

# Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 13 May 2014

## Present

Chairman: Councillor N Hume

Vice-Chairman: Councillor J F Aldridge

## Councillors:

J Abbott	K Gibbs	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	M McGeorge
A Bayley	A M Hedley	V Metcalfe
K Bentley	G Helm	A Naylor
D Blackwell	I Henderson	Lady Newton
K Bobbin	T M A Higgins	P Oxley
R G Boyce	R Hirst	M J Page
A Brown	P Honeywood	J W Pike
M Buckley	R C Howard	J M Reeves
J Chandler	M Hoy	S Robinson
P Channer	J Huntman	C Seagers
K Clempner	A J Jackson	K Smith
T Cutmore	E C Johnson	J Spence
M Danvers	J G Jowers	A Turrell
J A Deakin	D J Kendall	K Twitchen
T Durcan	J Knapman	S Walsh
M Ellis	N Le Gresley	R G Walters
D Finch	S Lissimore	J Whitehouse
M D Fisher	J Lodge	A Wood
R Gadsby	R Lord	J A Young

The meeting was 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.

### **Councillor Twitchen opened the meeting in the Chair**

#### **1. Election of Chairman**

It having been proposed by Councillor K Bentley and seconded by Councillor R Walters it was

#### **Resolved:**

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

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

### **Councillor Hume took the Chair**

Councillor Hume thanked the Council for his election and proposed a vote of thanks to the past Chairman, Councillor Twitchen, paying tribute to her achievements. Councillors J Young, M Mackrory and D Finch echoed the Chairman's remarks and extended their good wishes to Councillor Hume.

Councillor Hume presented the past Chairman's badge to Councillor Twitchen who thanked members for their kind words, and congratulated Councillor Hume on his election.

Councillor Hume made a brief statement introducing his period of office.

#### **2. Appointment of Vice-Chairman**

It having been proposed by Councillor R Bass and seconded by Councillor J Reeves it was

#### **Resolved:**

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

Councillor Aldridge made and signed the Declaration of Acceptance of Office and gave a brief statement thanking the Council for his appointment.

#### **3. Apologies for Absence**

Apologies for absence were received on behalf of Councillors G Butland, A Erskine, D Louis and C C Pond.

#### **4. Declarations of Interest**

There were no declarations of interest.

#### **5. Minutes of the meeting held on 11 February 2014**

##### **Resolved:**

That the minutes of the meeting held on 11 February 2014 be approved as a correct record and signed by the Chairman.

#### **6. Chairman's Announcements**

##### **Recent Deaths**

The Chairman informed members of the death of former County Councillor Sarah Candy and sent condolences to her family.

Sarah was a County Councillor from 2001 to 2013, representing Tendring Rural West Division, and also a member of Tendring District Council from 2003. On the County Council she served on a number of committees including the Executive Scrutiny Board and the Corporate Parenting Panel, as well as being at various times the Cabinet Member for Adult Social Care, Cabinet Member for Finance and Change Management, and deputy to the Leader of the Council.

The Chairman also informed members of the death of former County Councillor Kathleen Pauley and sent condolences to her family.

Mrs Pauley was a County Councillor from 1989 to 1993, representing Chelmsford North and served on the Education Committee as well as the Highways, Library, Museum and Records and the Fire and Public Protection Committees.

Members stood in remembrance.

##### **Royal Visit**

The Chairman advised Council of the visit by Her Majesty the Queen and the Duke of Edinburgh to Essex on Tuesday, 6 May where they attended a service at Chelmsford Cathedral to celebrate the centenary of the Diocese of Chelmsford. The royal party then visited Felsted School on the occasion of their 450<sup>th</sup> anniversary.

#### **7. Presentation of Petitions**

The Chairman received petitions relating to:

- street lighting in Colchester presented by Councillor T Higgins;

- improving the traffic flow in Waltham Abbey presented by Councillor R Gadsby;
- the repair of roads and footpaths in the Division of Harlow North presented by Councillor M Danvers; and
- part-night lighting in Wickford by Councillor N Le Gresley.

