



Essex County Council

Summons

To all Members of
Essex County Council

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

10:00	Tuesday, 11 October 2016	Council Chamber, County Hall, Chelmsford, Essex
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Gavin Jones
Chief Executive

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This meeting is open to the public and the press.

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

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

Please note that in the interests of improving access to the Council's meetings, a sound recording is made of the public parts of many meetings of the Council's Committees. The Chairman will make an announcement at the start of the meeting if it is being recorded. The recording/webcast service is not guaranteed to be available.

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

starts. Any audio available can be accessed via the 'On air now!' box in the centre of the page, or the links immediately below it.

Prayers The meeting will be preceded by Prayers led by The Right Reverend Hugh Allan, o.praem. Prior of Chelmsford and Parish Priest of Our Lady Immaculate.

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

		Pages
1	Apologies for Absence	
	Prayers	
	Public Questions	
	The Chairman formally opened the meeting	
	Adjournment	
2	Declarations of Interest To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
3	Confirmation of the minutes of the meeting held on 12 July 2016	5 - 22
4	The Chief Executive's Report on Political Proportionality	23 - 24
5	Chairman's Announcements and Communications	
6	Receipt of petitions and deputations	
7	Executive Statement	
8	Motions	25 - 28
9	Multi-year Settlement & Efficiency Plan	29 - 36
10	To receive the Leader's report of Cabinet Issues	37 - 42
11	To receive a report of matters reserved to the Council	43 - 86
12	Questions (Standing Order 16.11)	

- a** **Written Questions**
- b** **Questions of the Leader, Cabinet Member or the chairman of a committee upon any matter relevant to the business of Council**
- c** **Questions of the representative of the Essex Police and Crime Panel on any matter of that Panel**
- d** **Questions of the representative of the Essex Fire Authority regarding the Report to the Constituent Authorities of the meeting on 7 September 2016** **87 - 92**

Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 12 July 2016

Present

Chairman: Councillor J F Aldridge

Vice-Chairman: Councillor J G Jowers

Councillors:

J Abbott	D Finch	J Lodge
B Aspinell	M D Fisher	D Louis
S Barker	R Gadsby	M Mackrory
R L Bass	K Gibbs	R A Madden
A Bayley	A Goggin	M Maddocks
K Bentley	R J Gooding	M McGeorge
D Blackwell	I Grundy	V Metcalfe
K Bobbin	D Harris	A Naylor
R G Boyce	A M Hedley	Lady Newton
A Brown	I Henderson	M J Page
M Buckley	T M A Higgins	J W Pike
G Butland	R Hirst	C Pond
S Canning	P Honeywood	S Robinson
J Chandler	C Guglielmi	C Seagers
K Clempner	R C Howard	C Sargeant
T Cutmore	M Hoy	K Smith
M Danvers	N Hume	J Spence
J Deakin	J Huntman	K Twitchen
T Durcan	A Jackson	S Walsh
M Ellis	E C Johnson	R G Walters
A Erskine	D J Kendall	J Whitehouse
F Ferguson	N Le Gresley	A Wood
		J A Young

Prayers

The meeting was preceded by prayers led by The Right Reverend Hugh Allan, O.Praem. BA; Prior of Chelmsford and Parish Priest of Our Lady Immaculate. and Chaplain to the Chairman of Essex County Council.

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

1. Apologies for Absence

Apologies for absence were received on behalf of Councillors P Channer, J Knapman, S Lissimore, M McEwen, J M Reeves and A Turrell.

2. Declarations of Interest

- Councillor Young declared a Code interest in relation to Cabinet Issues, Children's Centres as she was a trustee of Greenstead Community Association.
- Councillor Higgins declared a Code interest in relation to Cabinet Issues, Housing Related Support as in the previous year Colchester YMCA was one of her nominated charities when she was Mayor.

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

The Chief Executive informed Council that Councillor Frank Ferguson had been returned as the Member for the Laindon Park and Fryerns Division at the By-Election held on 9 June 2016 which was triggered by the death of the previous Councillor.

Councillor Nigel Le Gresley, the Leader of the UKIP Group, had given notice that Councillor Ferguson had joined the UKIP Group on the Council. This triggered a review of the political balance of the Council's committees and other bodies.

Resolved:

- (1) That the revised political balance of the Council be noted.
- (2) That the seat allocations to political groups be changed as follows:
 - (a) seat allocations on the County Council's nominations to the Essex Fire Authority shall be:

Conservative 12	Liberal Democrat 2	Labour 2
UKIP 2	Non-aligned 1	Green 1
 - (b) seat allocations on the Health Overview and Scrutiny Committee shall be:

Conservative 7	Liberal Democrat 2	Labour 1
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UKIP 1

Non-aligned 1

(c) seat allocations on the Audit Committee shall be:

Conservative 4

Liberal Democrat 1

UKIP 1

Non-aligned 1

4. Minutes of the meeting held on 10 May 2016**Resolved:**

That the minutes of the meeting held on 10 May 2016 be approved as a correct record and signed by the Chairman.

5. Chairman's Announcements**Recent Death - former Councillor Tony Clover**

The Chairman informed Members that former Councillor Tony Clover had died on 3 May. He had been elected to represent the Constable Division from 2 May 1985 and served on many committees including as Vice-Chairman of the Library, Museum and Records and Environment Committee, as Chairman of the Development and Regulation Committee and the East Essex Area Forum. He retired in 2009.

Members stood in remembrance.

Illness - former Councillor Gerard McEwen

The Chairman informed Members that former Councillor Gerard McEwen had been ill and in hospital and he was pleased to have been advised that he had recently been discharged and was at home. He noted that his wife, Councillor Maggie McEwen had sent her apologies for the meeting of Council as she was required to be with him. On behalf of Council he wished him a full and speedy recovery.

Awards**Infrastructure Category at the Royal Institution of Chartered Surveyors (RICS) Awards**

The Chairman advised Council that on 11 May the Council's Waste Transfer Station Programme of Works had been adjudged to be the Winner of the Infrastructure Category at the RICS Awards and was to be entered into the National RICS Awards to take place in October.

The Duke of Edinburgh Award Scheme

The Chairman advised Council that he had attended Buckingham Palace on 16 May with a great number of young people who were there to collect their Gold Duke of Edinburgh Awards in the presence of HRH the Duke of Edinburgh and TRH the Earl and Countess of Wessex, on the occasion of the scheme's diamond

anniversary. He had also received on behalf of the Council a commemorative plaque from Levison Wood (the TV presenter and explorer) acknowledging the Council's involvement with the scheme for the last 60 years.

6. Petitions

The Chairman received petitions concerning:

- the provision of a 'Changing Places toilet' from Councillor Higgins for the attention of Councillor Madden, Cabinet Member for Adults and Children,
- Road safety for Albion Road, Waltham Abbey from Councillor Gadsby for Councillor Johnson, Cabinet Member for Highways and Transport, and
- Highways and road repairs from Councillor Bobbin for Councillor Johnson, Cabinet Member for Highways and Transport.

7. Executive Statement

The Leader of the Council, Councillor Finch, delivered an Executive Statement on 'Changing Times' including references to:

- Essex supporting business,
- Welcoming people who wish to live and work in Essex, regardless of their background,
- Financial savings that the Council will need to make for the next four years,
- New ways of working including Digital Innovation,
- Business Rates, and
- Partnership working.

8. Motions

1. EU Referendum

It was moved by Councillor David Finch and seconded by Councillor Kevin Bentley that:

'This Council congratulates the Conservative Government for delivering its promise to hold a referendum on membership of the EU.

This Council further notes the clear decision of the United Kingdom, and especially Essex to leave the EU, while recognising the concerns of those residents who voted to remain.

It is important that there is now a clear plan of action and leadership for Essex and therefore this Council pledges:

1. To help ensure that Essex businesses and residents are able to take advantage of new opportunities as they arise.
2. To provide support and advice to those who may be adversely affected by the changes.

3. To work with the Government and new Prime Minister to deliver the best outcomes for Essex during negotiations.'

It was moved by Councillor Michael Danvers and seconded by Councillor Ivan Henderson that the Motion be amended to read as follows:

'This Council notes the decision of the United Kingdom, and especially Essex to leave the EU, while recognising the concerns of those residents who voted to remain.

This Council further notes, with great admiration, the efforts of MP's in Parliament to pass legislation guaranteeing the rights of EU citizens currently living in the United Kingdom to remain.

It is important that there is now a clear plan of action and leadership for Essex and therefore this Council pledges:

1. To help ensure that Essex businesses and residents are able to take advantage of new opportunities as they arise.
2. To provide support and advice to those who may be adversely affected by the changes.
3. To work with the Government and new Prime Minister to deliver the best outcomes for Essex during negotiations.
4. To put practical measures in place, working with law enforcement and other organisations, to ensure that EU citizens living in Essex feel safe, and free from harm or abuse.
5. To work to ensure that safeguards are put in place to protect the rights of workers across the County, who might otherwise be negatively impacted by withdrawal from the EU.'

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

Upon being put to the meeting the original Motion was declared to be carried.

2. Highways Defects

It was moved by Councillor Colin Sargeant and seconded by Councillor Chris Pond that:

'Council notes that highway defects have now been reduced to acceptable levels on PR1 and PR2 carriageways, and congratulates Essex Highways staff accordingly. However, this success has been achieved at the expense of defects worsening and becoming more numerous on footways of all categories, and on the carriageways of local roads, especially in towns. It has become more difficult to secure repairs even to significant defects in such locations. Council calls upon the Cabinet Members to build upon the welcome start made on heavily used footways in 2015, by redoubling efforts, and to amend intervention criteria to ensure the worst defects on footways and local roads are rectified in a more timely manner.'

It was moved by Councillor Eddie Johnson and seconded by Councillor Rodney Bass that the Motion be amended to read as follows:

‘Council notes that highway defects have now been reduced to acceptable levels on PR1 and PR2 carriageways, and congratulates the Cabinet Members and the Administration accordingly. It is acknowledged that this success may have been achieved partly at the expense of defects worsening and becoming more numerous on footways of all categories, and on the carriageways of local roads.

Council calls upon the Cabinet Members to build upon the welcome start made on heavily used footways in 2015, by redoubling efforts to ensure the worst defects on footways and local roads are rectified in as timely a manner as possible.’

Upon being put to the meeting the amendment was declared to be carried and so became the substantive Motion.

Upon being put to the meeting the substantive Motion was declared to be carried.

3. Council Tax Fraud Campaign

It was moved by Councillor John Spence and seconded by Councillor Susan Barker that:

‘Essex County Council recognises that Council Tax affects the household budgets for our honest, hardworking residents. Accordingly, we are dedicated to achieving best value for money and to minimise increases.

Therefore, this Council welcomes that all partner local authorities have agreed to collaborate in a campaign to attack Council Tax fraud. With estimates on the scale of fraud or incorrect claims on Council Tax at between 3-11% of discounts, it is appropriate that we work with those who are over claiming erroneously, while identifying and addressing deliberate fraudsters.

By so doing we enhance funding for our own and partner authorities, while respecting the vast majority who pay their taxes honestly despite their own financial pressures.’

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

4. Greater Essex Devolution

It was moved by Councillor Mike Mackrory and seconded by Councillor Jon Whitehouse that:

‘This Council notes that discussions with the Leaders of the 15 Essex Authorities to determine a devolution deal have been ongoing for well over 12 months and that a letter has been sent to the Secretary of State seeking a meeting with a delegation of Council Leaders to discuss and clarify the options.

Council further notes that a Briefing Note was circulated to County Members on 14 June, which gave background information, together with a copy of the letter to the Secretary of State. The Briefing Note made clear that there must be agreement to seriously consider new governance including a Mayor (elected) for any deal to be acceptable to the Government. The note also listed seven organisations which have been engaged with the process and that Essex MPs had also been involved.

It is therefore regretted that Members of this Council have had no opportunity to debate what could be the most fundamental change to local government in this County since Southend and Thurrock became unitary authorities. We believe Members should express their view before any further decisions are made, in particular the principle of an elected Mayor. It is also regretted that the people of Essex are unaware of the implications of what is being proposed on their behalf.

This Council therefore resolves that a special Council meeting be convened to determine whether or not the Council supports the principle of an elected mayor for Essex before any such proposal is put to the Secretary of State.'

It was moved by Councillor David Finch and second by Councillor Kevin Bentley, that the Motion be amended to read as follows:

'This Council notes that discussions with the Leaders of the 15 Essex Authorities to determine a devolution deal have been ongoing for well over 12 months and that a letter has been sent to the Secretary of State seeking a meeting with a delegation of Council Leaders to discuss and clarify the options.

Council further notes that a Briefing Note was circulated to County Members on 14 June, which gave background information, together with a copy of the letter to the Secretary of State. The Briefing Note made clear that there must be agreement to seriously consider new governance including a Mayor (elected) for any deal to be acceptable to the Government. The note also listed seven organisations which have been engaged with the process and that Essex MPs had also been involved.

Members of this Council have (to date) had no opportunity to debate what could be the most fundamental change to local government in this County since Southend and Thurrock became unitary authorities. We believe Members should express their view before any further decisions are made, in particular the principle of an elected Mayor. It will also be important that the people of Essex will have the opportunity to comment on the implications of what is being proposed on their behalf.

This Council therefore resolves that a special Council meeting be convened to determine whether or not the Council supports the principle of an elected Mayor for Essex after such clarifications on the mayoral powers have been established by discussion with Senior Civil Servants, and County Council Members have been properly briefed both on the options for Governance and the benefits arising from a Combined Authority Model of Governance; the public of Essex have been made aware of the opportunities and issues arising from a change in the structure of local Government in Essex; and other local government bodies have agreed to go forward with a new model of Governance.'

Upon being put to the meeting the amendment was declared to be carried and so became the substantive Motion.

Upon being put to the meeting the substantive Motion was declared to be carried.

9. Adjournment

With the agreement of Council the Chairman adjourned the meeting for luncheon at 13:10.

The meeting reconvened at 14:00.

10. Motions continued

5. Consultation and Engagement

It was moved by Councillor Ivan Henderson and seconded by Councillor Michael Danvers that:

‘The Labour Group calls upon Essex County Council to recognise that it has an engagement deficit; too often speaking on behalf of Essex residents, rather than reaching out and empowering them to speak for themselves. Policy should be collaborative by default, jointly designing solutions with communities, and working with Essex residents to break down the public disconnect with County Hall and strengthen the scope and vision of our outcomes.

Consultation should be at the heart of policy, integrated from inception to outcome. The process can always benefit from a diverse range of voices and in order to claim a mandate for change, the Council must prove that it is able to engage beyond its usual sphere of input. This means talking to our communities, service users, frontline providers and those most marginalised by our current methods of engagement: young people, those from poorer households, the elderly and the disengaged.

The Council also needs to be asking the right questions. It does the policy process no good if the questions are vague, over complex, or simply meaningless value statements. Council needs to tailor-make consultations to maximise effect, and to increase the potential for meaningful input.

