part 4 of this Constitution.”

3. Amendment to Article 8 (Council Committees)

It is proposed to amend Article 8.1.7 to update the terms of reference of the Investment Steering Committee as requested by the Essex Pension Fund Board to include the approval and review of the content of the Pension Fund Treasury Management Strategy.

Since 2010, the Pension Board has been asked to approve the annual Pension Fund Treasury Management Strategy. The Investment Steering Committee received a report highlighting that, in the view of officers and advisers, and following consultation with the Chairman, there was merit in changing arrangements so that the Pension Fund Treasury Management Strategy is approved by the Committee. The rationale is that cash management arrangements have an implicit alignment with Investment Strategy. The Board recommended to Council that the Terms of Reference of the Investment Steering committee be extended to include the following:

“To approve and to review annually the content of the Pension Fund Treasury Management Strategy.”

It is also proposed that the name be changed to the “Pension Fund Investment Steering Committee”.

4. Amendment to Article 12 (Finance, Contracts and Legal Matters)

It is a statutory requirement for the Council to make contract standing orders. These must form part of the Constitution. The minimum legal requirement for standing orders is to say that some contracts are subject to competition and some can be exempted in special circumstances.

At present the County Council has no such standing orders, although article 12.2 of the constitution says:

12.2 Contracts

Every contract made by the Council will comply with the Procurement Procedure Rules referred to in the Code of Corporate Governance.

Whilst this is a simple provision, it means that the Council has no control over what is in the Procurement Rules. Further, it is not clear who is authorised to make or change the Procurement Rules which causes uncertainty.

The current Procurement Rules do contain very extensive requirements about procurement activity and are at least as strict as those used by other authorities.

It is proposed to replace paragraph 12.2 with the following wording. This will ensure that the Council is complying with statutory requirements as well as providing the Council with an opportunity to set out requirements about Procurement Rules and ensuring that there is a clear accountability for the production of the Procurement Rules and allow for the Council to ensure that its procurement function is able to operate in a truly agile way as we become a commissioning-led organisation.

12.2 Contracts

12.2.1 This paragraph contains the Council's statutory standing orders about the making of contracts in accordance with section 135 of the Local Government Act 1972.

12.2.2 All those undertaking procurement activity for or on behalf of the Council are required to act in the best interests of the Council and with high standards of probity.

12.2.3 The Chief Financial Officer must from time to time issue Procurement Rules which shall be published on the Council's website. All contracts being entered into by the Council must comply with the Council's Procurement Rules.

12.2.4 The Procurement Rules must specify:

- (a) That there is no requirement to secure competition in contracts whose total value is below a value prescribed in the Procurement Rules ("the low value"*).
- (b) That contracts with a value which exceeds the low value but does not exceed the high value prescribed in the Procurement Rules ("the high value"*) shall be exposed to competition by means of inviting competitive quotations.
- (c) That contracts with a value which exceeds the high value but which do not exceed the threshold in (d) shall be let following public notice which invites competitive tenders and requiring that any tenders received are required to be kept unopened in a secure location until the expiry of the deadline for the receipt of tenders.
- (d) That contracts with a value which exceeds the relevant threshold prescribed in accordance with the relevant public procurement directive made by the European Union are required to be awarded in a manner which complies with those rules.
- (e) The circumstances in which the Council is permitted to purchase via a framework agreement.
- (f) That in addition to the exemptions from competition permitted under the preceding provisions of these standing orders, the Executive Director for Corporate Services or another officer authorised by him may grant a waiver from any requirement in these Standing Orders or in the Procurement Rules if he considers that the exemption is justified by special circumstances.

12.2.5 The Procurement Rules may also specify such further rules as the Chief Finance Officer may require.

12.2.6 The Chief Finance Officer may from time to time supplement Procurement Rules by providing guidance on best practice on the subject of procurement.

(*This limit will change from time-to-time but at the time of going to print the low value is £4,000 and the high value is £50,000.)

5. Amendment to Scheme of Delegation to Officers

It is proposed to amend paragraph 15.1.2 (h) to allow officers to take decisions where there have only been representations in support of a proposal. At the moment an officer cannot authorise the confirmation of an order where there have been any representations made to the proposed course of action, even where those representations are in support. In future, providing there were no objections then officers would be able to take the decision.

It is proposed that paragraph 15.1.2 (h) be amended as set out below:

- (h) Unless otherwise stated, this scheme does not authorise the confirmation of any order or grant of any permission, consent or licence or other determination where any response is received expressing opposition to the proposed course of action.

6. Amendment to Council Standing Orders

The Local Authorities (Standing Orders) (England) Regulations 2014 which came into force on 25 February provide for votes at key budget decision meetings to be recorded. The Regulations provide that authorities already operating executive arrangements shall modify their standing orders as soon as reasonably practical after the Regulations come into force. It is proposed that new Standing Orders 16.18 and 16.29.5 be inserted as follows:

“16.18 Voting on budget decisions

Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

For the interpretation of this rule please see Paragraph 16.29.5.”

“16.29.5 Definition of a budget decision

- (a) “budget decision” means a meeting of the Council at which it –
 - (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or
 - (ii) issues a precept under Chapter 4 of Part I of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;
- (b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.”

7. Public Speaking at Council Meetings

The Leader indicated at Council that he is willing to entertain the possibility of public speaking at Council meetings.

Current provision

The Development and Regulation Committee, the Health Overview and Scrutiny Committee, the Health and Wellbeing Board and the Police and Crime Panel all have processes for allowing public speaking. For example:

- The Development and Regulation Committee has a detailed protocol for allowing the public to address the Committee on a planning matter which the Committee is being asked to decide.
- The Health Overview and Scrutiny Committee allows the public to ask questions at the start of a meeting on any health matter regardless of whether there is an item on the Agenda and without having to give advance notice. It does not automatically allow the public to comment on specific items on the Agenda though the Chairman of the meeting may permit them to do so.
- The Health and Wellbeing Board and the Police and Crime Panel both have procedures for allowing the public to ask any question relating to the work of the Board and the Panel regardless of whether there is an item on the Agenda, provided notice is given in advance. The procedures do not allow the public to comment on specific items on the Agenda.