The Chairman passed the petitions to the Cabinet Member for Highways and Transportation.

**8. To receive a statement from the Leader of the Council relating to the membership of Cabinet, Cabinet Portfolios and Deputies**

The Leader, Councillor D Finch, presented a report announcing changes to the membership of Cabinet, Cabinet Portfolios and Deputies.

He welcomed Councillors A Brown and R Hirst to the Cabinet and announced changes to the Cabinet Portfolios and the deputies as detailed in the report.

The proposals also recommended an increase in the number of Deputies to receive the relevant Special Responsibility Allowance of £13,375 under the Members Allowances Scheme.

**Resolved:**

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

**9. To appoint the Political Groups' representatives to committees**

The Council received a report of the Political Groups' appointments to the following committees:

- 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
- Essex Pension Fund 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

Having been moved by Councillor D Finch and seconded by Councillor R L Bass and subject to incorporating the list of amendments and additions circulated at the meeting it was

**Resolved:**

That the Political Groups' representatives to committees be appointed as set out in the report presented to Council amended in line with the list of amendments/additions circulated at the meeting.

**10. To elect the Chairmen of committees**

The Council received a report 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 Essex Pension Fund Investment Steering Committee
- The Committee to consider applications to undertake certain duties by Members and Foreign Travel by Officers

Having been moved by Councillor D Finch and seconded by Councillor R L Bass it was

**Resolved:**

That the Chairmen of the Committees be elected as set out in the report presented to Council.

**11. To appoint the County Council representatives to the Essex Health and Wellbeing Board**

The Council received a report setting out its representatives on the Essex Health and Wellbeing Board. Having been moved by Councillor D Finch and seconded by Councillor R L Bass it was:

**Resolved:**

That the Council appoint the representatives to the Essex Health and Wellbeing Board as set out in the report presented to Council.

**12. To appoint the County Council representative to the Essex Police and Crime Panel**

The Council received a report setting out its representative on the Essex Police and Crime Panel. Having been moved by Councillor D Finch and seconded by Councillor R L Bass it was:

**Resolved:**

That the Council appoint the representative to the Essex Police and Crime Panel as named in the report presented to Council.

**13. To appoint the County Council representatives to the Essex Pension Fund Board**

The Council received a report setting out its representatives on the Essex Pension Fund Board. Having been moved by Councillor D Finch and seconded by Councillor R L Bass it was:

**Resolved:**

That the Council appoint the representatives to the Essex Pension Fund Board as set out in the report presented to Council.

**14. To appoint the County Council representatives to the Essex Fire Authority**

The Council received a report setting out its representatives on the Essex Fire Authority.

The Chairman pointed out that there were 22 nominees for 20 posts.

At the invitation of the Chairman the Leader stated that in agreeing the representation on the Authority last year there was no decision that the third position currently occupied by a UKIP member would be 'rotated' between the three largest Opposition Groups. He therefore moved that the representation should be on the basis agreed last year and requested the Leaders of the Labour and Liberal Democrat Groups to confirm which two of their three nominations be appointed to the Essex Fire Authority.

Councillor M Mackrory requested that the matter be put to a vote.

Councillor J Young pointed out that she had raised the matter at Council last year but she acknowledged that the minutes did not record that any decision had been taken. She also proposed that the third seat on the Fire Authority be rotated to the Labour and Liberal Democrat Groups.

Councillor J Huntman indicated that he disagreed with Councillor Young's proposal.

The Chairman proposed that rather than putting this matter to a vote there should be allowed a period of reflection to see if there could be found an agreed position between the Opposition parties to be brought as a recommendation to a future meeting of Council.

Councillor M Mackrory agreed to withdraw the name of Councillor J Deakin from the Liberal Democrat nominations and that the matter should be discussed and resolved in accordance with the Chairman's proposal.