The Council is facing significant challenges moving forward, with demand on services becoming increasingly complex, whilst resources continue to diminish. Council has no choice but to work collaboratively with partners, communities and residents, anticipating demand and collectively shaping the outcomes to be achieved.

With this in mind, Council resolves

- to call for a review of the policy timeline, ensuring that engagement features as an integral part of the ‘golden thread’ process

- this authority should utilise new forms of media, hone existing consultation strategies and do more to directly engage, qualitatively, with communities
- consultations should be crafted in partnership with the teams carrying out the engagement, who have a huge amount of untapped expertise that will enable insight to become truly indispensable when forming outcomes. More substantial consultations should go before relevant scrutiny committees, where members can constructively work with Cabinet to ensure that engagement is most effective, and asking the right questions, of the right people.'

It was moved by Councillor Bass and seconded by Councillor Madden that, in accordance with Standing Order 16.11.5(ii), the question be now put.

On being put to the meeting the motion that the question be now put was carried.

Councillor Danvers having spoken as the seconder of the original Motion, the Motion was put to the meeting and declared to be lost.

11. Council Issues

Councillor Finch, the Leader of the Council, presented the report of matters reserved to Council and the additional paper concerning changes to Committee membership arising out of item 3 (Declaration of the Result of the Laindon Park and Fryerns By-Election and Political Proportionality) circulated to Members prior to the commencement of the meeting.

Resolved:

1. Confirmation of Membership Changes

The following membership changes have been confirmed by notice given by the Conservative Group Leader:

- Councillors Susan Barker and Stephen Canning have been appointed as the Conservative Substitutes on the Essex Fire Authority.
- Councillor Kay Twitchen has replaced Councillor Ricki Gadsby as a Member of the Lee Valley Regional Park Authority.

As a result of the change in the political balance of the Council (item 3 of the Agenda) a number of changes to committee membership are required:

(a) Health Overview and Scrutiny Committee:

- It has been agreed between the Leaders of the Liberal Democrat and Labour Groups and with the Leader of the Council that the Labour Group will continue to have 2 seats on HOSC and that the Labour Group will instead give up a seat on the Place Services and Economic Growth Scrutiny Committee.

(b) Place Services and Economic Growth Scrutiny Committee:

- Councillor Tony Durcan will cease to be a member.
- The Liberal Democrat nomination in place of Councillor Durcan is Councillor Anne Turrell.

- (c) Audit Committee:
 - Councillor Karen Clempner will cease to be a member.
 - The UKIP nomination in place of Councillor Clempner is Councillor Frank Ferguson.
- (d) Essex Fire Authority:
 - The Liberal Democrat member being removed is Councillor Jude Deakin.
 - The UKIP nomination in place of Councillor Deakin is Councillor Jamie Huntman.

12. Cabinet Issues

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

Cabinet Members responded to questions as follows:

- (4) Children and Young People's Plan 2016 (and)**
- (7) Procurement of a New Model to Deliver Integrated Pre-birth to 19, Health, Wellbeing and Family Support Services**

Councillor Young asked Councillor Madden, the Cabinet Member for Adults and Children, concerning appropriate levels of consultation and how the questions were framed. As there had been only 10 responses from young people to the consultation in relation to item 4 did he consider that it had been dealt with properly?

She also asked, in relation to both items 4 and 7, if he did not think that it would be helpful for Scrutiny Committees to be involved in helping to frame the questions and direct consultations in advance of them being undertaken?

The Cabinet Member replied that there was no longer a statutory requirement on the Council to have a Children's and Young Peoples' Plan but the Council had decided to carry on with it. The consultation that took place was an opportunity to engage with local delivery groups. The ten young people were on a Working Group to represent many others.

There had been scrutiny on the matter of Procurement of a New Model to Deliver Integrated Pre-birth to 19, Health, Wellbeing and Family Support Services and the consultation determined that 81% of the 2,100 people who responded did not agree with the proposals. The Cabinet Member has listened and amended the proposals and will continue to consult. He saw this as a good example of the consultation process at work.

(5) Adoption of Cycling Strategy

- (a) Councillor Abbott asked Councillor Johnson, the Cabinet Member for Highways and Transport, if the Council is to achieve a radical shift of behaviour, an improvement in health and wellbeing, fair access for children to schools and much safer provision for cyclists in general, does the Administration recognise

that there will have to be a step-change in the level of investment in cycling including Dutch-style segregation from motorised traffic for cyclists.

The Cabinet Member replied that it was a good initiative and the Council was now spending £3 per head and by 2020 it would be spending £10 per head. The extra funding will help achieve many of the outcomes mentioned by Councillor Abbott.

- (b) Councillor Harris noted that the school numbers were increasing in the Colchester area and he hoped the Cabinet Member might try to ensure that schools as they were developed incorporated cycling to school as a strategy to make roads safer and that this was imbedded in their plans and the Council's policy.

The Cabinet Member replied that he encouraged the initiative but could not make decisions on behalf of schools. However, he would speak to Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, on the matter.

(6) Housing Related Support: Post 16 Services

Councillor Higgins asked Councillor Madden, the Cabinet Member for Adults and Children, if the young people who no longer fitted the criteria for assistance might not cost the Council more in the longer term?

The Cabinet Member replied that the intention was to target the most vulnerable and recognising the concerns about the consequence and impact the procurement was being delayed for three months to enable further engagement with housing authorities.

(7) Procurement of a New Model to Deliver Integrated Pre-birth to 19, Health, Wellbeing and Family Support Services

Councillor Danvers asked Councillor Madden, the Cabinet Member for Adults and Children, if the premises now being used for children's centres will be used for childcare?

The Cabinet Member replied that in considering the future use of the premises he would explore every opportunity.

The report of Cabinet Issues was received and adopted.

13. The Essex Pension Fund Board Annual Report 2015/16

Councillor Bass, the Chairman of the Essex Pension Fund Strategy Board, presented the report.

It was noted that it was intended that proposals relating to Asset Pooling arrangements relating to the Essex Pension Fund would most likely be brought to the Council in December for approval.

The report was received.

14 Dates of Future Meetings.

Councillor Finch, the Leader of the Council, presented a report concerning the dates of future meetings of Council.

Resolved:

That meetings of the Council be held on Tuesdays at 10am on:

11 July, 10 October and 12 December 2017;
13 February (Budget), 8 May (Annual), 10 July, 9 October and 11 December 2018;
12 February (Budget), 14 May (Annual), 9 July, 8 October and 10 December 2019;
and
11 February (Budget), 12 May (Annual), 14 July, 13 October and 8 December 2020.

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

The published answers to the 16 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 written reply:

- (4) Councillor Kendall asked Councillor Madden, the Cabinet Member for Adults and Children, if (noting that the current wait for diagnosis of autism varied across the three CCGs from between two days and two years) he would welcome a review by the relevant Scrutiny Committee?

The Cabinet Member replied that he too was concerned about this matter and had asked the Adult Autism Commissioning Group to engage with the Council and the Clinical Commissioning Groups to investigate a new approach which he intended to present to the Health Overview and Scrutiny Committee by the end of the year.

- (5) Councillor Kendall asked Councillor Johnson, the Cabinet Member for Highways and Transport, if it were possible to say how much had been spent in 2009 to determine value for money and what guarantee was there on the quality of the work?

The Cabinet Member replied that between £10m to £11m had been spent on the scheme as materials were expensive for the heritage site. There would be ongoing costs incurred for ongoing maintenance.

- (6) Councillor Deakin asked Councillor Johnson, the Cabinet Member for Highways and Transport, how frequently were drains cleared during the year?

The Cabinet Member replied that drains were ideally cleared once a year but there was a provision for this to be more frequent where there was flooding. He noted that it was not always a blocked drain that contributed to flooding but could also be the ditch or sump where further work is required. There is an attempt to improve that using Surface Water Alleviation Programmes.

- (9) Councillor Harris asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he was aware that in other parts of the country there were 10% checks made on the quality of contractors work. How frequently were quality checks being undertaken in Essex?

The Cabinet Member replied that he understood the frustrations of many people with the quality of work but it was not economical to check every piece of work. Local residents, Parish Councils and Members were very helpful in reporting problems and if the contractor was required to undertake remedial work on a repair then they did so at their own expense.

- (10) Councillor Young asked Councillor Finch, the Leader of the Council, if he could assist her as she could not find the papers to which he had referred in his answer.

The Leader replied that he would do so.

- (11) Councillor Henderson asked Councillor Bentley, the Cabinet Member for Economic Growth and Partnerships, if he would agree that it was important that Dr Sentence should visit as much of Essex as possible so he could come to understand local issues and problems.

The Cabinet Member agreed that a thorough and independent investigation was welcome.

- (14) Councillor Whitehouse asked Councillor Johnson, the Cabinet Member for Highways and Transport, if it were true that if parking restriction schemes were to be implemented they needed to be 'cost neutral'. Would the Cabinet Member not agree that some parking restrictions were in place as a public service and therefore it was not just a matter of finance.

The Cabinet Member replied that Councillor Whitehouse needed to go to the North Essex Parking Partnership for an answer as these schemes were run by them.

- (16) Councillor Danvers asked Councillor Finch, the Leader of the Council, if he could make a note of the benefits of in-house procurement as to do so might save a lot of money.

The Leader replied that he was happy to so note.

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

1. Councillor Le Gresley asked Councillor Bentley, the Cabinet Member for Economic Growth and Partnerships, if he would add to the four main categories on the front page of the Council's website a fifth category for public consultations.

The Cabinet Member replied that he would look into it, but he also believed that a link to public consultations was already available on the front page of the website.

2. Councillor Abbott asked Councillor Bentley, the Cabinet Member for Economic Growth and Partnerships, concerning a recent event when contractors sent digging equipment into a wildlife site owned by the Council, if any ecological studies had taken place, why there had been no notice to local authorities or residents and if it were true that there had been soil surveys for asbestos that may then have been disturbed?

The Cabinet Member replied that, although this was not his portfolio, he would ensure that a response to these questions would be sent.

3. Councillor Higgins asked Councillor Bass, the Cabinet Member for Infrastructure, if he would consider undertaking another informal consultation on the new plans concerning Lexden Road in Colchester?

The Cabinet Member replied that such a consultation might be considered if it were judged to be necessary by the local member, Councillor Lissimore. He also explained that at no time had there been a decision made on a bus lane on Lexden Road or a cycleway.

4. Councillor Durcan asked a question of Councillor Bass, the Cabinet Member for Infrastructure, concerning the proposals for junction 7A on the M11. He paid tribute to the work of officers who had undertaken the consultation but wondered what the Cabinet Member thought about stopping the upgrade of junction 7 to concentrate on junction 7A and what assurances could he give that junction 7 would be upgraded at some time?

The Cabinet Member replied that junction 7A was a very important enhancement to improve access to the M11. The work was essential and vital for the future of Harlow. The Council was in consultation not on whether or not junction 7A would proceed but on how the work could be undertaken. He also noted that the Council had discussed with the Department for Transport whether or not it was possible to advance the work on junction 7A as well as junction 7. What was not in doubt was the need for junction 7 but he believed it was desirable to accelerate work on junction 7A.

5. Councillor Barker asked a question of Councillor Walsh, the Cabinet Member for Environment and Waste, concerning telephone calls she and he had been

receiving about the transfer waste station at Great Dunmow. Could he confirm that the issues the residents were raising would be dealt with urgently?

The Cabinet Member replied that he was reassured that officers had reacted very quickly to reports of noxious odours. Officers had met on site this morning with the Environmental Health Officer. Two waste streams have been diverted away from that site, bulk and trade waste and work was ongoing. He understood that officers were meeting residents on Thursday.

6. Councillor Aspinell asked Councillor Bass, the Cabinet Member for Infrastructure, and Councillor Johnson, the Cabinet Member for Highways and Transport, if they agreed that the Local Highways Panels in Brentwood had been an example of efficient and amicable co-operative working. The meetings had been webcast and the public had been allowed to address the Panel. However, webcasting had been stopped and members of the public excluded. He paid tribute to the officers involved in working for the Panel and wondered if the Cabinet Member would care to comment on the fact that money made available from SELEP was not now to be made available for schemes being suggested by LHPs. He questioned the Panel's ability to access SELEP monies as it did not have the resources to prepare feasibility studies for large schemes.

The Cabinet Member for Infrastructure responded that Brentwood was represented on Central, Mid and North Essex Local Transport Board. The intention was to consult with all Districts on schemes valued at £500,000 or more.

The Cabinet Member for Highways and Transport added that the initial Local Highways Panels' terms of reference were to hold the meetings without the public being present. A review of the terms of reference is currently being undertaken.

7. Councillor Young asked a question of Councillor Brown, the Cabinet Member for Corporate, Communities and Customers, concerning the delays in appointments being offered by Colchester Registration Service. She asked if this matter would be looked into.

The Cabinet Member replied that she sympathised with Councillor Young and all users of the service who had been affected by staffing shortages. She hoped that this matter would be quickly resolved but asked Councillor Young to provide dates specifically of what she had described and she would investigate what had happened on those specific dates.

8. Councillor Deakin asked Councillor Madden, the Cabinet Member for Adults and Children, when might those in receipt of the Meals on Wheels service receive details of the new suppliers in their area.

The Cabinet Member replied that he did not know the specific answer to her question but he would investigate.

9. Councillor Naylor asked Councillor Butland, the Cabinet Member for Health, if he could explain how the NHS 'footprints' would serve the people of Essex. It would appear that the NHS had divided the County into three administrative areas.

The Cabinet Member replied that he regretted that the NHS Success Regime had indeed indicated that the County be so divided. A further 44 'NHS footprints' were rolled out for the whole of the country. Each NHS footprint was required to produce a Sustainability Transformation Programme (STP). Although there is some discernible logic to it, there are inherent problems for the County. The objective is to achieve Health and Social Care Integration and ensure that community services and social care are linked.

The Cabinet Member informed Council that he had met the previous week with the Chairman of the Hertfordshire Health and Wellbeing Board (HWB). The next day he was to meet with colleagues from the Suffolk HWB and also there have been meetings with representatives from Southend and Thurrock HWBs. The objective of the meetings was to develop a method for Local Authorities to deal with the NHS Footprints.

All had expressed concerns to the NHS about organising it in this way. He undertook to keep Members informed as matters developed.

10. Councillor Bayley asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he would comment on the practice whereby bus companies, once they secured a route, were then allowed to cease operating on that route.

The Cabinet Member replied that bus companies were legally permitted to do so as long as they gave sufficient notice.

11. Councillor Robinson asked a question of Councillor Johnson, Cabinet Member for Highways and Transport, concerning progress regarding a particular scheme in his Division involving Section 106 monies. The original agreement stated that the work would be completed by 1 June 2016 but this has now been delayed. It is now two and a half years since the work should have commenced. He asked what the Highways Service do to ensure that developers stick to their agreements?

The Cabinet Member replied that he would be pleased to speak to Councillor Robinson outside of the meeting.