It has been suggested that a process for public speaking should be permitted at meetings of Cabinet and Council and other Scrutiny Committees. If public speaking is to be permitted at Council meetings then this will need to be more formal.

It should be remembered that a chairman can always exercise their discretion with the agreement of the committee to allow a non-member of the committee to ask a question or address the meeting.

Proposed rules and protocols are as follows.

On a related topic, also included is a protocol on the use of media by public at meetings.

ESSEX COUNTY COUNCIL

PUBLIC SPEAKING AT CABINET AND SCRUTINY COMMITTEE MEETINGS

- The Council welcomes public interest in its business. Its formal meetings are open to the public, unless confidential business is being discussed, and the papers are published on the Council's website.
- The Council also welcomes public engagement and has therefore adopted the following procedure for public speaking at Cabinet and Scrutiny Committee meetings.
- County Hall, the Council Chamber and the Committee Rooms are accessible to wheelchair users and people with mobility disabilities and every reasonable assistance will be given to enable members of the public to ask a question.
-
- For further information or advice contact the Council's Governance Helpline on 01245 435313 or email governancehelpline@essex.gov.uk

Public Speaking Procedure

(a) General

At the start of every Ordinary meeting of the Cabinet and Scrutiny Committees there shall be a period of up to 15 minutes to enable members of the public to make representations on an item on the Agenda for that meeting.

(b) Registration

On arrival and before the start of the meeting speakers should register with the member of staff collecting names specifying the agenda item they wish to speak on and the nature of their interest in the matter. The member of staff will explain what will happen and show speakers to the public seating area.

The member of staff will supply a list of speakers and suggested order of speaking to the Chairman at the start of the meeting.

(c) Addressing the meeting

The Chairman will call speakers by name and invite them to address the Committee. A speaker may be asked to sit at the main table where there will be a microphone to use.

(d) Length of statement

No statement should last longer than three minutes and speakers will be timed. For best effect views should be short and concise. Comments must be relevant to an item before the meeting. Any questions asked of the Cabinet or members must be asked within the 3-minute time limit.

(e) Written Material

No written or photographic material may be handed round at the meeting, with the exception of a petition related to an item under discussion.

(f) Responding to the statement

Responses will be given as part of the consideration of the relevant Agenda item. The response will usually be given by the relevant Cabinet Member or the Chairman of the committee meeting. There will be no opportunity for asking a supplementary question.

(g) Scope of statement

The Chairman may disallow or terminate any public participation which discloses confidential or exempt information or is inappropriate, abusive, indecent, discriminatory, frivolous, irrelevant or otherwise unacceptable.

ESSEX COUNTY COUNCIL

PUBLIC QUESTIONS AT COUNCIL

- The Council welcomes public interest in its business. Its formal meetings are open to the public, unless confidential business is being discussed, and the papers are published on the Council's website.
- The Council also welcomes public engagement and has therefore adopted the following procedure to ensure questions by members of the public at meetings of the Council are dealt with effectively.
- County Hall and the Council Chamber are accessible to wheelchair users and people with mobility disabilities and every reasonable assistance will be given to enable members of the public to ask a question.
- Questions must relate to any matter over which the Council has powers or duties and should not require the disclosure of confidential or exempt information.
- For further information or advice contact the Council's Governance Helpline on 01245 435313 or email governancehelpline@essex.gov.uk

Public Questions Procedure

(a) General

Before the beginning of every meeting of the Full Council there shall be a period of up to 30 minutes to enable members of the public to ask questions. Written statements and documents including photographs may not be circulated at the meeting, with the exception of petitions.

(b) Notice of questions.

A question may be asked under this procedure only if it has been sent to the Head of Democratic Services by e mail at:

governancehelpline@essex.gov.uk

by no later than 10.30 am seven days before the meeting. A question may be given by post if you do not have access to e mail by writing to the Head of Democratic Services at P O Box 11, County Hall, Chelmsford, Essex CM1 1LX.

(c) Number of questions

Only one speaker will be permitted to speak on behalf of an organisation. No person may ask more than one question at any meeting and there will be no opportunity for asking a supplementary question.

(d) Order of questions

Questions will normally be dealt with in the order in which notice of them is received, except that the Chairman may group together similar questions. Any question must be asked within a 3-minute time limit.

(e) Scope of questions

A question may be rejected if it:

- (i) is not about a matter for which the Council has powers or duties;
- (ii) is defamatory, frivolous, vexatious or offensive;
- (iii) is substantially the same as a question put to a meeting in the previous six months;
- (iv) will require the disclosure of confidential or exempt information; or
- (v) is already subject to separate appeal, adjudication, litigation, mediation or dispute resolution.

(f) Notification of rejected questions

Notification of rejected questions will be given at the earliest opportunity in the written form in which they were received and include reasons for rejection in accordance with (e) above.

(g) Question paper

The clerk to the meeting shall circulate prior to the meeting a copy of the question(s) submitted by members of the public to those present.

(h) Asking a question at the meeting

The Chairman will invite the questioner formally to put the question to the meeting.

If the questioner requires someone to read their question for them, the Chairman will ask the question on their behalf but they must be present at the meeting.

(i) Response

A response may take the form of:

- (i) a direct oral response; or
- (ii) where the desired information is in a published form, a reference to that publication.
- (iii) .

Save for the Member replying to the question, no other Member shall be permitted to respond.

(j) Withdrawal of question

Any question may be withdrawn by the person submitting it at any time.

(k) Questions not dealt with in the time allotted

Any question of which proper notice has been given but which is not dealt with in the allotted time of 30 minutes will not be held over to the next meeting: after the meeting a written response will be given in the form in which the question was received.