Councillor J Young agreed and withdrew her name from the Labour nominations although she asked that she be added to the list of named substitutes and she hoped that the matter could be brought back to the next meeting of Council.

Having been moved by Councillor D Finch and seconded by Councillor R L Bass it was:

**Resolved:**

That the Council appoint the representatives as set out in the report subject to the deletion of the names of Jude Deakin and Julie Young and the inclusion of Julie Young as a Labour substitute.

**15. Executive Statements**

The Leader of the Council gave a statement concerning the challenges faced by the Administration during the last year and the issues that lay ahead.

The statement was received.

**16 Motions**

The Chairman ruled that the Motions 'Review of the Ringway-Jacobs Contract' and 'Essex Roads and Footpaths' being of a similar nature should be taken as one debate.

**Review of the Ringway-Jacobs Contract and Essex Roads and Footpaths**

It was 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.'

It was 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.'

Upon being put to the meeting the Motion moved by Councillor Lord was declared to be lost.

Upon being put to the meeting the Motion moved by Councillor Young was declared to be lost.

### **School Crossing Patrols**

It was 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.'

Prior to the Motion 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 31 votes for and 40 against.



Those voting for the Motion were Councillors:

J Abbott	M D Fisher	J Lodge
W Archibald	K Gibbs	R Lord
B Aspinell	D Harris	M Mackrory
A Bayley	G Helm	M McGeorge
D Blackwell	I Henderson	P Oxley
K Bobbin	T M A Higgins	S Robinson
K Clempner	M Hoy	K Smith
M Danvers	J Huntman	A Turrell
J A Deakin	D J Kendall	J Whitehouse
T Durcan	N Le Gresley	J A Young
M Ellis		

Those voting against the Motion were Councillors:

J F Aldridge	C Guglielmi	M McEwen
S Barker	A M Hedley	V Metcalfe
R L Bass	R Hirst	A Naylor
K Bentley	P Honeywood	Lady Newton
R G Boyce	R C Howard	M J Page
A Brown	N Hume	J W Pike
M Buckley	A J Jackson	J M Reeves
J Chandler	E C Johnson	C Seagers
P Channer	J G Jowers	J Spence
T Cutmore	J Knapman	K Twitchen
D Finch	S Lissimore	S Walsh
R Gadsby	R A Madden	R G Walters
R J Gooding	M Maddocks	A Wood
I Grundy		

### **Unconventional Fossil Fuels**

It was 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.'

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

#### **17. Adjournment**

With the agreement of Council the Chairman adjourned the meeting for luncheon at 13:16.

The meeting reconvened at 14:20.

#### **18. Statement from Councillor P Oxley**

With the approval of the Chairman, Councillor P Oxley made a personal statement to Council and an unreserved apology to the Chief Executive regarding a matter that had appeared on the social networking site Twitter.

#### **19. To receive a report of the proposed amendments to the Constitution**

Councillor Twitchen presented a report concerning proposed amendments to the Constitution.

A discussion would be held outside the meeting regarding a point raised by Councillor Mackrory. The recommendation being put to the meeting it was

##### **Resolved:**

That the changes to the Constitution set out in the report be approved.

#### **20. 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.

#### **21. Written questions to the Leader of the Council and Cabinet Members**

The published answers to the 27 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:

- (3) Councillor K Smith sought clarification as to whether the figures were inclusive of VAT.

The Cabinet Member for Transformation confirmed that the figures were exclusive of VAT.

- (5) Councillor B Aspinell asked the Cabinet Member for Highways and Transportation for a breakdown of the £1.8million stated.

The Cabinet Member agreed to make the figures available.

- (9) Councillor M Mackrory asked the Leader of the Council if he agreed that as Lord Hanningfield was now being required to repay money to the House of Lords there seemed less prospect of successfully reclaiming money that might be due to the Council. Furthermore, did he agree that the whole matter had taken too long?

The Leader agreed that there needed to be a resolution and the matter would be brought to a meeting of the Audit Committee in June.