12. Councillor Ferguson asked Councillor Johnson, the Cabinet Member for Highways and Transport, how much longer residents would have to wait for the completion of roadworks in the vicinity of Laindon Station in Basildon. There were four-way traffic lights causing considerable delays and congestion.

The Cabinet Member stated that he would investigate the matter and respond directly to Councillor Ferguson after the meeting.

13. Councillor Pond asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he could comment on the delayed repairs to lampposts. He asked if a schedule could be sent to all Members of all lampposts in their Divisions that had not been repaired within a year and why?

The Cabinet Member replied that he would investigate and see what could be done to provide the information.

14. Councillor Pond asked Councillor Finch, the Leader of the Council, for an explanation of the term 'quadrant' which appears in the Leader's Report of Cabinet Issues (Agenda item 10)?

The Leader replied that he was unable to provide an answer immediately but he would do so within the next 24 hours.

17. Questions of the representative of the Essex Police and Crime Panel

1. Councillor Howard asked Councillor Jowers, the Representative of the Essex Police and Crime Panel if he was aware of the frequency with which cars were being driven at speed and dangerously on Canvey Island and if he would look into the matter.

The Representative replied that this was an operational matter but he encouraged Councillor Howard and others to raise such matters at the Panel's meetings.

2. Councillor Whitehouse asked Councillor Jowers, the Representative of the Essex Police and Crime Panel if he had on his work-plan to consider the contact that members of the public have through the 101 service and the impact on Local Authorities of the mixed messages we have had from the police concerning their involvement in anti-social behaviour.

The Representative replied that this was an operational matter but he encouraged Councillor Whitehouse and others to raise these matters at the Panel's meetings.

18. To note the reports of the Essex Fire Authority's meetings of 8 and 22 June 2016 and to ask questions of the Authority's representative

The reports of the meetings of 8 and 22 June 2016 were received.

1. Councillor Young asked Councillor Hedley, the Representative of the Essex Fire Authority, with more fire preventative work being undertaken were the Fire Service now more engaged in road accidents or had there been a recent increase in the number of fires.

The Representative replied that over the past 10 years the trend for the number of call-outs was reducing although there had been a recent minor increase in the number of call-outs due to changes to the ways of working with the other blue light services.

2. Councillor Smith asked Councillor Hedley, the Representative of the Essex Fire Authority, if he was aware that the Essex Seax flag that was flown over Basildon Fire Station was in need of replacement.

The Representative replied that he agreed the flag was in need of replacement but he was reluctant to spend money on a flag when there were other priorities for the Fire Service.

3. Councillor Aspinell asked Councillor Hedley, the Representative of the Essex Fire Authority, if, in the light of proposals for the integration of the Fire Service with other 'blue light' services he would resist any move for the disposal of fire station premises and other assets.

The Representative replied that there are on-going discussions. The timetable for any full-scale merger was 24-36 months and there was sensitivity around this and the consultations already being undertaken on the future of the Fire Service to which there had been 17,000 responses to the two-stage consultation. He asked that Members re-read that consultation in order to inform them of the plans. Councillor Henderson commented that the Council could learn from the example of the Fire Service on undertaking public consultations.

The meeting closed at 15:32

Chairman
11 October 2016

The Chief Executive’s Report on Political Proportionality

Political Proportionality

Councillor David Finch, the Leader of the Conservative Group, has given notice that Councillor Andy Erskine has joined the Conservative Group on the Council. Councillor Erskine was previously a member of the Non-aligned Group. This triggers a review of the political balance of the Council’s committees and other bodies.

Review of Political Proportionality

The political composition of the Council is now as follows:

Group	Number of members
Conservative	45
Liberal Democrat	9
Labour	8
UKIP	6
Non-aligned group	4
Green	2
Independent	1

The review of political proportionality has been undertaken in accordance with the statutory political balance rules as the law requires. Those rules are as follows:

1. The majority party must have a majority of seats on every committee. Where there are co-opted voting members this is a majority of all seats, not just those held by councillors.
2. The total number of ordinary committee seats must be proportionate. So where the Conservative Group has 60% of Council seats it should have 60% of the ordinary committee seats. The Council’s Overview and Scrutiny Committees and Joint Committees do not count as ‘ordinary committees’.
3. Each individual committee must be as proportionate as possible. For example, a group with 60% of Council seats should, so far as possible, have 60% of the seats on each committee.

These rules can sometimes conflict, depending on the number and size of the political groups. If this happens the first rule takes priority, followed by the second and then the third.

The political balance rules do not always completely determine the balance of each committee. Sometimes the Council unavoidably has some discretion as to how to apply those rules. For example, if there are committees of the same size which have to be balanced differently under the rules, there is discretion as to which committee those should be applied to. Any discretion is exercised by full Council.

In summary, the size of the Conservative Group has increased by one and the Non-Aligned Group has reduced by one. The sole resulting change is that the Conservative Group is entitled to an additional seat, in place of the UKIP Group. This could be either on the Investment Steering Committee or on the Audit Committee. It is proposed that the change is made to the Audit Committee.

Recommendation:

- (1) That the revised political balance of the Council be noted.
- (2) That the seat allocations to political groups be changed so that the seat allocations on the Audit Committee are as follows:

Conservative 5 Liberal Democrat 1 Non-aligned 1

Motions under Standing Order

16.11.2

1. Grammar Schools

Moved by Councillor Frank Ferguson and seconded by Councillor Alan Bayley.

‘This Council welcomes the news that the Government will create more Grammar Schools, one of the key policies of the UK Independence Party. It therefore resolves to fully support the introduction of new Grammar Schools in our County insisting they should be sited in areas which give the best chance of real social mobility.’

2. Schools that work for everyone

Moved by Councillor Ray Gooding and seconded by Councillor John Spence.

‘This Council:

- Welcomes the government’s Green Paper, ‘Schools that work for everyone’ and the intent that it contains to increase social mobility and ensure that everyone can aspire to the best for their children. These measures include the proposed expansion of existing grammar schools; the potential creation of new grammar schools and the sharing of expertise and good practice between all of the education sectors including independent schools and universities.
- Commits to consulting with local communities, head teachers and all Academies, Maintained, Independent and Grammar schools throughout the County.

In doing that, the Council:

- Recognises the achievement of Essex’s existing Secondary and Grammar Schools.
- Reaffirms its commitment to achieving universal excellence in Essex education inter alia by all schools being good and outstanding and all children achieving their full potential.
- Applauds the outstanding head teachers we have in Essex and the role they have played in raising the number of good and outstanding schools in the county by almost 50% over the last four years.

- Acknowledges the part played by good facilities and applauds the council's creation and planned expenditure on new school places to meet the growing demands together with the £85 million to be spent on special school places for the benefit of our most challenged children.'

3. Essex Pharmacies under Threat

Moved by Councillor Mike Mackrory and seconded by Councillor Jon Whitehouse.

'This Council notes that as many as 3,000 community pharmacies are at risk after the Department of Health announced it was cutting their funding by £170 million. Of that 3,000, some 40% are located in the UK's top fifth most deprived neighbourhoods. However less than 5% of those at risk are in the country's most affluent postcodes.

Essex County Council therefore believes that the Government's plans threaten patient access to pharmacies and pharmacy services in Essex and more particularly in our most deprived areas. Our local pharmacies are at risk of closure or being forced to cut services such as free delivery of prescription drugs, family planning advice and advice on medicines. This will put more pressure on GPs, hospitals, impact social services and is at odds with the local Clinical Commissioning Groups' desire to increase the use of pharmacists to ease pressure on the already over stretched Accident and Emergency Services, and GPs, when booking appointments is already very difficult.

We therefore call on the Government to abandon these cuts and maintain a fully-funded community pharmacy service and request the Leader of the Council to write to the Secretary of State for Health, NHS England and the Clinical Commissioning Groups in Essex expressing this view.'

4. Loneliness and Isolation

Moved by Councillor Ivan Henderson and seconded by Councillor Julie Young.

'This council notes, with serious concern, research which estimates that over 80,000 people across Essex are likely to suffer from feelings of loneliness and isolation. This authority must consider its responsibility to vulnerable residents, not allowing its Increasing Independence Agenda to be a catalyst for rising numbers of residents suffering from isolation. It is crucial that ECC be forward thinking, laying the groundwork now to ensure that rising pressures on adult social care, mental health services and family support networks don't leave more and more of our residents left behind, and on their own.

This council therefore resolves to ensure that tackling isolation will always be a key consideration when forming policy and commissioning services.

Necessary steps will be taken to:

- Ensure policy makers here at ECC always keep inclusion and community resilience at the heart of what they do, understanding fully the implications of their decisions before they make them.
- Ensure that recognition of isolation and loneliness features heavily in public consultations (where relevant), with training and support made available where necessary.
- Review and adapt the Equality Impact Assessment framework to place greater emphasis on isolation and loneliness, taking into account all nine of the protected characteristics.'

5. Support for our Armed Forces

Moved by Councillor Anne Brown and seconded by Councillor Derrick Louis.

'In December 2015, this Council expressed its support for and admiration of Her Majesty's Armed forces, many of whom are based in Essex.

This council therefore notes with great concern, that many of those service personnel are suffering greatly as a result of vexatious claims relating to Iraq Historic Allegations Team and that this has come at a tremendous cost to them, their families and indeed the public purse.

This council also notes with great concern that the Leader of the Labour Party has recently declined to condemn this practice and also notes that as a result has received severe criticism even from many in his own party.

This council therefore calls on the government and opposition parties alike to take or support all possible measures to ensure service personnel are no longer subject to these outrageous and vexatious claims.'

Multi-year Settlement and Efficiency Plan

Report by Councillor D Finch, Leader of the Council

Enquiries to Margaret Lee, Executive Director for Corporate and Customer Services
(Section 151 Officer)

1. Purpose of Report

- 1.1 The purpose of the report is to set out an efficiency plan to submit to the Department for Communities and Local Government (DCLG) in order to accept the offer of the multi-year finance settlement.
- 1.2 This report was presented to Cabinet on 20 September 2016 and the recommendations in this report are recommendations made to the Council by the Cabinet.

2 Recommendations to the Council

- 2.1 That the Council accept the offer of the Multi-Year Settlement from DCLG.
- 2.2 That the Council accept the flexible use of capital receipts policy implemented by DCLG.
- 2.3 That this report be submitted to DCLG as the Council's efficiency plan.

3. Summary

- 3.1 On 17 December 2015, in the Provisional Settlement, Greg Clarke, then Secretary of State for CLG, announced the opportunity for Councils to 'sign up' to a 4-year settlement, thereby providing greater certainty over government funding streams.
- 3.2 If local authorities wish to take up this offer, they are required to submit an efficiency plan to the DCLG by 14 October 2016.
- 3.3 Acceptance of the four-year settlement is optional, but future levels of funding are not guaranteed if it is not accepted, thereby exposing the authority to increased risk and uncertainty of funding. Although the DCLG has said that it will honour the four-year funding agreement, it is not legally required to do so and it cannot be regarded as a firm commitment. If the Council does not sign up to the four-year proposal then there is greater risk.
- 3.4 Also as part of the 2015 Spending Review, DCLG gave local authorities the right to use capital receipts to fund the revenue costs of transformation projects.

4. The offer

- 4.1 This settlement offer starts from April 2016 and covers Revenue Support Grant and Rural Services Delivery Grant for a 4-year period and transitional funding for a 2-year period. The Council does not meet the conditions for the Rural Services Delivery Grant.
- 4.2 The table below sets out the specific funding streams for the next 4 years for Essex County Council, along with the other funding sources available to fund the total budget.

	2016/17	2017/18	2018/19	2019/20
	£m	£m	£m	£m
Revenue Support Grant	(118)	(74)	(46)	(18)
Transitional funding	(7)	(7)	0	0
Settlement offer	(125)	(81)	(46)	(18)
Council Tax	(570)	(575)	(580)	(585)
Non Domestic Rates	(165)	(167)	(172)	(178)
Non Domestic Rates deficit	2	0	0	0
Other Government Grants	(47)	(49)	(49)	(49)
Withdrawal from General Balance	(19)	0	0	0
Council Tax surplus	(11)	0	0	0
Total Funding	(935)	(872)	(847)	(830)

Note: the 2016/17 council tax of £570m includes the social care precept; this has not been assumed for future years as this decision is taken by full Council as part of the budget in February each year

5. Medium Term Financial Strategy (MTRS)

- 5.1 The 2016/17 budget and high level MTRS position was included in the budget book approved by Council in February 2016.
- 5.2 The Council faces significant cost pressures over the MTRS period due to inflation, demographics and the National Living Wage (NLW), which is exacerbated by the funding reductions.
- 5.3 Over the period covered by the agreement, Government support will reduce from £118m to £18m, a reduction of 84%. This is on top of the £114m (49%) reduction already made since 2013/14. In this same period, inflationary pressure on council services has gone up by 8% and is forecast to increase by a further 12% translating to a budget pressure of £109m. In addition, demand for services through increased population and changes in demographics equates to £47m and with other pressures such as NLW (£96m) and other minor changes, means a total pressure of £352m between 2016/17 and 2019/20. Acceptance of this plan will impose on the County Council a requirement not only to achieve major efficiencies but to be highly creative and innovative in all it does.

5.5 Set out below is the MTRS position – this shows a cash reduction of over £100m and new savings equivalent to 26% of the budget needing to be made in the next three financial years.

	2016/17	2017/18	2018/19	2019/20
	£m	£m	£m	£m
2015/16 Budget	927	927	927	927
Inflation	21	49	79	109
Pressures (demography, legislation, NLW etc)	87	80	110	137
Approved Savings (Council February 2016)	(76)	(91)	(98)	(98)
Use of reserves	(24)	0	0	0
Transformation and efficiency programme	0	(93)	(171)	(246)
Total Revenue Budget	935	872	847	830

5.6 The Council is fully cognisant of the challenges that it faces, but is determined to transform how it operates to tackle this enormous financial shift. The Council operates a Transformation and Efficiency programme which is central to delivering the savings, or generating the income it needs, to reach a balanced budget position but also to deliver fundamental change in the way it works both internally and with partners. The framework for this work is as follows:

- System Leadership - Working together with partners to secure the 'Essex we want to create' through public sector reform which results in the best outcomes for Essex and its residents.
- Enabler - More often than not the Council will be a facilitator, adding value by anticipating and with partners, helping to shape the conditions for outcomes to be achieved. The Council will empower people to support themselves and proactively influence and shape demand.
- Digital Leader- The Council will embrace digital first at every opportunity either via direct service delivery or through partners. All interactions will be optimised for a fast, accessible, person-friendly, inclusive and reliable digital experience.
- Collaborative - By default the Council will collaborate with its partners, communities and residents, jointly designing the best solutions with them, and being accountable to maximise the value for Essex people.
- Self-sustaining – By having an innovative, commercial and entrepreneurial culture across the whole organisation, the Council will be financially self-sustaining. It drives efficiency and creates income to enable investment in services for Essex residents.