PROTOCOL ON THE USE OF MEDIA TOOLS AT MEETINGS HELD IN PUBLIC

1. Introduction

The purpose of this protocol is to provide guidance on the use of media tools by members of the public or representatives of the media at meetings of Council, Cabinet, committees and sub-committees. This includes filming, audio recording, taking photographs, blogging, tweeting and using other social media websites.

2. General Principle

The use of media tools, in certain circumstances, is recognised as contributing towards transparency and democratic debate and there will be a general presumption in favour of allowing their use. However, the proceedings of a meeting must not be disrupted by the use of media tools and such use must not inhibit community involvement in the proceedings.

3. Filming and Audio Recording

Filming and audio recording of meetings, normally by representatives of the media but also by members of the public using small media tools, shall generally be permitted provided that a request is submitted at least two working days before the meeting c/o Democratic Services, Corporate Law and Assurance, P O Box 11, County Hall, Chelmsford, Essex, CM1 1LX or by email to governancehelpline@essex.gov.uk. Such requests will include:

- the name, organisation and contact details of the person making the request;
- what equipment will be used;
- what the film or audio recording will be used for; and
- when the person wishes to film or record during the meeting.

On receipt of a request to film or audio record a meeting, Democratic Services will liaise with the Chairman of the meeting, or in their absence the Vice-Chairman, before determining whether the request accords with the general principle set out above.

Any filming or audio recording must take place from fixed positions in the meeting room agreed with the Chairman of the meeting. Equipment must be set up before the meeting starts.

If the Chairman considers that the filming or audio recording is disrupting the meeting in any way, the operator will be required to stop immediately.

Any film or audio recording must not be edited in such a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those present at the meeting.

Media organisations will be required to supply the Council with a copy of all film or audio recording made at a meeting within a reasonable period.

The requirements and obligations contained within, and arising from this protocol will be provided to the member of the public or media organisation when permission to film has been granted, and will state that permission is only granted on the understanding that they will be adhered to.

4. Other use of Media Tools

No restrictions will be placed on anyone in the public gallery at a meeting in relation to the use of twitter, blogs, facebook and still photography, provided that there is no flash photography and the Chairman does not consider their actions are disrupting the proceedings of the meeting.

At the start of the meeting the Chairman will request that all mobile phones are set to 'silent' to ensure that the meeting is not disrupted.

8. Changes to the Overview and Scrutiny Committee Procedure Rules

In reviewing the experiences of the call-ins for the Deanes School one of the matters raised has been the use of the terms “witness” and “evidence” and the impact these terms have on attitudes to those addressing a Scrutiny Committee. With this in mind it is felt that the use of the terms “contributor” and “contribution” would be a more acceptable alternative as they are less adversarial. They come with more positive connotations and also have less of a coercive overtone because generally a ‘contribution’ implies something willingly given – but you can still be asked to make a contribution.

It is proposed that Articles 9 and 10 and the Overview and Scrutiny Committee Procedure Rules are reviewed to change any references to “witness” and “evidence” to “contributor and witness” and “contribution and evidence”. Documents supporting the Scrutiny process will be similarly reviewed.

The Leader's Report of Cabinet Issues

1. ECC's Local Transport Plan (2015 – 2021): Strategy and Priority Projects for Stimulating Economic Growth

Cabinet has agreed a strategy for delivery of the Local Transport Plan (LTP), and a prioritised list of schemes to support and stimulate economic development. The schemes have been designed to align with the strategic aims of the South East Local Enterprise Partnership (SELEP) and the Council's own Economic Growth Strategy. The Cabinet has also authorised the Cabinet Member for Highways and Transportation to make the final selection of priority projects for submission to SELEP as part of the Economic Plan for Essex (EPfE) currently being assembled, and to update those priorities on a rolling basis.

The Government advocates the development of a Strategic Economic Plan (SEP), to be initiated by each Local Enterprise Partnership. The SEP must illustrate how economic development will be stimulated by a range of initiatives, including transport infrastructure. Substantial funding has been pledged by the Government. The planning period for this funding covers the period up to 2021, which means that schemes must be deliverable within what is, in terms of delivery of transportation projects, a short period of time. It is anticipated that, across the SELEP area, approximately £200m may be available for transport projects.

As a result, the Council needs to consider what transport schemes it believes it should support in order to deliver growth. In deciding which schemes to prioritise, it makes sense to assess those schemes so as to maximise the impact on economic growth in Essex. Accordingly, a high level revision to the existing transport strategy has been prepared specifically to take advantage of this opportunity, including a listing of transportation projects which would have the best chance of assisting economic growth.

2. Main Modifications to the Replacement Minerals Local Plan

Cabinet has agreed a number of main and minor modifications to the Essex Replacement Minerals Local Plan, as recommended by the Planning Inspector in order to make the Plan sound. It has also authorised a period of public consultation on the modifications and agreed that, provided that no matters arise from the Inspector's report other than the main modifications, the Plan can proceed to Council for adoption without further reference to the Cabinet.

The Council has a statutory responsibility to plan for future minerals supply, and it fulfils this by preparing the Minerals Local Plan to support the achievement of sustainable development within the County until 2029. The Plan has been developed following seven rounds of consultation and engagement since 2005 with the public and with other interested parties. Subsequently, the Government appointed a Planning Inspector to undertake the formal examination process, with hearing sessions taking place in November 2013.

Following the formal process, the Inspector has stated that he considers modifications to be necessary in order to make the Plan sound. The recommended modifications seek to protect against the over-allocation of sand and gravel reserves whilst ensuring that needs can be met if demand exceeds the Inspector's expectations. As such, they are comparatively minor, reflecting the weight of evidence as it has unfolded at the examination in public. The Council can only adopt the Plan once the Inspector has declared it to be sound.

3. Risk Management Strategy 2014 – 2017

Cabinet has approved the Council's Risk Management Strategy for 2014 – 2017.