- (10) Councillor G Helm asked the Leader of the Council if he considered that should Lord Hanningfield fail to repay money owed to the Council it would be appropriate to seek redress by the use of bailiffs.

The Leader referred Councillor Helm to the previous supplementary question and answer.

- (12) Councillor R Lord asked the Leader of the Council why there appeared to be a lack of curiosity concerning the beneficial owners of companies. In particular he expressed concern about an off-shore company in the care home sector with which the Council did business.

The Leader replied that all companies the Council does business with go through a rigorous procurement process and it would not be appropriate to go beyond this.

- (14) Councillor J Abbott asked the Cabinet Member for Highways and Transportation if his written reply meant that he did not trust Councillors to report highway defects.

The Cabinet Member replied that there was already an online reporting tool which members had access to and about which there had been wide consultation. As a result of feedback it was being further developed.

- (15) Councillor J Abbott asked the Cabinet Member for Highways and Transportation if he did not think that in his written reply he had threatened those who might plan to take the law into their own hands?

The Cabinet Member replied that it would be ill-advised of people to take the law into their own hands and attempt to repair the roads as it would leave them open to civil or criminal prosecution. He requested that the

Council be given time to tackle overdue repairs on both main and local roads.

- (16) Councillor D Harris asked the Cabinet Member for Highways and Transportation if he would direct the relevant officers to review the outstanding repairs to kerbs in the Maypole Division of Colchester.

The Cabinet Member replied that identification of repairs and their priority was regular and ongoing work and such a prioritisation of need included kerbs.

- (17) Councillor I Henderson asked the Cabinet Member for Economic Growth and Infrastructure if, in addition to the information in his written answer, the South East Local Enterprise Partnership was bound by the provisions of the Bribery Act.

The Cabinet Member replied that the Councillors appointed to the Partnership were so bound.

- (18) Councillor A Durcan asked the Cabinet Member for Economic Growth and Infrastructure if he accepted that since the budget there had been a reduction in the number of proposed apprenticeships.

The Cabinet Member acknowledged that there was always a need to do more.

- (19) Councillor I Henderson asked the Cabinet Member for Highways and Transportation why the whole of Essex had not been consulted and if he would give an assurance that all residents of Essex would be consulted about the principle of part-night lighting.

The Cabinet Member replied that most people would think that such a sophisticated Central Management System was a good thing. The decision was taken in 2011 and has led to savings right across the County.

- (20) Councillor D Harris asked the Cabinet Member for Highways and Transportation if in areas where crime statistics increase will consideration be given to putting the lights back on?

The Cabinet Member replied that all evidence suggests that this will not happen but the situation is being monitored and the Council is seeking an independent view as well as that from the Police.

- (21) Councillor M Danvers asked the Cabinet Member for Adults Social Care if he did not agree that, although the situation at the Old Deanery was reprehensible in general care workers do a good job, it would be better for all if they also earned good wages, were properly trained and qualified.

The Cabinet Member replied that he was both saddened and angry that such a thing should happen. It was difficult for all involved. The CQC is introducing a carers' charter but the Council is committed to supporting

whistle-blowers and seeking a series of improvements across the service. However, it should be noted that the County Council is not the regulatory body. He also requested that more members get involved with visiting homes.

- (22) Councillor M Danvers asked the Cabinet Member for Adults Social Care if he would reflect on the treatment of the care workers many of whom were on zero-hours contracts.

The Cabinet Member replied that the Council encourages our contracted services to conform to the provisions of national and international agreements.

- (23) Councillor J Young asked the Leader of the Council if he was committed to undertaking further research into bringing the Living Wage to Essex. She pointed out that other counties had done so and she suggested that he may wish to contact those other authorities as part of that research.

The Leader replied that such a move could affect those with whom we have contracts and have effects throughout the supply-chain that may result in increased costs. However, he would undertake an investigation and talk to other local authorities.