5.7 A number of proposals have been identified to date, and work is being undertaken to develop these further, some of which will be subject to robust business cases and separate decisions, and some may require public consultation. All of this work will culminate in a draft budget and MTRS being presented to Cabinet in January 2017 and then to Council in February 2017.

5.8 The Council has an outstanding track record both in term of delivering savings and delivering value to its residents, with a constant focus on strategic outcomes and financial prudence, underpinned by innovation and efficiency. Examples include the approach taken to keep children out of care through

effective early intervention and prevention, and supporting independent living through the 'Good Lives' programme. This work yielded strong dividends and enabled the Council to minimise the tax burden on households throughout a period when real terms incomes were not increasing. The Council is determined to continue building on that platform.

5.9 To date over **£521m** has been delivered since 2010 and there are plans to deliver a further **£76m** of savings in the current financial year. The Council will continue with ambitious plan to increase efficiencies, to identify new funding streams through an enhanced commercial strategy and to reduce costs.

6. Capital programme

6.1 The Council's longer term capital programme aspirations are significant, it recognise that these investments are essential if it is to deliver revenue savings and transform services to meet future needs.

6.2 The overall vision for the capital programme is to ensure the Council has the infrastructure to meet the needs of its residents and businesses. In doing so, it looks to have a diverse portfolio balancing income generation, investment to reduce revenue costs, and maintaining and enhancing infrastructure.

6.3 The capital strategy to deliver this vision is:

- Building and maintaining a diverse rolling capital programme which is agile and responds to residents' needs, such as providing new accommodation for vulnerable people and improving the County's flood defences.
- Ensuring activity is prioritised accordingly, with robust delivery plans in place, enabling delivery on time and at value, for example ensuring every child has a place at school and maintaining the road network.
- Ensuring external funding is leveraged which will maximise the financial envelope available for capital projects, such as funding for road improvements which reduce congestion and unlock housing and jobs growth.

6.4 The Budget report in February 2016 published the 2016/17 capital programme and the Council's aspiration for 2017/18 and 2018/19. This is summarised in the table below, along with an initial view of the 2019/20 programme.

	2016/17	2017/18	2018/19	2019/20
	£m	£m	£m	£m
Capital Programme	252	354	371	312

- 6.5 The capital programme is reviewed and refreshed on a quarterly basis, as part of the financial overview report to Cabinet.
- 6.6 The MTRS incorporates the impact of financing the approved capital programme. The capital programme follows a similar process to the revenue budget, which involves new investment proposals being subject to a robust business case, detailing any revenue savings and the cost of financing.

7. Risks and Opportunities

- 7.1 There are a number of risks associated with the MTRS, the most notable are the assumed full delivery of savings, the management of social care demand and the implication of that on the social care market, and the exact implications of new burdens, including the impact of 100% Business Rates Retention.
- 7.2 The authority has an option to draw on reserves to manage risks. However reserves can only be utilised once, and are not a long-term solution for the authority. There is also a substantial amount of the Council's reserves that are 'restricted use funds' - they are ring-fenced very specifically to long-term contractual commitments such as PFI schemes, or they are partnership funds, and not available to support the spend of the Council.

8. Flexible Use of Capital Receipts

- 8.1 The authority welcomes the additional flexibilities in the use of capital receipts which allow them to be applied to revenue expenditure where that supports transformation.
- 8.2 Should this new flexibility be required then a flexible use of capital receipts strategy will be presented for approval alongside the Budget Report to Council in February.

9. Policy context

- 9.1 This report is an assessment of the financial outlook of the authority, which itself is a representation of the corporate plan. The budget was approved in February 2016. The 2017/18 budget will be approved in February 2017, and will incorporate an efficiency plan, and be aligned to the corporate plan.
- 9.2 It is specifically written to meet the requirements of the 4-year settlement offer provided by the DCLG.

10. Financial implications

- 10.1 The report has been written by the S151 Officer and the financial implications are set out throughout this report.

11. Legal implications

- 11.1 Even if the County Council accepts the four-year funding 'deal', CLG will not give a binding statutory commitment to provide the funding, meaning that the 'deal' can be withdrawn. That said, CLG would not have made the offer unless they intended to honour the deal. Acceptance of the offer will therefore maximise the chances of certainty in funding, but should not be regarded as an absolute guarantee.
- 11.2 The Efficiency Plan is a statement of intent and is not intended to form any part of the Council's constitutional policy framework.

12. Staffing and other resource implications

- 12.1 An element of the efficiency plan and proposals may impact on staffing. The HR implications which may arise as a result of operational plans flowing from this plan will be addressed under their specific implementation plans.

13. Equality and Diversity implications

- 13.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires the Council to have regard to the need:
- (a) to eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; in summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful;
 - (b) to advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) to foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 13.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 13.3 The equality implications for 2016/17 have been assessed as part of the budget setting process for 2016/17, and will be included in the 2017/18 Budget presented to Council in February 2017. Equality impact assessments will be carried out as part of individual schemes being considered to implement the budget.

14. List of Appendices

Appendix 1 - Equality Impact Assessment

15. Background papers

Budget book

http://www.essex.gov.uk/Your-Council/Council-Spending/Documents/Revenue_budget_and_capital_programme.pdf

The Leader's Report of Cabinet Issues

This report details the main issues considered by the Cabinet at its meetings on 19 July and 20 September 2016.

1. Chief Executive's 100 Day Report

Cabinet considered the Chief Executive's report setting out his thoughts on the issues he had identified in his first 100 days in post that the organisation needed to address. The report was based on his observations of the strengths and weaknesses of the Council as he had experienced them and as they had been relayed to him by employees and partners. It explained the work he had set in motion to address these issues and it described in high-level terms – based on five key principles – the future direction of travel for the organisation in order to enable it to realise its ambition for Essex and its people, recognising that the challenges being faced are unlike any that had been faced in the past. In the light of its many strengths, great officers and ambitious members, despite the challenging circumstances faced by all public services, the Chief Executive was confident that Essex was well-positioned not only to weather them but to thrive.

Cabinet welcomed the report, commenting on the value of a fresh view of the Council's activities and ways of working. It was agreed that the report should be published and shared with all Members of the Council, employees and partner organisations.

2. 2016-17 Financial Review as at the First Quarter Stage

The Cabinet was informed of the forecast position of the Council's revenue and capital budgets as at the first quarter of the 2016/17 financial year. A full-year forecast overspend on revenue of £6.3m and an overspend of £1.1m on capital was reported, after proposed adjustments, and it was noted that plans to recover the revenue position were in development. Cabinet noted that the position was very similar to that at the same stage in 2015/16, meaning that there was no cause for concern. Adjustments and mitigations would be made throughout the year to ensure that expenditure remained within budget.

Cabinet noted the report and approved a number of actions to draw down funds from reserves, appropriate funds to reserves and effect necessary adjustments.

3. Procurement of an Independent Living Provider Development Framework

Independent living schemes enable people to live more independently. They also allow the Council to provide care at a lower cost, as residents either pay their own rent or can claim their rent as local housing allowance. Currently there is a

gap in provision of Independent Living across Essex, with insufficient numbers of units to take pressure from residential care placements.

Cabinet considered a report which proposed that the Council address this gap by developing 2,500 Independent Living units over the next five to seven years for availability either as social/affordable rented units or ownership units. As around 700 units are already in operation or already in development through the existing grant support scheme, the Council would need to facilitate the provision of a further 1800 units.

The Cabinet approved delivery of these independent living schemes via the preferred option of establishing a seven-year Council-led multi-provider framework agreement. The schemes would be provided on land owned by and/or made available to a public sector organisation. The Council will not be obliged to procure schemes through the framework and has the right to terminate any contract with a provider should delivery not be met. Authority to finalise the detailed evaluation criteria was delegated to the Executive Director for People Commissioning, who would also award the framework to the successful bidders.

4. Surplus Property Disposal – sale of the former Epping St John’s Junior and Primary School

The site of the former St John’s Junior and Primary school and adjacent Adult Education and Youth Centre, known locally as Centre Point, in St. John’s Road, Epping are owned by the Council and vacant and boarded. The site was vacated in April 2010 when the new Epping Primary School was completed. The site has been declared surplus to service requirements and the necessary approvals have been obtained from the DfE for a disposal to take place. The site is close to Epping Town Centre and offers a significant regeneration opportunity, particularly as it adjoins a depot owned by Epping Forest District Council (EFDC) and Epping town hall, owned by Epping Town Council (ETC).

ECC worked collaboratively with EFDC as Local Planning Authority towards the approval of a Development Brief for the St. John’s Road Area. The Brief, which promotes the ECC site and adjacent property for redevelopment for mixed use development including residential, retail and leisure as uses in isolation or on a mixed use basis, was approved by EFDC at their Cabinet on 10 September 2012 and was referred to their Full Council on 27 September 2012 for adoption as non-statutory planning guidance.

Following joint marketing, during which the site was offered as a whole or combination of plots, the preferred offer from the perspective of EFDC was that which met their regeneration aims and the findings of a public consultation about the site. The amount of this offer is significantly below offers received by ECC for its part of the site.

The Cabinet compared the financial benefits of a larger capital receipt, the wider community regeneration benefits and the opportunity to improve, against the Council’s wider obligations as a place-shaper – particularly in respect of economic regeneration. It was agreed that progressing the transaction with EFDC would deliver several wider economic and community benefits, sufficient to outweigh the reduction in capital receipt. Although a larger capital receipt could

be invested to deliver some of these benefits, it could not deliver a large retail /leisure scheme in Epping.

Cabinet has therefore agreed to delegate authority to the Director for Corporate Operations to dispose of the freehold of the former Epping St John's Junior and Primary School in St John's Road, Epping to Epping Forest District Council, on terms and conditions to be agreed by the Director for Corporate Operations and subject to the Secretary of State confirming consent to the disposal at an undervalue.

5. Future Direction of the Quality Improvement Service – Early Years and Childcare

The Council has a statutory duty to ensure that sufficient quality childcare services are provided. At present the Council's Quality Improvement Team provides quality improvement services to early years settings in the maintained and non-maintained sectors. This is delivered partly by a commissioned provider. The contract with the commissioned provider will expire on 31 March 2017.

Statutory guidance published in September 2014 has changed the Government's expectations about how local authorities discharge their statutory duties under the Childcare Act 2016. In addition, the Education White Paper 2016, 'Educational Excellence Everywhere' signals a change in the way school improvement is developed, with a stronger focus on school to school support through a school-led improvement system and diminished responsibility for local authorities. It is proposed that, from 2018, funding to local authorities for school improvement will cease.

In view of these changes to the LA role in school improvement, and in order to address the issue of financial sustainability, it is proposed that the service should be delivered differently in future, refocusing on the aims of the statutory guidance. Having considered the benefits and risks of the various options in relation to this, the Cabinet has agreed to commission a single ECC Quality Improvement Intervention Team provided by ECC employees, which includes support for Childminders and Out of School (OOS) providers that are currently provided by contractors.

6. Extension of Day Opportunities Contract

The Council currently places around 1,900 adults into day opportunities via a 'managed service' (where ECC manages the personal budget for the individual, with support provided in line with the person's wishes) each year as part of a support package to meet eligible care needs. Day opportunities provide a chance for people to take part in activities outside of the home while also providing a break for carers.

Following the cancellation of a single stage procurement process for day opportunities commenced in October 2014, officers and stakeholders have undertaken a range of activities to understand how day opportunities are currently used and how the offer can be recommissioned in line with ECC's corporate objectives and the Care Act, and develop a financially sustainable

model. This would include a shift of focus to personalised solutions which will deliver progressive activities, support individuals to achieve work, participation and well-being and improve outcomes.

In order to allow time to develop future options for the redesign of the service based on this work, the Cabinet has agreed to the extension for twelve months (until 30 September 2017) of a number of current contracts and grant agreements for day opportunities due to expire on 30 September 2016. A further report will be submitted in due course concerning the future procurement of the service.

7. Superfast Essex Phase 3 Delivery Programme

The Superfast Essex programme is part of the national initiative to improve fast broadband availability in the UK. The initiative is managed by the Broadband Delivery UK (BDUK) section of the Department for Culture, Media and Sport, which has recognised Superfast Essex as one of its top four programmes in terms of successful delivery and successful supplier relationships.

Based on the success of previous phases of the project, it is proposed to proceed with further expansion, to be known as Superfast Essex Phase 3. Fast broadband increasingly underpins all aspects of life for Essex residents and businesses. Investing in improvements of broadband connectivity in the county will enable and support ECC's delivery of all of its key objectives, making a real difference to residents and businesses in the more rural parts of Essex. Essex wants to grow the local economy and create an environment for businesses to thrive and improved broadband coverage will support this ambition. Better connectivity across the county will also support digital inclusion in terms of lifelong learning and skills development as well as the use of public services provided through online channels.

It is already known that Phase 3 will include the Tendring District Council, and funding has been secured from that Council and BDUK for the delivery of additional broadband infrastructure in this area.

In proceeding with the further expansion of the Superfast Essex programme, the programme will work towards the following key objectives:

- Achieve at least 97% superfast coverage by 2020
- Drive service take-up to reach 50%
- Work with other Essex authorities to maximise local funding contributions.

Cabinet has authorised the creation of 'Superfast Essex Phase 3' as a new capital scheme at an overall value of £7.4m over four years (2017/18 to 2020/21) to be funded by:

- (a) £3m from savings from phases 1 and 2
- (b) £2.2m from Tendring District Council; and
- (c) £2.2m from BDUK.

In addition, the £1.9m 'Gainshare' savings from the take up of broadband in phases 1 and 2 will be invested as part of phase 3, by the current supplier (BT).

The target for Phase 3 will be that 97% of premises in Essex have access to 30Mbps broadband.

Cabinet has authorised the Executive Director for Place Operations and CIO to agree with BDUK and Tendring District Council the areas to be included within Superfast Essex Phase 3 and determine whether the solution offered by the current supplier is acceptable based on price and delivery timescale. The procurement of suitable delivery partners to deliver Superfast Essex Phase 3 will be undertaken through a competitive, single stage OJEU procurement process with a contract length of ten years, divided into geographical lots. Cabinet has authorised the Executive Director for Place Operations and CIO to determine (in consultation with BDUK and Tendring District Council) the evaluation criteria for the award of the contracts for delivery of Phase 3, and to award the contracts once the procurement is complete and he is satisfied that the formal evaluation and due diligence shows that the proposed contract(s) represent value for money.

Finally, Cabinet has authorised the drawdown of £195,000 revenue from the transformation reserve for Superfast Essex Phase 3, to be used to drive demand and take-up of the new broadband services deployed under the Superfast Essex programme (all Phases).

8. Chelmsford Park and Ride – approval for agency agreement with Chelmsford City Council covering the operation of the Chelmsford Park and Ride Sites

Chelmsford has two Park and Ride sites, located at Sandon and Chelmer Valley. There are currently two operational contracts relating to Park and Ride – one for bus operations and one for the management of the site and facilities. Both current contracts are due to expire on 24 September 2016. At present, the Council pays the full cost of the services and receives all fare income.