The Council has a strong and coherent approach to risk and develops and adheres to a Risk Management Strategy in accordance with recommended best practice. The Strategy for 2014 – 2017 builds on and replaces the previous strategy, setting out the Council's approach to the management of risk over the next three years. It is designed:

- to increase the likelihood of the Council achieving its goals and delivering outcomes
- to improve the identification of opportunities and threats
- to improve governance, stakeholder confidence and trust
- to establish a reliable basis for decision-making and planning
- to allocate effectively and to use resources for risk treatment
- to improve organisational resilience
- to help with the recognition and management of risks, and the minimisation of the cost of risk
- to anticipate and to respond to emerging risks, internal and external influences and a changing operating environment
- to implement a consistent method for measuring risk.

The Risk Management Strategy will be reviewed annually to ensure it still meets the needs of the Council and takes account of organisational changes and new legislation. It will be re-presented to the Cabinet in the event of significant changes.

4. New Operating Model Youth Service

The Youth Service has a gross budget of £3.8m and a net budget of £2.7m for 2014/15. Cabinet has given approval to accelerate the journey towards the future operating model for the Youth Service. Considerable activity has already been undertaken to ensure that the Service is ready for this way of working:

Cabinet has agreed to implement an operating model for the Youth Service which represents the most appropriate way to ensure that young people in Essex continue to be able to access the same activities as are currently available whilst achieving savings in the budget. The continued move to a community capacity building model with the guidance and support of officers builds on the success of the current service in moving in this direction. Charging schools for certain services received by their pupils will enable the services to continue.

The Council is committed to the outcome “Young people of Essex get the best start in life”, which contributes to employment and wellbeing. A key indicator of success in delivering this outcome is the number of youth sessions run per week. The Youth Service has been on a transformational journey since 2010 when all the provision was delivered directly by County Council employees. During 2011 the service started working collaboratively with some community groups; however the majority of the provision was still delivered by youth workers, with an average of 249 youth work sessions per week.

By 2012/13, the ambition was that the service should move to a new operating model of delivery via community capacity building. Community capacity building is where young people, their communities and other organisations, supported by youth workers, design and deliver youth provision in their locality.

In 2013/14, the Youth Strategy Groups were established and budget allocated to these groups to meet identified local needs. At this time an average of 422 youth sessions were delivered per week, 30% of these via the ‘community capacity building’ model, i.e. where youth workers move from providing direct youth work to supporting community groups to develop their provision of youth services.

From 2014/15 onwards it is proposed a £3.4m budget will be allocated to the Youth Service. Key performance outcomes, indicators and measures will be rigorously monitored by the Commissioners. The current work on supporting other organisations to provide youth services, which is a key measure of success, will be accelerated to a target of 500 sessions, with 100% to be delivered by the community by the end of 2015.

The Youth Strategy Groups will work closely with Commissioners and youth service specialists to identify local needs and collaboratively commission solutions accordingly.

5. Establishment of a Special School Academy in Langham

Cabinet has agreed that sponsors should be sought to establish a new special academy on the School Road site of Ramsden Hall School in Langham for 64 pupils aged 10 – 16, including residential provision for a maximum of 25 pupils. The school is intended to operate with effect from 1 September 2014, or as soon as practical thereafter, but no later than January 2015.

Establishment of the new academy is dependent upon the downsizing of the existing Ramsden Hall School, currently operating on a split site in Billericay and Langham. Cabinet has therefore also agreed that consultation should be undertaken on proposals to reduce the size of Ramsden Hall School, so that it ceases to have a site in Langham.

Establishment of the new school was recommended as, although the merger of Ramsden Hall School with the former Heath Special School had dealt with performance issues at the former Heath Special School, the distance between

Billericay and Langham meant that there were benefits in the school sites operating as separate schools once again. This view was supported by the school.

6. Delivery of two new Primary Academies in Colchester

Pupil place projections for Colchester have evidenced a significant increase in the demand for primary school places over the next 2-4 years, due both to growth from within the existing population and the effect of new housing development.

Cabinet has agreed to the construction of two 420-place primary school academies at Braiswick and Severalls in Colchester, with opening dates of September 2015 and September 2016 respectively. This follows a successful bid for funding from the Government's Targeted Basic Need programme, and a formal consultation exercise on proposals to increase primary school provision within Colchester. Cabinet has also agreed to the use of the existing Local Education Partnership as the delivery vehicle for the contract to build the schools, due to its successful track record and as it is likely to represent the most cost effective way of delivering the schools on time.

7. Economic Plan for Essex

The South East Local Enterprise Partnership (SELEP) is in the process of preparing a Strategic Economic Plan (SEP) to support its negotiation of a 'Local Growth Deal' with HM Government. The Local Growth Deal is the mechanism through which HM Government will allocate funding from its Single Local Growth Fund (SLGF) – a national pot bringing together capital funding for Transport, Housing and Skills Infrastructure.

As a partner in the SELEP, Essex County Council is working to influence the development of the SEP. In common with other partners, the County Council is refreshing its economic plans and has put forward a programme of transport and non-transport development projects that could be delivered with support from the SLGF.

Once the SEP is developed, approved by the SELEP Board (26th March) and submitted to HM Government (31st March), a period of negotiation on the SELEP Local Growth Deal will begin with HM Government. This negotiation will determine the amount of SLGF devolved to SELEP partners. It is likely to conclude in Autumn 2014 with SLGF funding devolved from April 2015. The deal will form the basis for a final version of the Council's Economic Plan for Essex (EPFE), an initial draft of which is being prepared alongside our contribution to the growth deal.

Cabinet noted the early draft of the SEP which was submitted to HM Government in December 2013 and the indicative list of projects to be included in the SEP including the transport projects.

Cabinet has agreed that the Council's contribution to the delivery of the projects in the agreed SEP is capped at £115million over 6 years and authorised the Deputy Leader and Cabinet Member for Economic Growth and Infrastructure to agree, in consultation with the Leader of the Council and the Executive Director for Corporate Services the final amount following negotiations with HM Government.

Cabinet has delegated authority to the Deputy Leader and Cabinet Member for Economic Growth and Infrastructure to negotiate the Essex element of the Growth Deal with HM Government as part of the SELEP negotiating team.