- (24) Councillor K Bobbin asked the Cabinet Member for Waste and Recycling if he would categorically deny that there were plans to close recycling centres, a move that would inevitably lead to an increase in fly-tipping.

The Cabinet Member replied that he would speak to Councillor Bobbin later to both clarify the question and provide an answer.

- (25) Councillor M McGeorge asked the Cabinet Member for Highways and Transportation why scrutiny had not previously been involved in this decision.

The Cabinet Member replied that he had nothing to add to his written response.

- (26) Councillor K Clempner asked the Cabinet Member for Libraries, Communities and Planning if Essex County Council would work with Harlow Council to resolve the problems that Council was experiencing with travellers.

The Cabinet Member replied that he hoped Councillor Clempner would use her influence with the District Council and encourage it to join the Essex Countywide Traveller Unit.

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

1. Councillor J Young asked the Cabinet Member for Highways and Transportation if he would reinstate the electronic signals on the crossing on Queen Street, Colchester as without them the elderly and disabled were finding it difficult to cross.

The Cabinet Member replied that he agreed the situation was unsatisfactory and he would investigate as well as looking at some wider issues of Town Centre Management in Colchester.

2. Councillor J Young asked the Cabinet Member for Families and Children if there was any truth in the rumours concerning the closure of Leverton Secure Unit.

The Cabinet Member replied that he could confirm that the future of the secure unit was being discussed but he had not yet had the opportunity to consider all the options for its future. However, any proposal would be put before a Scrutiny Committee and all other proper procedures would be undertaken.

3. Councillor T Higgins asked the Leader of the Council why the Equality and Diversity Board had been merged with the Corporate Governance Board and what remained was only an officer board.

The Leader replied that he would investigate the matter.

4. Councillor B Aspinell asked the Cabinet Member for Highways and Transportation if he agreed that £10,000 was an extortionate cost for the provision of a bus shelter and could not timber salvaged from Country Parks be used to manufacture them cheaper?

The Cabinet Member replied that the manufacturing cost of a bus shelter was inflated because of the necessary supply, on-costs and maintenance. However, the actual cost of a bus shelter was £3,200. He doubted that the use of salvaged timber was a viable option to reduce costs.

5. Councillor J Abbott asked the Cabinet Member for Waste and Recycling if he would commit to keeping Witham Waste Recycling centre open.

The Cabinet Member replied that the Council was reviewing all its services and therefore he could not give such a commitment.

6. Councillor J Abbott asked the Cabinet Member for Highways and Transportation if he was aware that officers had suspended the improvement works on The Avenue in Witham as other contractors were also undertaking work?

The Cabinet Member replied that he was aware of the suspension of works and agreed with the officer's decision to do so. The issue related to proper

notification of work undertaken by third parties. The County Council has a large improvement programme and it would be undesirable to resurface a road only to have it dug up again.

Councillor J Abbott clarified that the third party in this case was a private developer undertaking work in connection with a Section 106 agreement.

7. Councillor Durcan asked the Cabinet Member for Education and Lifelong Learning when he would be making a decision about the Passmores School in Harlow and was it true that it may re-open as a secondary school.

The Cabinet Member replied that he did not have that information to hand but he would be pleased to discuss the matter outside of the meeting.

**23. Oral questions of the representative of the Essex Police and Crime Panel**

There were no questions of the Authority's representative.

**24. To note the report of the Essex Fire Authority's meetings on 12 February 2014 and 16 April 2014 and to ask questions of the Authority's representative**

The report of the Fire Authority's meetings on 12 February and 16 April 2014 was received.

Councillor Knapman asked the representative, Councillor Hedley to pass on his thanks to the Resilience Team who had continued their work during the recent strikes.

Councillor Hedley replied that he would be glad to do so.

**25. To approve the dates of future meetings**

The Chairman, Councillor Norman Hume presented a report seeking approval to the dates of future meetings.

**Resolved:**

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).

The meeting closed at 15:37.

Chairman  
8 July 2014