In January 2016, the Council undertook a competitive procurement of three contracts, covering bus operations, front of house and site maintenance for the sites. In June 2016 it was decided not to proceed with the procurements for front of house services and site maintenance due to there being clear advantages in a greater partnership with Chelmsford City Council. In order to realise the benefits of this partnership approach, it was necessary to consider alternative options for service delivery, resulting in the proposed development of an Agency Agreement.

Cabinet has agreed to delegate to Chelmsford City Council, via an Agency Agreement with effect from autumn 2016 for a period of five years, with an optional two-year extension, responsibility for:

- The operation of the site and facilities management at the sites, including the responsibility for all staff; and
- The maintenance of the site and facilities including all reactive maintenance.

The agreement will incorporate a gain share provision to allow both parties to share any income generated over and above the cost of the service, thereby incentivising the partnership to increase income generation of the sites.

An Officers Operations Board has been established to oversee operational aspects of Park and Ride services, including maintenance, asset condition, potential capital investment requirements, customer feedback and consideration of new income generation incentives.

Finally, Cabinet has approved the extension of the current Park and Ride contracts for front of house and site maintenance with Chelmsford City Council for a maximum three-month period, at a cost of £98,794 to the Council, to ensure interim delivery of services while the Agency Agreement is developed.

Councillor David Finch
Leader of the Council

Council Issues

1. Changes to the Constitution following consultation with the Member Reference Group

1.1 Introduction

Article 1.5 of the Constitution provides for the Monitoring Officer to monitor and review the operation of the Constitution and to ensure that appropriate amendments are recommended for the purpose of updating or improving the Constitution. This report deals with some proposed amendments following consultation with the Member Reference Group on the Constitution, comprising the Chairman and Vice-Chairman of the Council and the six Group Leaders or their nominees. The Group is chaired by the Chairman of the Council.

2. Review of part 16 of the Constitution

2.1 Part 16 of the Constitution has been re-organised to simplify it and improve the flow. This will make it easier to deal with issues that may arise at Council meetings when the Constitution frequently has to be looked at and the relevant part found quickly.

2.2 The Constitution has been re-organised into the following sections:

16.1-16.5	Introductory
16.6	Minutes
16.7	Order of business
16.6	Motions
16.9	Rules of debate
16.10	Voting
16.11	Other business at Council
16.12	Questions
16.13-16.15	Declarations of interest etc
16.16	Reporting of meetings
16.17	Standing Orders applying to committees

2.3 A version showing the principal tracked changes has been circulated to the Leaders of all political groups and their comments considered. This version is available to all members on request from the Monitoring Officer (email paul.turner@esssex.gov.uk)

2.4 The following substantive changes are proposed:

- (a) The proposed version of part 16 does not include a facility to debate matters 'in committee' – a facility which has not been used for many years and is no longer considered necessary.
- (b) Deletion of the process for 'urgent motions'. The 'Urgent Motions' provision has not been used in recent memory. The Chairman always has a statutory discretion to accept urgent items of business if he wishes and this process appears to add complexity and is not used in practice. It is therefore proposed that in future, the Council should simply rely on the Chairman's discretion which is simpler and more flexible than the current rule.
- (c) **Clarification of the rules about petitions.** The current rules provide for a 15 minute discussion when a petition is referred to Council under the Council's petitions policy but do not provide for any output from that discussion. It is proposed that the Leader or relevant Cabinet Member will be required to move a motion in response to the petition.
- (d) **Allocation of motions.** At present the allocation of the 20 motions per annum between political groups is fixed in the Constitution, meaning that Constitutional change is needed to change the allocation. This does not reflect best practice and could cause difficulties if there is a significant change in the political balance of the Council. It is proposed to continue with the current allocations until the annual meeting in 2017 when a new system will come into force whereby the allocation will be calculated annually and notified to all members by the Chairman before the annual meeting. The following formula will apply:
 - (i) Any majority group will receive 8 motions per annum.
 - (ii) The Largest opposition group (or if the two largest opposition groups have the same number of seats, both groups) will receive at least 4 motions per annum.
 - (iii) No group will be allocated more than 8 motions per annum.
 - (iv) Subject to (ii) and (iii) motions not allocated to a majority group will be allocated proportionately to the remaining groups, based on the proportion of seats held by each group.

This will allow changes in proportionality to be reflected annually without the need for Constitutional change.

Recommendation:

- (1) That with effect from the close of this meeting, Part 16 of the Constitution be replaced with the text at Appendix 1 of this report. (In setting out the proposed amendments additions are shown underlined and deletions are shown crossed through.)

(2) That notwithstanding the new rules on allocation of motions, the current rules for the allocation of motions shall continue to apply to the December 2016 meeting.

3. Remits of Overview and Scrutiny Committees

- 3.1 It is proposed to simplify the terms of reference of the Scrutiny Committees to make them shorter and simpler without losing any detail. The current terms of reference use the wording extracted from a previous version of the Cabinet Portfolios, but it is not considered necessary for the terms of reference to use the same language as the Cabinet Portfolios which are changed by the Leader from time to time.
- 3.2 The new terms of reference are significantly shorter. This approach has been endorsed by the Scrutiny Board.
- 3.3 This proposal will continue to ensure that everything falls within the remit of a Committee. This proposal does not affect the Health Overview and Scrutiny Committee which has terms of reference which arise from its statutory functions.

Recommendation

That paragraphs 9.5.1 - 9.5.3 of the Constitution be amended as set out in Appendix 2.

4. Policy Framework

Paragraph 6.1.1 of the Constitution includes a list of policies which are to be approved by full Council after considering a recommended draft submitted by the Cabinet. The current list needs to be updated as a result of legislative changes, although it is possible to include other policies on the list if Council so wishes.

Recommendation:

That the policies listed at paragraph 6.1.1 of the constitution as the policy framework be amended to read:

Any document forming part of the Development Plan

The Council's Principal Strategy and Vision

Local Transport Plan

Youth Justice Plan

5. Petitions Policy

- 5.1 The Council's petitions policy needs to be updated as there have been changes to relevant legislation since the approval of the existing policy in October 2011. The new draft reflects these changes and makes the document significantly easier to use and understand. The revised draft petitions policy is at Appendix 3.
- 5.2 There are some proposed changes to the number of signatures required to trigger particular responses as set out below:

Action	Current trigger	Proposed trigger
Senior Officer Response	10-9,999	10-1,999
Executive Director Response	-	2,000-7,499
Cabinet Member Response	10,000-13,999	7,499-13,999
Council Debate	14,000+	45,000+

- 5.3 In addition to the above, it is proposed that, all petitions with 2000+ signatures will be referred to the Chairman of the relevant Scrutiny Committee who will decide how the petition is reported to a meeting of the Scrutiny Committee. If a petition is considered by a Scrutiny Committee the Committee may require a Senior Council Officer or a Cabinet Member to attend a meeting of the relevant Scrutiny Committee for the purpose of considering the matter in public. If the Committee exercises this power then the lead petitioner will also be invited to attend and may address the meeting. At present petitions are only referred to Scrutiny if this is requested by the petitioner.
- 5.4 In addition, the petitions policy is currently duplicated to some extent by other parts of the Constitution. This duplication is unnecessary, causes the risk of conflict and makes it harder to change the policy. It is proposed to amend the Constitution as set out in Appendix 4 to cross refer to the new petitions policy without duplicating it.

Recommendations

That Council adopt the draft petitions policy at Appendix 3 and amend paragraphs 9.4 and 20.13 of the Constitution as set out in Appendix 4.

2. Changes to Membership of Committees

The following changes have been made in accordance with the notification given by the Conservative Group Leader

- Councillor Andy Erskine to replace Councillor John Aldridge as a member of the development and Regulation Committee.

Part 4
Procedure Rules

16. Standing Orders of the Council

16.1 Annual Meeting of ~~Full~~ the Council

The Annual meeting of the Council shall be held:

- (i) in ~~the~~ a year in which there are ~~year of~~ ordinary elections of Members to the Council, on ~~the~~ a Tuesday fixed by the Council within the twenty-one day period which commences on the day after ~~within the twenty one days immediately following the day of retirement of Council Members as the Council may fix; and~~
- (ii) in any other year, ~~in May~~ on the Tuesday following the first Thursday in ~~the Month~~ May.

In addition to the Annual meeting of the Council and any meetings convened ~~by the Chairman, or by Members of the Council~~ under paragraph 16.2, four meetings for the transaction of general business shall normally be held ~~in each year~~ in July, October, December and February each year, except ~~in~~ the year of election of Members of the Council ~~when an additional meeting may be held, on such date as the Council may determine.~~

All meetings of the Council shall be held at Chelmsford and shall commence at 10 am.

The Chairman, in his discretion, may alter the place or time of commencement or ending of any meeting.

16.2 Extraordinary Meetings of ~~Full~~ the Council

16.2.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call an Extraordinary Council meeting in addition to Ordinary meetings:

- (i) the Chairman of the Council;
- (ii) the Council ~~_~~ by resolution;
- (iii) the Monitoring Officer in circumstances where a report under section 5 of the Local Government Act 1989 is to be presented; and
- (iv) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he has refused to

request a meeting or has failed to call a meeting within seven clear working days of the presentation of the requisition.

16.2.2 Restriction on Business at Extraordinary Meetings

The only business to be conducted at an Extraordinary meeting of the Council shall be the business specified in the summons to for the meeting.

16.3 Chairman of meeting

Any power of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

16.4 Interpretation of the Standing Orders ~~of the Council~~

The ruling of the Chairman at any meeting of the Council, as to the construction or application of any of these Standing Orders, or as to the proceedings of the Council, shall be final and shall not be challenged.

16.5 Quorum

The quorum for any meeting of the Council is one quarter of the number of members of the Council.

If during any meeting of the Council the Chairman after counting the number of Members present declares that there is not a quorum at ~~least one quarter of the whole numbers of Members of the Council~~ present, the meeting shall stand adjourned.

The consideration of any business not transacted shall be adjourned to a time to be fixed by the Chairman at the time the meeting is adjourned, or, if he does not fix a time, to the next Ordinary meeting of the Council.

16.6 Minutes

The minutes of each meeting shall be considered at the next ordinary meeting of the Council.

The Chairman shall put the question that the minutes of the meeting of the Council be approved as a correct record.

No discussion shall take place upon the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion

proposing that the minutes be amended in a particular way. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

Where a meeting is called under paragraph 3 (~~Extraordinary meetings~~) of Schedule 12 to the Local Government Act 1972 (extraordinary meetings), the next following meeting of the Council, (being a meeting called otherwise than under that paragraph,) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule.

16.7 Order of Business

16.7.1 Order of Business ~~ast~~ Ordinary Meetings of the Council

Except as otherwise provided below, the order of business at every Ordinary meeting of the Council shall be:

- (i) to choose a person to preside if the Chairman and Vice-Chairman be absent;
- (ii) to deal with any business required by statute to be done before any other business;
- (iii) to approve as a correct record and sign the minutes of the last meeting of the Council;
- (iv) to receive Chairman's announcements and communications;
- (v) to receive ~~(including the receipt of~~ petitions presented by a Member of the Council, ~~and deputations)~~;
- (vi) to deal with any business expressly required by statute to be done at that meeting;
- (vii) to receive from the Leader of the Council or a Cabinet Member an Executive Statement on a current issue of importance that cannot be covered elsewhere as part of the usual business;
- (viii) to consider motions of which notice has been given under paragraph 16.8.2 ~~or 16.8.3~~ below (other than at the meeting to determine the Council's budget);

- (xi) to receive a report on ~~debate~~ any petition required to be debated in accordance with the Council's containing at least 14,000 signatures, in accordance with the Council's Petition Policy;
- (x) to consider a report of matters reserved to the Council ('Council Issues');
- (xi) to receive a report of business considered by the Cabinet and ~~consider reports and recommendations of the Cabinet;~~
- (xii) to receive and consider reports and recommendations of committees, as required;
- (xiii) to receive and consider any other ~~relevant~~ reports;
- (xiii) ~~to review plans and strategies from the Policy Framework, as required;~~
- (xiv) to deal with questions submitted in accordance with paragraph 16.12 below; and
- (xv) to consider other business, if any, specified in the summons; ~~and~~
- (xvi) ~~to debate matters 'in Committee' under paragraph 16.8.6.~~

The order of business at any meeting of the Council (other than business falling under items (i), (ii) and (iii) above) may be varied by the Chairman.

16.7.2 Order of business at Annual Meeting

At its annual meeting, the Council, in addition to business considered at an ordinary meeting, shall:

- (i) elect a Chairman and Vice-Chairman;
- (ii) appoint members to such committees and sub-committees as the Council considers appropriate;
- (iii) confirm the size and terms of reference for those committees and sub-committees;
- (iv) decide the allocation of seats on all such committees and sub-committees in accordance with the political balance rules;
- (v) elect a chairman for all such committees ; and

- (v) determine the dates of Council meetings for the remainder of the municipal year, if they have not already been determined.

In a year of ordinary elections of Members to the Council the Council shall, at its annual meeting, in addition to the requirements set out above:

- (i) receive a report of the Chief Executive on the return of Members elected;
- (ii) receive notification of the memberships of political groups;
- (iii) receive notification of the names of Group Leaders and their Deputies;
- (iv) elect the Leader of the Council, and
- (v) receive notification from the Leader of:
 - (a) the appointment of the Cabinet, including a Deputy Leader of the Council and the names of Cabinet Members and their portfolios;
 - (b) the terms of reference of any cabinet committees; and
 - (c) any delegation of executive functions to any area committees or in any joint arrangements and delegations of executive functions to Cabinet Members and officers.

16.8 Motions

16.8.1 Scope of motions

No motion or question shall be put unless it relates to some question over which the Council has power or which affects the Council.

~~Any Member moving a motion or an amendment shall state the reason for it.~~

16.8.2 Notices of motion

Except for motions which can may be moved without notice under paragraph 16.8.5 below, written notice of every motion must be delivered to the Chief Executive not later than 10:30am on the eleventh ~~twelfth~~ calendar day before the Council meeting.

Written notice must be signed by the Member intending to move the motion and at least ~~not less than~~ one other Member.

Other than at the annual budget meeting for which no notices of motion shall be accepted. ~~Other than at the annual budget meeting where no motions shall be permitted under this paragraph,~~ a maximum of five motions shall be accepted for debated at an Ordinary Meeting of the Council under this standing order. ~~unless the Chairman has exercised his discretion in accordance with paragraph 16.11.3 below to allow an additional urgent motion to be debated.~~

The motions will be allocated annually by the Chairman in advance of the Annual Meeting in accordance with the following rules (listed below in decreasing order of priority):

- (a) A group which has a majority of seats on the Council shall be allocated 8 motions.
- (b) The largest opposition group - or if the two largest opposition groups are of equal size then each of them - shall be allocated at least 4 motions.
- (c) No group shall be allocated more than 8 motions.
- (d) The proportion of motions allocated to other groups for the municipal year shall be the same proportion of the available motions as the proportion of seats on the Council held by that group (disregarding seats and motions allocated to any group which has received an allocation under (a) or (b)).