The EPfE will be used to support Essex partner's engagement in SELEP's negotiations with HM Government on the Growth Deal. The Council hopes to negotiate the best possible share of the Single Local Growth Fund through these discussions. A further draft of the EPfE will be developed following the outcome of negotiations with HM Government and further discussions with partners, prior to wider public engagement and final approval by the Cabinet.

Cabinet has endorsed the Economic Plan for Essex text. A professionally designed version based on this text will be prepared for publication. The EPfE sets out, for the Essex area over the period from 2014 to 2021:

- partners' ambitions for growth;
- an analysis of the challenges and opportunities facing the Essex economy; and
- partners' plans to deliver growth-enabling development projects; provide support to businesses and key growth sectors; and enhance the skills of the workforce.

8. The Deanes School

Cabinet has considered and agreed the way forward on a number of issues in the light of the determination by the Schools Adjudicator that The Deanes School should not be discontinued.

The proposals to relocate and expand Glenwood School on The Deanes School site are no longer appropriate or possible as land at the site will not now be available as planned. The Cabinet has therefore authorised the publication of a statutory proposal to revoke the previously approved enlargement and transfer. The sum of £14m for the rebuilding of the school will continue to be provided, and the exploration of alternative options for the relocation and rebuilding of the school with 150 places (and possibly 60 further places for children with ASD) will proceed. A further report on this will be brought to a future meeting of the Cabinet.

It has been agreed to assist The Deanes School in revitalising its offer for September 2014 by funding urgent condition work and appropriate modest remodelling and rationalisation work, to a maximum value of £2.5m. This is based on utilisation of a proportion of the current accommodation, potential for rationalisation, and an initial estimate of the work that can realistically be carried out on site during 2014/15. The funding arrangements for this, together with provision for the ongoing cost of borrowing, have been agreed. Should The Deanes School remain as a maintained school, any further maintenance works will be considered in 2015/16 and future years on the same basis as any other Essex maintained school.

Cabinet has reconfirmed its decision to fund up to £2m for additional accommodation for 150 pupils each at The Appleton School and The King John School. Finally, it has authorised the Head of Infrastructure Delivery to approve the final scope and costs of the works at The Appleton, The Deanes and The King John Schools within allocated budgets.

9. Membership of Improvement and Efficiency Social Enterprise

Cabinet has approved the Council's membership of Improvement and Efficiency Social Enterprise (iESE) Limited and has appointed Councillor Roger Walters as a non-Executive Director. It has also agreed that the Council should subscribe to the iESE innovation club at an annual cost of £5,000 (to be funded via the Essex Innovation Fund).

iESE is a non-profit distributing company limited by guarantee which has an overarching objective to advance the improvement and/or efficiency of public bodies across the UK. The Council has, like most local authorities in the UK, benefitted from the services provided by iESE, particularly in the field of waste management. Becoming a member will benefit the Council by providing the ideal gateway for political and managerial leaders to meet periodically to share innovations emerging elsewhere that could be applied to local public services, discuss strategic priority setting and strengthen joint working. Membership of the Innovation Club also offers a number of additional benefits, including financial discounts and support days from an iESE Principal Consultant.

10. A127 Corridor for Growth – Economic Plan

The A127 is a strategic corridor for south Essex linking the M25 with Southend and London Southend Airport. To the east of Basildon it is the priority route for traffic traveling to Southend and the Airport, and links to the A130 and A13. To enable growth along this corridor and the wider Thames Gateway area, significant improvements are required.

Cabinet has approved the "A127 Corridor for Growth Economic Plan", which has been developed in partnership with Southend Borough Council. It sets out the case for, and details of the improvements required and the growth this can unlock. This is a working document and will evolve as further work is progressed around the improvements. The plan will be submitted to SELEP in support of the Single Local Growth funding bid, once it has been finalised in partnership with Southend Borough Council.

11. Passenger Transport Procurement Proposals 2014

Cabinet has approved the procurement proposals in respect of the Passenger Transport contract from 2014 onwards, together with the subsequent appointment of operators and the award of call-off contracts. These will ensure that the Council is able to meet its statutory responsibility with regard to transport for children and vulnerable adults and the provision of local bus services.

The approach agreed will continue the current practice of delivering price efficiencies through tenders, but also introduces improvements such as the implementation of a framework agreement and more robust processes to ensure that price reductions

are realised into savings. It will also future-proof the procurement process and support the more transformational review of how passenger transport is procured and delivered in the future, expected to be completed by 2016.

12. Essex Better Care Fund Submission

The Better Care Fund (BCF) was announced in June 2013 providing an opportunity to transform local services so that people are better provided with integrated care and support. It encompasses a substantial level of funding (£3.8bn in 2015/16) to help local areas manage pressures and improve long-term sustainability.

The Government's intention is for NHS and local government social care services to become fully integrated within a five-year timescale. The BCF is intended to help take forward integration, and to act as a catalyst for change. From 2015/16 it is to be a single pooled budget of NHS and local authority resources but in the meantime, funding will continue to be transferred to the Council from NHS England.

Health and Wellbeing Boards were required to agree and submit two-year BCF plans (meeting six national conditions) by 4 April 2014.

Cabinet noted that the Essex Health and Wellbeing Board would endorse submission of the Essex Better Care Fund plans to NHS England following its meeting on 27 March and agreed the headline proposals for spending the Better Care Fund in Essex from 2015/16. With regard to the establishment of a pooled BCG from 1 April 2015, this was agreed in principle, with Essex County Council to act as host on behalf of all partners. A further report regarding governance of the pooled fund will be submitted to a future Cabinet meeting. Finally, Cabinet agreed that the £27m to be received from NHS England should be spent as follows: £22.1m to be added to the base social care budget, with the remaining £9.4m likely to be spent on preparation for the Care Bill, subject to discussions with NHS England and Clinical Commissioning Groups and a further report to Cabinet.