~~The five motions to be debated shall be allocated as follows:~~

~~Conservative Group 2~~

~~Labour Group 1~~

~~Liberal Democrat Group 1~~

~~UKIP Group alternating meetings with~~

~~Green / Non-aligned Groups shared 1.~~

~~A motion moved by a member who is not part of a Group specified above would stand against the allocation of the Group of the member seconding the motion.~~

~~Motions will be taken on a rotation basis, with the order for the first meeting being decided by a ballot drawn in advance by the Chairman.~~

If any Group does not take its allocation of motions at a meeting there will be no reallocation to another Group.

If there are two or more independent members then they shall be Any number of independent members shall be considered as a group for the purposes of this rule only.

16.8.3 Chairman's discretion to accept urgent motions

The Chairman may accept urgent motions if the Chairman is of the opinion that there are special circumstances that warrant a motion should be considered at a meeting as a matter of urgency. ~~exercise his discretion and allow notice of motion signed as provided for in paragraph 16.11.2 above, to be received by the Chief Executive not later than 10.30 a.m. on the Wednesday prior to the Council meeting, to be debated at that meeting, where he considers the matter urgent.~~

~~Such notice of motion shall contain a request for the Chairman to exercise his discretion and shall specify the grounds upon which the matter is urgent.~~

~~The motion and the Chairman's decision shall be set out on the order paper and, in the event of the Chairman declining to allow the motion, the motion shall be referred to the relevant Cabinet Member for response at the next available meeting of the Council.~~

16.8.4 Chairman's Discretion on motions

The Chairman shall decide whether any particular motion of which notice has been given complies with paragraph 16.8.1.

16.8.5 Motions which may be moved without notice

The following motions and amendments may be moved without notice:

- (i) a motion to appointment of a Member to Chairman of the meeting at which the motion is made moved;
- (ii) a motions relating to the accuracy of the minutes;
- (iii) a motion that an item of business specified in the summons haves precedence;
- (iv) a motion to appointment of a committee or member thereof, occasioned by an item mentioned in the summons to the meeting;
- (v) a motion to adoption of reports or their recommendations and recommendations of committees and any consequent resolutions;
- (vi) a motion to comment upon matters contained in reports of

- committees for the information of the committee concerned;
- (vii) a motion that leave be given to withdraw a motion;
 - (viii) a motion that the Council proceed to the next business;
 - (ix) a motion that the question be now put;
 - (x) a motion that the debate be now adjourned;
 - (xi) a motion that the Council does now adjourn;
 - (xii) a motion that the Standing Orders be suspended, in accordance with Article 1;
 - (xiii) a motion to exclude the press and public in accordance with the Access to Information Procedure Rules;
 - (xiv) a motion that a Member named under paragraph 16..9.16: Disorderly Conduct, not be heard further or leave the meeting;
 - (xv) a motion giving consent of the Council where the consent of the Council is required by these Standing Orders; or
 - (xvi) a motion for such other urgent purposes as the Chairman may approve.

16.8.6 Rescission of preceding resolution

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be considered unless:

- (i) in the opinion of the Chairman significant new information has come to light since the original debate; or
- (ii) the notice thereof given in pursuance of paragraph 16.8.2 or ~~16.8.3~~ above bears the names of at least 25 Members of the Council; or
- (iii) it is moved in pursuance of the recommendation of a committee or the Cabinet.

~~16.14~~ Council in Committee

~~A Member of the Council may, by written notice to the Chief Executive given before 10.30am on the Wednesday prior to the Council meeting, require that an item is placed on the order paper for debate.~~

~~The matters that may be the subject of such a notice are those which relate to general interest of the Council and the community and are not the subject of report to the Council by a committee.~~

~~If more than one such notice is given in respect of any meeting of the Council the Chairman shall determine the order in which they are put to the Council which shall decide whether or not to proceed with the debate.~~

~~In the event of a debate taking place under this Standing Order,~~

- ~~(i) paragraph 16.11.1 (Scope of motions),~~
- ~~(ii) paragraph 16.11.7 (Seconder's speech),~~
- ~~(iii) paragraph 16.11.8 (amendments to motions),~~
- ~~(iv) paragraph 16.13.1 (Only one Member to stand at a time) and~~
- ~~(v) paragraph 16.13.2 (content and length of speeches),~~

~~shall be suspended until its conclusion, provided that the Chairman shall retain the right to regulate the proceedings.~~

~~At the Chairman's discretion the four Co-opted Members co-opted on to the People and Families Overview and Scrutiny Committee may be invited to Council in Committee if the subject is an Educational matter. They will be entitled to speak as if they were a Member of the Council but will not be entitled to vote.~~

16.9 Rules of debate

16.9.1 Discussion of Motion at Council

~~A motion shall not be discussed at Council unless any necessary notice has been given in accordance with 16.8.2 & above and it has been proposed and seconded or it has been accepted by the Chairman as an urgent item of business. ~~at the meeting of the Council at which the motion is to be considered.~~~~

16.9.2 Number of speeches

~~No member may speak more than once in a debate on a motion or any amendment to that motion except:~~

(i) The mover of a motion which is made following a report presented to the Council shall have a right of reply, immediately before the question is put to the vote;

(ii) on a point of order; or

(iii) by leave of the Chairman in explanation of any material statement made by him which he believes to have been misunderstood.

16.9.3 Proposer's Speech

Subject to any other provision of these standing orders, the Proposer of any Motion which is the subject of a debate shall make a speech as soon as the Motion has been seconded.

16.9.4 Seconder's speech

The following rules apply to determine when the Seconder of a motion may speak when a motion is being debated:

(i) A Member who has seconded when seconding a motion, other than an amendment, will be permitted to speak only at the end of the debate on the motion, immediately before it is put to the vote.

(ii) A Member seconding an amendment moved by a Cabinet Member will be the penultimate speaker in the debate.

(iii) Any other Member, when seconding an amendment, may speak after the proposer of the amendment or may, if that Member declares his intention to do so, reserve the right to speak at a later period of the debate.

16.9.5 Cabinet Member's nominee's speech

Where no amendment is moved by a member of the Cabinet Member or by a member of the majority group (if any), responding to a motion does not move an amendment, a Member nominated by the Cabinet Member will be the penultimate speaker in the debate.

16.9.6 Content and length of speeches and debates

(a) Members shall direct their speeches to the question under discussion or to a personal explanation or to a point of order. The length of time given to each Member to speak will not exceed the following time limits:

- (i) the mover of a motion, other than an amendment – five minutes;
 - (ii) one speech made by a Cabinet Member, or another Member nominated to speak on their behalf, responding to the question under discussion where that question relates to a matter under their portfolio responsibility (such speech may be made at the time an amendment is proposed or seconded) – five minutes;
 - (iii) any other Member – three minutes;
 - (iv) the limits set out above shall not apply to a Member presenting or responding to questions in connection with a report or a paper and recommendations;
- (b) The following will apply to the debate on motions of which notice has been given under standing order 16.89 .2 or notices of motion accepted by the Chairman as an urgent item of business ~~or 16.9.3.~~
- (i) There will be a maximum time limit of 35 minutes per motion and any amendments thereto.
 - (ii) The maximum length of time for the consideration of all such motions will be 175 minutes
 - (iii) The Chairman may extend those limits in a particular case.
- (c) When dealing with the annual budget debate the following limits to the lengths of speech shall apply:
- (i) the Leader of the Council when making the budget speech and summing up the debate – no time limit;
 - (ii) the Cabinet Member speaking in support of the budget speech – 10 minutes;
 - (iii) ~~t~~The Leader of the largest opposition group when responding to the budget speech – 10 minutes;

Where the largest opposition groups have an equal number of Members then the Leader of each such Group - 6 minutes;

(iv) individual Cabinet Members when responding to any specific issues raised in relation to their Portfolio budgets – 6 minutes; and

(v) any other Member – 3 minutes.

(d) All timings of speeches are at the discretion of the Chairman.

16.9.7 Only one Member to stand at a time

A Member when speaking shall stand and address the Chairman. If two or more Members indicate, the Chairman shall call on one to speak; the other or others shall then sit. While a Member is speaking, other Members shall remain seated, unless rising to raise a point of order or in personal explanation.

16.9.8 Amendments to motions

(i) Amendments may be moved in accordance with this standing order if they are relevant to the motion and propose changes to the motion by either:

- (a) changing the motion so that it refers a matter to a Committee, the Cabinet or a Portfolio Holder for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others; or
- (d) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of introducing a new subject matter into the motion before the Council or negating the motion.

(ii) No amendment may be moved unless:

- a. it has been put in writing and handed to the Chairman by no later than 9 am on the morning of the meeting in a format to be specified by the Monitoring Officer; or
- b. the Chairman agrees that there are exceptional reasons why (a) could not have been complied with.

(iii) Subject to (iv) below, only one amendment may be moved and discussed at any one time. No further amendment shall be moved until the amendment under discussion has been disposed of.

- (iv) The Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.
- (v) If an amendment is not carried, further amendments to the original motion may be moved in accordance with this Standing Order.
- (vi) If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion.
- (vii) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, and, if there are none, put it to the vote.

16.9.9 Alteration to Motions

A Member may, with the consent of the Council move a motion of which he has given notice, in accordance with paragraph 16.8.2 or ~~16.8.3~~ above in a different form to that printed in the agenda for the meeting.

A Member may alter a motion he has moved without notice with the consent of both the Council and the Secunder.

The Council's consent under this paragraph will be signified without discussion.

Only alterations which could be made as an amendment under 16.9.8 may be made.

16.9.10 Withdrawal of motion

A Member may withdraw a motion he has moved with the consent of both the Secunder and of the Council.

The Council's consent will be signified without discussion.

No Member may speak on the motion after the mover has asked permission to withdraw it unless such permission is refused.

16.9.11 Motions which may be moved during a debate

When a motion is under debate no other motion shall be moved except the procedural motions:

- (i) to amend the motion;
- (ii) to adjourn the meeting;
- (iii) to adjourn the debate;
- (iv) to proceed to the next business;
- (v) that the question be now put;
- (vi) that a Member named under paragraph 16.9.16 below:
Disorderly Conduct, not be heard further or do leave the meeting;
or
- (vii) a motion to exclude the public in accordance with the Access to Information Procedure Rules.

16.9.12 Closure motions

A Member may move, without comment, the following motions at the conclusion of a speech of another Member:

- (i) that the Council proceeds to the next business;
- (ii) that the question be now put;
- (iii) that the debate be now adjourned; or
- (iv) that the Council does now adjourn;

on the seconding of which the Chairman shall, unless in his opinion the matter before the meeting has been insufficiently discussed, proceed as follows:

- (i) on a motion to proceed to the next business: the Chairman shall first give the seconder of the original motion his right to speak, and then put to the vote the motion to proceed to the next business;
- (ii) on a motion that the question be now put: the Chairman shall put to the vote the motion that the question be now put, and if it is passed then give any right of reply under paragraph 16.9.2 ~~the seconder of the original motion his right to speak under paragraph or~~ 16.9.4 above before putting the motion to the vote;
- (iii) on a motion to adjourn the debate or the meeting the Chairman shall put the adjournment motion to the vote without giving the seconder of the original motion his right to speak on that occasion.

16.9.13 Motions affecting persons employed by the Council

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, pension or conditions of service, or as to the conduct of any person employed by the Council, a motion in accordance with the Access to Information Rules, for the exclusion of the public shall be moved forthwith by the chairman of the committee concerned and put without debate.

16.9.14 Points of order

A Member may rise on a point of order or by leave of the Chairman in personal explanation and shall be entitled to be heard forthwith.

A point of order may only relate to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or statutory provision and the way in which he considers it has been broken.

A personal explanation shall be confined to some material part of a former speech made by that Member which may appear to have been misunderstood in the present debate.

16.9.15 Respect for Chair

Whenever the Chairman rises during a debate any Member then standing shall resume their seat and the Council shall be silent.

16.9.16 Disorderly conduct

If at a meeting any Member of the Council, in the opinion of the Chairman misconducts himself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by willfully obstructing the business of the Council, any Member may move:

- (i) 'that the Member named be not further heard'; and the motion if seconded shall be put and determined without discussion;
- (ii) if the Member named continues his misconduct after a motion under the foregoing paragraph has been carried a Member shall:

- (a) either move 'that the Member named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion); or
- (b) the Chairman may adjourn the meeting for such period as he in his discretion shall consider expedient; and
- (c) the Chairman may also give such directions as he shall consider appropriate for the removal of the Member named and the restoration of order.

16.9.17 General disturbance

In the event of general disturbance which in the opinion of the Chairman renders the due and orderly despatch of business impossible, the Chairman in addition to any other power vested in him, may, without question adjourn the meeting of the Council for such period as he in his discretion shall consider expedient.

16.9.18 Disturbance by members of the public

If a member of the public interrupts the proceedings at any meeting the Chairman shall issue a warning. If the interruption continues the Chairman shall order that person to be removed from the Council Chamber or direct that the part of the Council Chamber open to the public be cleared.

16.10 Voting

16.10.1 General Provisions about Voting

On a division (except as otherwise provided in these Standing Orders) the voting shall be by show of hands or, at the discretion of the Chairman, by members standing in their places.

Before a vote is taken, any ten Members may demand a division by name by standing in their places, in which event the Chief Executive then shall call on each Member of the Council to state whether he votes for, against or abstains from the motion. The votes shall be recorded and the Chairman shall declare the result.

In a division by name, the names of Members voting for and against the proposition shall be recorded in the minutes.

Where immediately after a vote is taken any Member so requires, there shall be recorded in the minutes of the proceedings of the

meeting whether that Member voted for or against the question or whether that Member abstained from voting.

16.10.2 Voting on budget decisions

Immediately after any vote is taken on the level of the precept to be levied by 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 Standing Order 16.21.30.5.

16.10.3 Voting on appointments

Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

16.11 Other Business at Council Meetings

16.11.1 Executive Statements

- (i) An item ('Executive Statements') will be included on the agenda for every Ordinary Council meeting;
- (ii) The purpose of an Executive Statement is to allow the Leader of the Council or a Cabinet Member to update the Council on current issues of importance that cannot be covered elsewhere as part of the usual business.
- (iii) Executive Statements should normally be limited to one per meeting, but more may be made at the discretion of the Chairman.
- (iv) The subject of any proposed statement and the identity of the person who will be making it should be notified to the Head of Democratic Services by 5.00pm on the Friday prior to the Council meeting. The Head of Democratic Services will send an e-mail notification to all Members of the Council.
- (v) In exceptional circumstances where it has not been possible to provide notification and identify the person making the statement

by 5:00pm on the Friday prior to the Council meeting, such notification and identification shall be made to the Head of Democratic Services as soon as possible for notification to the leaders of all political groups and for the agreement of the Chairman of the Council that it may proceed.

- (vi) At the meeting, the Leader of the Council or Cabinet Member will be entitled to address the Council on the subject of the Statement for a maximum of 10 minutes.
- (vii) The Chairman will then invite questions from Members of the Council for a period of time at his discretion. The originator of the Statement shall respond to the questions as they are raised.

16.11.2 Petitions

This Standing Order applies when a petition is required to be reported to the Council in accordance with its Petitions Policy.

The petition organiser shall be given five minutes to present the petition to the full Council following which the petition shall be discussed by the Members for a maximum of 15 minutes.

The Leader or a relevant Cabinet Member shall move a motion in response to the petition.

16.12 Questions at Council Meetings

16.12.1 Written questions asked by Members of the Council

A Member ~~of the Council~~ may, if notice has been given in writing to the Chief Executive before 10.30 a.m. on the Wednesday prior to the Council meeting, ask the Leader, Cabinet Member or Chairman of a Committee any question on any matter in respect of which the Council has powers or duties.

Where he considers the matter urgent, the Chairman may allow any member to put to the Leader, Cabinet Member or Chairman of any committee any question of which the above notice has not been given; but a copy of any such question shall, if possible, be delivered to the Chief Executive not later than nine o'clock in the morning of the day of the meeting.

16.12.2 Editing of questions

Any written question may be edited both to bring it into proper form and to secure reasonable brevity.

16.12.3 Supplementary question

If after a reply is given to a written question the Member who asked the question considers that the reply requires clarification, he may ask once for clarification but otherwise no supplemental question shall be put except by leave of the Chairman.

16.12.4 Restriction on number of questions

The number of written questions which may be asked pursuant to notice given in accordance with paragraph 16.12.1 above by any one Member at any one meeting shall be limited to two.

16.12.5 Questions on reports

A Member ~~of the Council~~ may ask the Leader, Cabinet Member or Chairman of a committee any question on any report of the Cabinet or a committee when that item is under consideration by the Council.

16.12.6 Other oral questions

~~In accordance with paragraph 16.7 a~~Any Member of the Council may ask any ~~verbal~~oral question of:

- (i) the Chairman;
- (ii) the Leader;
- (iii) a Member of the Cabinet; or
- (iv) the Chairman of any Committee or Sub-Committee;

on any matter in relation to which the Council has powers or duties or which affects the area but which is not capable of being dealt with under paragraph 16.12.5.

The time allotted at each meeting for the putting and answering of questions under this paragraph shall not exceed 20 minutes, without the leave of the Chairman of the Council.

16.12.7 Essex Police and Crime Panel and/or Essex Fire Authority

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

16.12.8 Form of answer

An answer may take the form of:

- (i) a direct oral answer; or
- (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or
- (iii) where the Chief Executive considers that the reply to the question can conveniently be so given, by a written answer circulated to the Members of the Council present at the meeting.

The person to whom a question has been put may, on reasons stated, decline to answer.

16.12.9 Questions asked by Members of the Public

(i) Before the beginning of every meeting of the Full Council there shall be a period of up to 30 minutes to enable members of the public to ask questions. A petition may be handed to the Chairman but no other written statements and or document may be handed up or circulated to the meeting documents including photographs may not be circulated at the meeting, with the exception of petitions.

(ii) A member of the public may ask a question may be asked under this procedure Standing Order only if it has been sent to the Head of Democratic Services by email at:

governanceteam@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 PO Box 11, County Hall, Chelmsford, Essex CM1 1LX.

(iii) No person may ask more than one question at any meeting and no more than one question may be submitted on behalf of any group or organisation.

(iv) 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.

If a question is rejected under this Standing Order then the Council will provide a written explanation as to why it has been rejected.

~~16.12.2~~ Number of questions

(v) Only one Questions which have not been rejected will be set out in writing and circulated at the meeting.

(vi) Questions shall normally be dealt with in the order in which notice was received. The Chairman may revise the order of questions if he considers it appropriate, for example to group together similar questions.

(vii) At the appropriate time the Chairman will invite the person who gave notice of the question or, if the Chairman agrees otherwise, another person on their behalf, to ask the question. The person asking the question must be present at the meeting or the question will not be asked. A period of 3 minutes will be allowed for the question to be asked.

(viii) There is no opportunity for a member of the public to make a statement or to and ask there will be no opportunity for asking a supplementary question.

(ix) The relevant Member will respond to the question orally. Any answer may refer to published information.

(x) No other member shall be permitted to speak.

(xi) 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.

16.13 Record of attendances

Every Member of the Council attending a meeting of the Council is requested to sign his name in the attendance book or on the sheet provided for that purpose.

The attendance book shall be used to monitor Members' attendance and ensure compliance with the Article 3.8(xvi).

16.14 Officers' interest in contracts and other matters

In addition to disclosing any interest in a contract pursuant to section 117 of the Local Government Act 1972, any officer of the Council shall also disclose in writing to the Chief Executive any such interest which he may have in a proposed contract or other matter.

Any officer present at a meeting at which a contract, proposed contract or other matter in which he has disclosed an interest under section 117 of the 1972 Act shall as soon as practicable after the commencement of the meeting, disclose orally that interest which shall be recorded in the minutes of the meeting.

16.15 Members Declarations of Interests

Members must declare interests and withdraw from the room as required by the Code of Conduct set out in part 24 of the Constitution.

16.16 Reporting of meetings by persons attending

16.16.1 Requests from Reporters

The Chairman shall respond to requests made in accordance with section 100A(6)(c) of the Local Government Act 1972 from any person attending the meeting for the purpose of reporting the proceedings to be afforded reasonable facilities for taking their report.

16.16.2 Protocol on the use of Electronic Devices at meetings held in public

1. Introduction

The purpose of this protocol is to provide guidance on the use of electronic devices by members of the public or representatives of the media at meetings held in public. This includes filming, audio

recording, taking photographs, blogging, tweeting and posting to social media websites.

2. General Principle

The use of electronic devices for reporting purposes is, in certain circumstances, recognised as contributing towards transparency and democratic debate and there is a 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 the proceedings. Oral commentary provided during the meeting will not therefore be permitted.

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 devices, is generally permitted. Members of the public are encouraged to submit a request for this purpose 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 governanceteam@essex.gov.uk. Such requests should 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, to ensure 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.

No one – including a member of the Council – is permitted to film, record or report any part of a meeting where the press or public are excluded because confidential or exempt information would be disclosed.

The requirements and obligations contained within, and arising from this protocol will be provided to the member of the public or media organisation when a request to film or audio record has been received, and will state that filming and audio recording will only proceed on the understanding that they will be adhered to.

4. Other use of Electronic Devices

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

16.17 Standing Orders Applying to Committees

16.17.1 Standing Orders to apply to Committees

The following Standing Orders of the Council and those relating to contracts shall, with any necessary modification, apply to committees, and groups;

- 16.5** Quorum (but the quorum shall of any committee shall be at least three members)
- 16.16** Reporting of meetings by persons attending
- 16.9.** Rules of debate except those parts which relate to standing, length of speeches and to speaking more than once;
- ~~**16.11.14** Motions affecting persons employed by the Council;~~
- ~~**16.15** Disorderly conduct;~~
- ~~**16.15.2** Disturbance by members of the public;~~
- ~~**16.107** Voting;~~
- ~~**16.19** Voting on appointments;~~
- ~~**16.1320** Record of attendances;~~
- ~~**16.1421** Officers' interest in contracts and other matters;~~
- ~~**16.24** Attendance of non members of committees.~~

Provided that the ruling of the Chairman of the meeting as to the construction or application of these Standing Orders or as to any other aspect of the proceedings of the meeting, shall be final and shall not be challenged at any meeting of the committee, or group.

16.17.2 Attendance of non-members at meetings

A Member of the Council ~~shall be able~~ is permitted to attend any committee of which he is not a member and, if invited to do so by the Chairman of the meeting, may take part in a discussion but may not vote.

16.17.3 Minority reports

If a minority consisting of the larger of:

- (a) ~~not less than~~ one-fourth of the members; or
- (b) two members

present at any meeting of a committee signs a minority report on a matter upon which the committee is proposing to report to the Council, and forwards it to the Chief Executive ~~so that it to~~ reaches him by the fourth working day following the date of the meeting, he shall cause copies of such minority report to be circulated with the report of the committee.

~~In any event a minority shall not be less than two members present at any meeting of a committee.~~

16.17.4 Substitute members

Where a Member of a committee ('the Member') does not intend to attend a meeting of that committee, another member shall if he wishes, appoint another Member ('the Substitute') may be appointed as a member of that committee in place of the Member of the political group to which he belongs to attend a meeting of that committee in his place.

A Substitute is appointed when a written substitution notice is received by or on behalf of the Head of Democratic Services no later than 30 minutes before the start of the relevant meeting. A substitution notice may be sent by:

- (a) The Member
- (b) The Leader of the Member's Political Group
- (c) The Deputy Leader of the Member's Political Group
- (d) The Spokesman appointed by the Member's Political Group on that Committee.

The effect of a substitution notice ~~shall be~~ is that the Member named in the notice shall cease to be a member of that committee for the

duration of that meeting and that the Substitute member shall be a full member of the committee for the same period.

A substitution notice may be revoked by the Member or the person who gave it at any time preceding the deadline for the giving of a substitution ~~such~~ notice.

These arrangements ~~shall apply equally~~ also apply to ~~in respect of~~ meetings of groups and panels of all committees.

16.18 E-mail

Where any notice is required to be given under these Standing Orders or any other provision of the Constitution it may be validly given by fax or e-mail and a signature shall be deemed to include a typed subscription of the Member or Members' name or names to the fax or e-mail.

16.1928 Proceedings and Business

In this Standing Order –

“Cabinet” and “Leader” have the same meanings as “Executive” and “Executive Leader” in Part II of the Local Government Act 2000; and

“plan or strategy” and “working day” have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

16.209 Draft Plan or Strategy

Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph 16.209.1 below.

16.209.1 Objections to Draft Plan or Strategy

Before the Council:

- (i) amends the draft plan or strategy;
- (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (iii) adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

16.209.2 Leader's Action on Receipt of Objections

Where the Council gives instructions in accordance with paragraph 16.209.1, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:

- (i) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or
- (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

16.209.3 Council's Action when Considering Amended Drafts

When the period specified by the Council, referred to in paragraph 16.209.2, has expired, the Council must, when:

- (i) amending the draft plan or strategy, or if there is one, the revised draft plan or strategy;
- (ii) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- (iii) adopting (with or without modification) the plan or strategy;

take into account:

- (i) any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy;
- (ii) the Cabinet's reasons for those amendments;
- (iii) any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement;

which the Leader submitted to the Council, or informed the Council of, within the period specified.

16.2130 Council Tax

Subject to paragraph 16.2130.4, where, before 8 February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:

- (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- (ii) estimates of other amounts to be used for the purposes of such a calculation;
- (iii) estimates of such a calculation; or
- (iv) amounts required to be stated in a precept under chapter IV of Part I of the Local Government Finance Act 1992;

and following consideration of those estimates or amounts the Council has any objections to them; it must take the action set out in paragraph 16.30.1.

16.2130.1 Council Tax - Objections

Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

16.2130.2 Leader's Action on Receipt of Objections

Where the Council gives instructions in accordance with paragraph 16.2130.1, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:

- (i) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
- (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

16.2130.3. Council's Action when Considering Amendments

When the period specified by the Council, referred to in paragraph 16.2130.2, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

- (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (ii) the Cabinet's reasons for those amendments;
- (iii) any disagreement that the Cabinet has with any of the Council's objections; and
- (iv) the Cabinet's reasons for that disagreement;

which the Leader submitted to the Council, or informed the Council of, within the period specified.

16.2130.4 Paragraphs 16.2130 – 16.2130.3 shall not apply in relation to:

- (a) calculations or substitute calculations which a Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

16.2130.5 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.

9.5.1 Corporate Scrutiny Committee

Membership: 14 Members

- The overall strategic direction, policies and priorities of the Cabinet and of Council.
- The Council's financial position and management of the council's finances and budgets (revenue and capital)
- Corporate Policies
- Internal and External Communications
- Customer contact centres
- Registration of Births Deaths and Marriages
- Coroners
- Matters relating to the activities of support services including:
 - Commercial/Procurement
 - Property and Facilities Management
 - Legal Services
 - Performance and Organisational Intelligence
 - Transformation
 - Internal Audit
 - Risk and insurance
 - Health and Safety
 - IT
 - Human Resources
 - Business Support
 - Democratic Services
- The Council's role as an employer
- Services which operate via a trading account
- Essex companies and other legal entities (and ECC's shareholder role)
- Democratic Engagement and Representation

9.5.2 People and Families Scrutiny Committee

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

- Education (other than skills and apprenticeships)
- Childrens' Services
- Youth Services
- Services relating to support for the community safety and the reduction of offending
- Adult social care, including the support of and assistance of people with learning or physical disabilities or sensory impairment and older people and the homeless
- Sport and physical activity including Active Essex (the Health Overview and Scrutiny committee to be included on healthy lifestyle matters)

- Transport services relating to any of the above services.

9.5.3 Place Services and Economic Growth Scrutiny Committee

Membership: 14 members

- The economy of Essex
- Economic development and regeneration
- Employment related Skills and apprenticeships
- Strategic Highways and transportation
- Heritage, Culture and the Arts
- Tourism
- Country Parks and other green assets
- Library services
- Broadband and public communications infrastructure
- Planning
- Environmental services
- Community Safety (not Domestic Violence or Youth Offending Team)
- Emergency Planning
- Waste and recycling
- Energy and emissions reduction
- Trading standards
- Housing
- Gypsies and travellers

ESSEX COUNTY COUNCIL PETITIONS POLICY

Essex County Council values the opinion of its citizens. Responding to petitions is a key way of promoting engagement and democracy. Under our policy, a petition may be raised by any person who lives or works within Essex to request that:

- the Council takes action or ceases taking action;
- a matter be looked at by the Chairman of the Scrutiny Board; or
- there be a debate at Full Council or other public meeting.

The person who starts a petition is known as the 'lead petitioner'. The Council recommends that, before starting a petition, the lead petitioner checks with the local County Councillor. They can tell you whether the Council is already acting on the matter and if the County Council is the most appropriate body to receive the petition.

Some petitions cannot be considered under this policy – these are set out below.

In all cases the lead petitioner will receive an acknowledgment and a subsequent email or letter informing them what action is to be taken.