13. Approval of the Information Services Delivery Programme

Cabinet has approved the Information Services Delivery Programme, together with a total investment of £13.5m required for implementation.

The Programme represents the culmination of the review of information and technology needs carried out over the last year. Its purpose is to invest in essential capabilities to deliver the Council's target operating model, to support the release of benefits by other programmes and to meet the Council's legal obligations on information management. The programme comprises four significant projects:

- sustaining core technology and end-user computing
- establishing the technology building blocks to support interoperability, information sharing and collaboration
- information management assurance

- cross-cutting programme support and corporate training.

The IS capabilities provided by the project will support the Council's transformation journey by enabling several key programmes, which will in turn be instrumental in assisting the Council to deliver its Vision for Essex 2013 – 2017.

14. Day Opportunities: Contracts Extension and Permission to go to Tender

Cabinet has approved a new approach to the procurement of day opportunities. Following completion of a final consultation exercise, the Cabinet Member for Adults Social Care will authorise a competitive procurement under the new model, consisting of a framework agreement with multiple day opportunity providers. The procurement exercise will commence in June 2014, with new contracts to be effective no later than 1 April 2015. To allow continuity of provision to service users pending the procurement, Cabinet has also agreed to extend the current block and spot contracts for day opportunities until 31 March 2015.

The Council currently places 2,100 adults into 'managed' day opportunities each year as part of a support package to meet eligible care needs. It manages this by means of two types of contract – block contracts, whereby a set fee is paid to a provider for the service at all times even if it is not being used, and spot contracts whereby a fee is paid for the service only at the times it is being used. A recent review in mid-Essex (which involved engagement with service users) has shown that the current model of provision remains traditional and change is needed to align with customer expectations and to enable more people to have a choice through a personal budget and direct payment. In addition, the use of block contracts has led to a lack of flexibility.

In the light of this, work has been ongoing to develop the strategy for day opportunities better to meet the needs of service users (there is no intention to reduce the levels of opportunities available). It is proposed to move away from the use of block contracts to a framework model, allowing providers to join from time to time whilst maintaining an opportunity to manage quality and price. A procurement process along these lines will open the market to existing and new providers, and deliver a consistent contractual approach. A significant programme of consultation and engagement with service users has already taken place, and a final, updated consultation exercise is planned from April 2014 to inform the final specification for the procurement process.

15. Increasing Independence – Working Age Adults

Cabinet has approved the implementing and embedding of an enablement and progression approach towards the provision of services to Working Age Adults with disabilities. This will enable the Council to review its services to ensure that it maximises independence and improves outcomes for working age adults who receive social services and their carers whilst at the same time achieving long-term savings for the Council.

The Working Age Adults service is facing increasing pressures in terms of rising demand relating to demographic changes coupled with decreased funding from

Central Government. The current service model is exacerbating this situation through creating life-long dependence on services, and in particular on more institutional forms of support such as residential care and traditional day services. This does not deliver the best outcomes for individuals, their families, the County Council or its partners.

Over the last three years a number of initiatives have been implemented to realise efficiencies, but this approach will not deliver the scale of change now needed. What is now required is a whole system approach to change that results in a re-modelled support pathway that reduces demand on, and costs to the Council and its partners, particularly Health. This forms part of the transformation agenda of the Council.

This project will reform the current service models and the relationship with the market, ensuring that adults with disabilities are fully involved in shaping the services and support they need to lead fulfilling and independent lives. The project consists of a number of interrelated work-streams that are designed to deliver both the new service infrastructure and the capability to facilitate change for individuals or families/carers.

It is based on principles of enablement and progression. Enablement is an approach that is focused on developing people's capabilities to do things for themselves and become more independent. Progression is the term given to the step by step approach to increasing skills and independence and in some cases can mean a move into more independent living arrangements.

Overall, the project will reduce future projected costs to 2017 by £22.8m. Other benefits of the project include delivering better outcomes for people with disabilities and managing demand more effectively in the system.

Essex Fire Authority

Report to the Constituent Authorities of the meetings held on 12 February 2014 and 16 April 2014

1. BUDGET 2014/15.

LOCAL GOVERNMENT FINANCE SETTLEMENT

For 2014/15 the level of grant, including past years Council Tax freeze grant will be £33,850k some £2,272k lower than the current year, this is a reduction of 6.3%. The Government have confirmed that Council Tax freeze grants have now been included in our base funding.

SUMMARY OF GOVERNMENT FUNDING

From 2014-15 the allocation of Revenue Support Grant to local authorities will be calculated by increasing, decreasing, or maintaining ("scaling") the 2013-14 allocations in line with the level of that year's Revenue Support Grant. Revenue Support Grant will be equal to the local Government spending control total less the holdback and the uprated baseline funding level in 2013-14. This means that the Government has moved away from the funding block model previously used.

The table below summarises Government funding for 2014/15 in comparison with the current year:

	2013/14	2014/15			Change in Total Settlement Funding Level £m
	Total Settlement Funding Level £m	Revenue Support Grant £m	Baseline Funding Level (Business Rates) £m	Total Settlement Funding Level £m	
Fire and Rescue Funding	35.050	18.035	14.275	32.310	-2.740
2011-12 CT Freeze Compensation	1.072	0.631	0.437	1.068	-0.004
2013-14 CT Freeze Compensation		0.433		0.433	0.433
Returned Funding		0.039		0.039	0.039
Total	36.122	19.138	14.712	33.850	-2.272

NATIONAL NON-DOMESTIC RATES

Within the overall amount of funding there is an element funded by the Authority's share (1%) of national non-domestic rates. Decisions by the Government to extend relief for small businesses and other policy changes mean that a proportion (£132k for 2013/14) of the business rates expected for 2013/14 will be replaced by a Government grant. The exact implications of this policy for 2014/15 are unclear as the forecast level of business rates was not received from all billing authorities by 31 January. The Authority holds an earmarked reserve to manage this uncertainty and it is proposed that any shortfall or surplus in the announced level of Government funding is managed through this reserve.