There are various ways you can submit a petition:

1. You can submit a petition directly to the service responsible. If, for example, your petition is about the roads, you can send it to the Highways Service at County Hall.
2. You can submit a petition as part of a formal consultation exercise. In this case it must be received before the date that the consultation closes or it may not be included in the consultation – but it will still be treated in accordance with this policy.
3. If you're not sure who is responsible, submit a paper petition directly to: Head of Democratic Services, Democratic Services, Essex County Council, County Hall, Market Road, Chelmsford, CM1 1LX
4. You can attach a scanned copy of your petition to an email to the ECC service directly or to GovernanceTeam@essex.gov.uk
5. You can ask your local County Councillor to submit your paper petition on your behalf. The Councillor may be able to present the petition at Full Council. You can [find the contact details of your County Councillor](#) on our website.

6. You can start or sign a [petition online on the ECC website](#). A copy of the response a petition on an ECC website will be sent to everyone who signed the petition online.
7. You can start a petition using another website or online resource but we can only act upon a petition when it is closed and submitted to us. We cannot act upon on-going or 'rolling' petitions nor can we monitor or intervene in these external petitions. Furthermore, if an external site is raising a petition we will only consider it valid if, once submitted, we agree that it conforms to the principles of this policy.

What should a petition look like?

If you wish to design and print your own paper petition, remember it is important that people understand what they are signing. Your petition should include:

- the name and contact details of the lead petitioner;
- a clear, concise statement covering the subject of the petition;
- a statement explaining what action the petitioners wish the Council to take; and
- the name, address and signature of the persons supporting the petition.

If a petition does not follow these broad guidelines, the Council may decide not to do anything further with it. If that happens, the lead petitioner will be provided with an explanation. If the petition does not identify a lead petitioner, we will normally contact the first signatory to the petition and ask them to agree to act as the lead petitioner or contact the local councillor.

A suggested format is shown as an appendix 1 to this policy. You are welcome to use this version.

Who can sign a petition?

The Council will accept a petition if it is signed by people who live, work or study within the administrative boundaries of Essex. A person signing should normally be at least 12 years of age.

How many people need to sign a petition?

To trigger any action a petition must have a minimum of 10 signatures.

What will the Council do with petitions?

A petition (with 10 signatures or more) will always be acknowledged by email or letter to the lead petitioner within 10 working days of receipt. This acknowledgment will usually be from the service responsible but will always advise what we will be doing with the petition.

What action is taken will largely be determined by how many signatures there are.

- **Petitions signed by between 10 and 1,999 people:** A relevant Senior Officer will provide a written response to the Lead Petitioner. The Cabinet Member responsible may also respond.
- **Petitions signed by between 2,000 and 7,499 people:** The relevant Executive Director will provide a written response to the Lead Petitioner. The Cabinet Member responsible may also respond
- **Petitions signed by between 7,500 and 13,999 people:** The relevant Cabinet Member will provide a written response to the lead petitioner.
- **Petitions signed by 14,000 or more people:** The relevant Cabinet Member will provide a written response to the lead petitioner. If the Cabinet Member does not agree to take the action requested by the petition then the matter will be considered at a meeting of the Full Council for noting or (if appropriate) public debate. The lead petitioner may also be invited to attend and perhaps address the meeting.
- In addition, **any petition of 2,000 signatures or more** will be referred to the Chairman of the relevant Scrutiny Committee who will decide how the petition is reported to a meeting of the Scrutiny Committee. If a petition is considered by a Scrutiny Committee the Committee may require a Senior Council Officer or a Cabinet Member to attend a meeting of the relevant Scrutiny Committee for the purpose of considering the matter in public. If the Committee exercises this power then the lead petitioner will also be invited to attend and may address the meeting.
- **Public Consultations:** If the petition is concerned with a matter that is currently in consultation then every effort will be made to include it as a response, but to do so it must be received before the end of the consultation period.

Petitions not covered by this scheme

The following petitions are not covered by this scheme:

- those that the Head of Democratic Services considers to be rude, frivolous, offensive, defamatory, scurrilous or vexatious;
- petitions that relate to planning applications, planning policy or licensing matters– for which there are alternative arrangements ([See the ECC website for details](#));
- petitions about issues for which this Council is not responsible and cannot influence; or
- petitions relating to any individual or the personal circumstances of individual Councillors or employees of the Council or matters that should properly be dealt with under the Council’s complaints procedure.

Additionally, a petition will not normally be considered if it is received within six months of another petition on the same matter. However, if two or more petitions on the same subject are received at a similar time the lead petitioner may be contacted to determine if the petitions may be merged. Otherwise each petition will be treated separately.

If a petition relates to something over which the Council has no direct control or influence an acknowledgement of receipt will still be sent to the lead petitioner. However, the acknowledgement will inform the petitioner that they should re-direct the petition to the body responsible. More information on the services for which the Council is responsible can be found at: www.essex.gov.uk .

If the Council decides that a petition does not fall within the scheme, the lead petitioner will be informed and an explanation will be provided.

What you can do if you think your petition has not been dealt with in accordance with this policy?

The lead petitioner should in the first instance seek an informal review by the Monitoring Officer who will inform the lead petitioner of any decision arising from the informal review.

Once the formal review has been undertaken the lead petitioner will be informed within seven working days.

Appendix 1 - suggested petition format
(petitions can also be started on the Council's website)

Petition to Essex County Council

PURPOSE OF PETITION: (e.g.) [We, the undersigned object to.../Wish the Council to.../ Are concerned that...]

LEAD PETITIONER: (organiser of the petition) Mr/s Name, Address, email contact, (name of organisation represented (if any) e.g.) Local residents.... Residents' Association name... Neighbourhood Watch...

If you support this petition please sign below

Print Name	Address	Signature

9.4 Roles and Responsibilities of the Overview and Scrutiny Committees

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

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

20.13 Attendance of Members and Officers

An Overview and Scrutiny Committee may require any Member of the Cabinet or senior officer to attend before it to explain in relation to matters within their remit:

- i) any particular decision or series of decisions; and
- ii) the extent to which the actions taken implement Council policy.

It is the duty of those persons to attend if so required.



Essex Fire Authority

Report to the Constituent Authorities of the meeting on 7 September 2016

The items reported below are the main issues considered by Essex Fire Authority at its meeting on 7 September 2016. Full details of all the matters considered, together with the minutes of the meetings, can be viewed on the Essex County Fire and Rescue Service website, www.essex-fire.gov.uk.

1. Change in Membership of Essex Fire Authority

The Authority has welcomed Councillor Jamie Huntman (UKIP) to membership as a representative of Essex County Council, in place of Councillor Jude Deakin (Liberal Democrat). This has arisen due to a change in political balance at Essex County Council following a recent by-election.

The political make-up of the Authority is now as set out below:

Conservative	14
Labour	4
Liberal Democrat	2
UKIP	2
Green	1
Non-aligned	1
Independent	1
Total	25

The Authority has noted the impact of Councillor Huntman's appointment on the membership of its committees, and made changes accordingly. It has also noted the appointment of Councillor Alan Bayley (Essex County Council) as the UKIP Group Spokesman, for which he will receive a Special Responsibility Allowance under the Authority's Members' Allowances Scheme.

2. Options for Change Implementation Plan

At its meeting on 8 June 2016, the Authority approved a programme of change for the future direction of the Fire and Rescue Service in Essex. This related to changes to the operational response model, but also incorporated broader changes to the delivery of Prevention and Protection services and to support and enabling functions.

The Authority has now supported the implementation plan for delivering all aspects of the change programme, developed taking into account the views of stakeholders, including staff and their representatives (with whom engagement will continue to form a key strand of all future work).

3. Essex Fire Authority Corporate Strategy 2016 - 2020

The Authority has approved the Essex Fire Authority Strategy 2016 – 2020: Leading the Way to a Safer Essex.

The purpose of the Strategy is to set out in detail the Service's operating context, strategic themes and the key activities to be undertaken between 2016 and 2020. The document will now go through a final design phase prior to publication, and a shorter version summarising the key points will also be produced, for distribution at the same time.

The Authority was pleased to note the key part played by employees in developing the values statements and the 'Strategy on a Page'.

4. Efficiency Plan and 2020 Programme

The Authority has noted and approved a number of measures relating to the overall plan for delivery of change for the period until March 2020.

Efficiency Plan

The Government has offered fire and rescue authorities a four-year funding settlement for the period 2016/17 to 2019/20, conditional on formal acceptance by the Authority and submission of a robust efficiency plan. This represents a clear commitment by the Government to provide minimum allocations for each year of the spending review period, should authorities choose to accept the offer.

The Authority has agreed to accept the offer of a four-year finance settlement, and has approved the associated efficiency plan, designed to meet the specified criteria, noting that progress reports on delivery will be published annually. It has delegated authority to the Finance Director and Treasurer to submit the plan to the Government.

2020 Programme

Following the Authority's approval of the 2020 Programme in April 2015, significant progress has been made towards achieving its four aims, which are as follows:

- The development of an Integrated Risk Management Plan, to include a new response mode based on informed response standards;
- The establishment of an engagement strategy to include formal consultation requirements as well as an effective stakeholder communication strategy;
- To establish a number of options for change, for presentation and approval of the Authority; and
- The development of a Service Strategy for the period 2016 to 2020 to include the options for organisational redesign approved by the Authority.

The Authority has noted the arrangements in place to support delivery of the Programme, including establishment of a 2020 Programme Advisory Board, and

has approved the appointment of its Chairman, Vice-Chairman and Group Spokespersons as its representatives on the Board. Finally, it has noted the ongoing activities within the 2020 Programme.

5. Partnership Agreement between Essex Fire Authority and Essex County Council on the delivery of the Emergency Management function

Since 2010, Essex County Fire and Rescue Service (ECFRS) has worked in partnership with Essex County Council (ECC) to deliver that Council's emergency management responsibilities. A formal partnership agreement was signed in December 2011 for a period of five years, expiring on 1st January 2017. The budget for the service is provided directly by ECC and managed by ECFRS.

From early this year, discussions have been taking place regarding the possibility of wider collaboration across a range of Category 1 Responders (those identified as having the responsibility of planning, responding and undertaking the recovery to a major incident) within Essex. These include all Essex upper and lower tier authorities, Essex Police, the East of England Ambulance Service and Clinical Commissioning Groups.

Essex Fire Authority has agreed to support further work on the options for collaboration, including the possible creation of an Essex Resilience Team for the provision of Essex Civil Protection and Emergency Management, with a view to replacing the existing arrangements. In the meantime, the Authority has agreed to realign the current Partnership Agreement with ECC to the financial year, and to extend it initially for a further three months until 31st March 2017, and then for a further year until 31st March 2018. Finally, the Authority has agreed to amend the existing Partnership Agreement to reflect changes to the current delivery mechanism, including minor revisions to simplify and update the document, and the development of a three-year rolling Business Plan and work programmes.

6. Police and Crime Commissioner – invitation to attend meetings of Essex Fire Authority

Since March of this year, an Emergency Services Collaboration Strategic Governance Board has been established to provide the necessary oversight of the development of the business case and to develop further the activities that should be considered within a collaboration programme between Essex Police and Essex County Fire and Rescue Service. The Board is chaired by the Police and Crime Commissioner for Essex (Roger Hirst) and attended by the Chief Constable, the Chief Executive of the Office of the Police and Crime Commissioner, the Acting Chief Fire Officer and Chairman of Essex Fire Authority, Councillor Anthony Hedley.

In the light of discussion at a recent Board meeting concerning the relationship between the Authority and the Police and Crime Commissioner, the Authority has agreed to formalise the existing arrangement, whereby the Police and Crime Commissioner attends meetings of the Authority and views the meeting from the public gallery. A formal invitation has been extended to Mr Hirst, in his capacity as Chairman of the Emergency Collaboration Strategic Governance Board, to

attend all future meetings of Essex Fire Authority and the Policy and Strategy Committee. It is intended that, in this way, any debate by the Authority or the Committee can be informed by the perspective of the Commissioner and the work of the Board.

7. Sir Ken Knight Independent Cultural Review Progress Report Findings

The Authority has received a report by Sir Ken Knight on his conclusions and findings in respect of progress against the recommendations made by Irene Lucas CBE as part of her 2015 review into organisational culture at Essex County Fire and Rescue Service.

One of the recommendations made by Irene Lucas was that a short review of progress should be undertaken approximately six months after the original publication. The Authority engaged Sir Ken Knight to undertake this work over a period of two days at the end of July 2016.

In summary, Sir Ken is satisfied that Essex Fire Authority (the Authority) and Essex County Fire and Rescue Service (the Service) have taken, and are continuing to take, appropriate early actions to deliver against the Lucas Review recommendations. Appropriate consideration has been given to the fundamental issues and the Authority is on track to deliver against the recommendations in a timely manner. However, while good progress has been made in respect of laying groundwork and foundations, there is still some way to go to build on this work and embed change throughout the Authority and Service.

The work of the Expert Advisory Panel (the Panel) has been crucial in supporting all stakeholders and it is vital that the Panel remains in place to continue to provide support and appropriate challenge that will embed the necessary sustainable improvement.

Whilst the Authority and Service have demonstrated sufficient progress to suggest a degree of earned autonomy; the Lucas Review recommendation that the Panel remain in place for 2 years from September 2015 remains valid, given the complex and challenging nature of the issues that remain.

Sir Ken has fully endorsed the next steps set out by the Fire Authority, the Service and the Expert Advisory Panel and has also added additional recommendations following his review.

In Sir Ken's view there remains significant scope for the lessons to be learned from the work that the Authority and the Service have undertaken to address organisational culture to be shared more widely with other fire and rescue services.

Sir Ken states that the underlying issues of inappropriate behaviour identified in the Lucas report are entirely unacceptable in any fire and rescue service and, whilst it is not appropriate to deflect either the Authority or the Service from its challenge of cultural change in Essex, he believes it is now timely for the Home Office to publish the review carried out by Adrian Thomas in August 2014 as

outlined in the speech given in May 2016 by the former Home Secretary, Theresa May, as a platform to share the learning for cultural change in all fire and rescue services.

Sir Ken highlights some specific areas of uncertainty which remain and are undoubtedly hindering some of the necessary progress, particularly in relation to ongoing historical employment issues. He states that, whilst it can be tempting to demand immediate resolution of these matters, it is important that due process is allowed to continue in order to ensure that all matters are dealt with fairly; particularly given their complex nature. For this reason it is necessary for a progress review to be completed during the autumn of 2016 to seek an update on resolution of historical employment issues.

In conclusion, Sir Ken states that a good start has been made with regard to the transformation programme embarked upon in response to the Lucas Review. However, continued involvement and scrutiny by the Authority of the changes remains necessary. In his view, there is still much to be done to deliver a modern and flexible fire and rescue service with common values and norms, which are embraced by the whole workforce so that the service is able to deliver its full potential to the community of Essex.

The Authority has welcomed Sir Ken Knight's findings and is encouraged that, with continued work, the organisation can become one with well-respected staff at all levels, professional and fit to face the challenges ahead. It has noted Sir Ken's endorsement of the next steps proposed by Essex Fire Authority, Essex Fire and Rescue Service and the Expert Advisory Panel, as set out in his report. Finally, the Authority has agreed to accept and implement Sir Ken's recommendations for further action.

**Councillor Anthony Hedley
Chairman**