COUNCIL TAX

Since 2011/12 the Authority has accepted a Government grant to freeze Council Tax. With the exception of the grant for 2012/13 all of these grants are now included in our baseline Government funding. In addition there is a commitment that any freeze grants taken in future years will also be included in the baseline.

The longer term impact of a freeze in Council Tax is a lower level of precept income in future years. If the freeze continued until 2017/18 then this income would be £1.5m lower in comparison to an increase in the precept of 2% per annum, the increase allowed in 2013/14 before a local referendum is required. This is a relevant consideration because we expect to see a reduction in our Government grant funding in 2014/15 and subsequent years.

Should the Authority propose to increase council tax by an amount that will prompt a referendum then it has to consider whether it will bear any costs through doing so, and what the re-billing costs will be from the 14 billing authorities. It is estimated that a referendum could cost between £1.5m and £2m. It should also be noted that the regulations only allow the percentage increase to be included in the referendum, not the cash amount for different householders. After considering the draft budget paper the Audit Governance and Review Committee resolved to advise the Authority not to seek an increase in Council Tax that would exceed the referendum limit because of the high costs associated with a referendum and the potential need for re-billing.

For the purposes of this report figures have been presented showing the position with a Council Tax freeze, and two options for an increase of 1.49% and 1.90%. The additional income from these options in comparison with the Council Tax freeze grant are shown in the table below. It should be noted that the freeze grant is paid on a higher notional tax base reflecting the inclusion amounts paid as grant funding following the localisation of Council Tax support.

Options	Freeze Grant	1.49% Increase	1.90% Increase
Band D Council Tax	£66.42	£67.41	£67.68
Increase in Band D Council Tax	£0.00	£0.99	£1.26
Estimated Tax Base	586,481	586,481	586,481
Projected Council Tax 2014/15	£38,954k	£39,535k	£39,693k
Freeze Grant	£433k	£0k	£0k
Total Increase in 2014/15	£433k	£581k	£739k

TAX BASE

The position regarding the tax base of the Authority has been more uncertain than in previous years. Until 2013/14 the annual movement in the tax base as reported in the October Council Tax Base returns from billing authorities has been a good proxy for the movement in the final tax base figure. The net saving in the cost of Council Tax support means that billing authorities are putting in place schemes that mean they need to collect a proportion of Council Tax from tax payers where previously the amount was paid in full by the Government. There has been monitoring of the progress in collection during 2013/14 and in most cases the support schemes in place are unchanged for 2014/15.

In 2013/14 the Authority has aligned itself with the County Council and the Police and Crime Commissioner and agreed with the billing authorities to share 25% of the precepting authorities

gains from technical changes in Council Tax with the billing authority. The Authority will continue to support these arrangements in 2014/15.

In 2013/4 we took a cautious approach on the level of Council Tax income. This level was exceeded and for 2014/15 there has been a further 1.9% growth in the tax base with most of the billing authorities reporting positive balances on the collection account for 2013/14.

Following the February meeting of the Fire Authority, Members agreed the below;

	2013/14 Budget	2014/15 Council Tax Freeze Budget
Net Expenditure	£74,545k	£73,271k
Decrease from 2013/14		-£1,274k
Precept	£38,233k	£38,954k
Band D Council Tax	£66.42	£66.42
Increase from 2013/14		0.00%

1. Approved a net expenditure budget of £73.271m (with a Council Tax Freeze),
2. Approved a precept of £38.954m (with a Council Tax Freeze),
3. Approved Band D Council Tax of £66.42 (the same since 2010/11)

Council Tax Band	2014/15 No Increase
A	£44.28
B	£51.66
C	£59.04
D	£66.42
E	£81.18
F	£95.94
G	£110.70
H	£132.84

4. Approved a capital expenditure budget of £13.379m in 2014/15.


2. CHARGING.

Section 19 of the Fire and Rescue Act 2004 makes provision for charging, provided that the amount of the charge is set by the Authority and that the income from charges does not exceed the costs incurred. The Fire and Rescue Services (England) Order 2004 (SI 2135/2004) provides the details of the activities that may be charged for.

Section 10 of the Localism Act 2011 amends the 2004 act to allow the Authority to charge for the attendance in response to automatic fire alarms (AFAs) where there is no fire and there are

persistent false alarms. There are no proposals for the Authority to consider charging at this time because it is not the Authority's policy to respond to such incidents unless specific risks are present, or the AFA call is supported by a confirmation of a fire. The option to charge for such calls will be considered as part of any future review of the policy on attendance at AFAs.

The charges were increased by 2.5% in 2013, the first increase since 2010 because of the freeze in pay for that period. The proposed increases of 2.0% (rounded to the nearest pound) reflect an allowance for an increase in costs. Income from charges in the year to 31 March 2014 is some £120k. Some 70% of this is for testing of hydrants and fire mains with the balance for the provision of fire reports and the time of officers. The charges for the time of officers have been re-analysed and specific charges for each role will be used.

Special Service Charges from 1 MAY 2014					
Essex County Fire & Rescue Service					
		SI 2135/2004 Reference	2014 Charge	VAT	GROSS
			£	£	£
1 - NON EMERGENCY SERVICES					
CHEMICAL /HAZARDOUS INCIDENTS	(COMMERCIAL)	3	398.00	79.60	477.60
SUBSEQUENT RECOVERY OF COSTS INCURRED WILL BE DETERMINED BY THE NATURE AND DURATION OF THE INCIDENT					
EFFECTING AN ENTRY INTO PREMISES OR LIFTS	(COMMERCIAL)	5,6	209.00	41.80	250.80
EFFECTING AN ENTRY INTO PREMISES OR LIFTS	(DOMESTIC)	5,6	68.00	13.60	81.60
REMOVE/MAKE SAFE TV AERIAL	(COMMERCIAL)	10	347.00	69.40	416.40
REMOVE/MAKE SAFE TV AERIAL	(DOMESTIC)	10	68.00	13.60	81.60
HIRING OR PROVISION OF EQUIPMENT, VEHICLES OR PREMISES (eg THERMAL IMAGE CAMERA & OPERATOR)	PER DAY OR PART DAY	1	209.00	41.80	250.80
2 - ANIMAL RESCUE					
PROVISION OF FIREFIGHTERS FOR ANIMAL RESCUE	FIRST HOUR	7	209.00	41.80	250.80
	SECOND AND SUBSEQUENT HOURS OR PART THEREOF		131.00	26.20	157.20
Charges may be waived at the discretion of the Officer in Charge of the Incident					
3 - PERSONNEL					
INTERVIEWS WITH OFFICERS and NON- UNIFORMED DIRECTORS (RELATING TO INCIDENTS, SOLICITORS, INSURANCE COMPANIES, ETC)	PER HOUR, OR PART THEREOF (IRRESPECTIVE OF RANK or GRADE)	11	199.00	39.80	238.80
UNIFORMED PERSONNEL	PER HOUR, OR PART THEREOF				
	Firefighter		28.00	5.60	33.60
	Crew Manager		30.00	6.00	36.00
	Watch Manager "A"		32.00	6.40	38.40
	Watch Manager "B"		33.00	6.60	39.60
	Station Manager "A" - Flexi-Duty		42.00	8.40	50.40
	Station Manager "B" - Flexi-Duty		44.00	8.80	52.80
	Group Manager "A" - Flexi-Duty		47.00	9.40	56.40
	Group Manager "B" - Flexi-Duty		51.00	10.20	61.20
	Area Manager "B" Flexi-Duty		58.00	11.60	69.60
NON UNIFORMED PERSONNEL	PER HOUR, OR PART THEREOF (IRRESPECTIVE OF GRADE)		27.00	5.40	32.40
NB - THE ABOVE CHARGES ARE SUBJECT TO ADDITION IN ANY CASE WHERE THE USE OF LABOUR, MATERIALS, VEHICLES etc RENDERS THE CHARGES SPECIFIC CLEARLY INAPPROPRIATE					
4 - WATER SERVICES SECTION					
TESTING OF FIRE HYDRANT		2	27.00	5.40	32.40
DRY RISER WET TESTS - INITIAL		2	261.00	52.20	313.20
ADDITIONAL RISER IN SAME BUILDING		2	188.00	37.60	225.60
MANUAL LABOUR - PER HOUR		2	15.00	3.00	18.00
MATERIALS	COST + 10%				
FLOW AND PRESSURE TEST - PER HOUR		2	89.00	17.80	106.80
HIRE OF 25MM HOSE REEL - PER WEEK		2	15.00	3.00	18.00
HIRE OF BRANCH JET - PER WEEK		2	15.00	3.00	18.00
STAND PIPE - PER WEEK		2	73.00	14.60	87.60
5 - MEDIA COSTS					
USE OF ECFRS COPYRIGHT MEDIA - STILL IMAGES	Charges are waived if source is acknowledged	8	73.00	0.00	60.00
USE OF ECFRS COPYRIGHT MEDIA - VIDEO IMAGES	Charges are waived if source is acknowledged	8	288.00	0.00	250.00
Note - All charges may be waived at the discretion of the Officer in Charge of the Incident					

3. ALL TERRAIN VEHICLES

Essex County Fire & Rescue Service is investigating a range of opportunities where the fire service can support local communities, County, District, Borough and Parish Councils to promote our role as a Public Service.

The Service has now leased three Rescuemax all-terrain vehicles which are located at Wivenhoe, Hawkwell and Brentwood fire stations. These vehicles were deployed in January 2014 and were immediately available for snow clearance or gritting duties in local communities.

The Rescuemax all-terrain vehicle has the potential for multiple applications within the Fire & Rescue Service context and for that reason this project will run for six to eight months with an evaluation at the end to determine if the project has been successful and if so Essex County Fire Rescue Service will look at a business case for supporting further investment in this capability in the future.

Our intention is to engage with Essex Fire Authority Members, District, Borough and Parish Councillors and discuss the potential of clearing snow in the winter and culverts in the summer, around our local communities by using our Rescuemax all-terrain vehicles. There is absolutely no intention to duplicate work undertaken by Essex County Council Highways or the work of the two Unitary Authorities; the aim is to supplement this work in a given locality. This will be a risk based, prioritisation of key community assets, some examples would be our Health Services - Hospitals, Doctors Surgeries, our Schools (which will help our local economy by allowing families to go to work), establishments housing and caring for elderly/infirm or where services such as 'meals on wheels' require access to premises, high street shop traders etc. to name but a few.

Currently the Service has based 3 x JCB Rescuemax vehicles for the trial period, along with 3 x Snowblades and 3 x Salt Spreaders which have been purchased from Briggs Equipment Ltd. These vehicles were fully kitted out to respond by Tuesday 28th January 2014 ready to encounter inclement weather from that date. The locations for these Rescuemax vehicles have initially been identified for the winter deployment as Wivenhoe, Hawkwell and Brentwood Fire Stations and we have worked with Local Councillors to undertake risk assessments and prioritisation of key, local community assets.

Once the winter period moves into spring and the risk of snow and ice has subsided, Officers will be exploring the potential that the Rescuemax all-terrain vehicle has in support of off-road firefighting operations. For this purpose the snow blades and salt spreaders will be removed and the 'Firebug' system, (a diesel driven, low volume, high pressure pump, self-contained water tank, hoses and branches), will be fitted. It is likely that the locations chosen to support off-road firefighting operations will be different to those chosen for winter operations.

Councillor Anthony Hedley
Chairman

Dates of Future meetings

Dates of Future Council meetings

The Council is asked to approve the dates of its meetings for the Municipal Year 2015/16.

Recommended:

That meetings of the Council be held on Tuesdays at 10am on 14 July, 13 October and 8 December 2015 and 9 February (Budget) and 10 May 2016 (Annual).

