

Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 11 October 2011

Present

Chairman: Councillor R L Bass

Vice-Chairman: Councillor K Twitchen

Councillors:

| | | |
|-----------------|-------------------|--------------------|
| D Abrahall | R G Gooding | G Mitchinson |
| J F Aldridge | C Griffiths | D Morris |
| Mrs S Barker | I Grundy | A Naylor |
| L Barton | A M Hedley | M J Page |
| J Baugh | Mrs T M A Higgins | R A Pearson |
| K Bentley | R C Howard | J W Pike |
| R G Boyce | N J Hume | C C Pond |
| A Brown | A J Jackson | Mrs I Pummell |
| G Butland | E C Johnson | Mrs J M Reeves |
| S Candy | J G Jowers | C G Riley |
| S C Castle | J Knapman | J Roberts |
| R P Chambers | M C M Lager | D C F Robinson |
| P Channer | D Louis | Mrs T L Sargent |
| Mrs T M Chapman | J R Lucas | M Skeels |
| J A Deakin | G W McEwen | T C Smith-Hughes |
| W J C Dick | M Mackrory | Mrs A Turrell |
| J Dornan | R A Madden | S M Walsh |
| T Durcan | P J Martin | Mrs E A Webster |
| N D C Edey | S Mayzes | Mrs M J Webster |
| D Finch | L Mead | Mrs J H Whitehouse |
| M D Fisher | Mrs V Metcalfe | B Wood |
| M Garnett | Mrs M A Miller | J A Young |

28. Apologies for Absence.

Apologies for absence were received on behalf of Councillors B Aspinell, R Callender, Mrs E M Hart, Mrs S Hillier, D J Kendall, J M Schofield and R G Walters.

29. Declarations of Interest.

There were no declarations of interest.

30. To report the result of the Stock Division By-Election held on 8 September 2011.

The Chairman welcomed Councillor Ian Grundy to the Council having been elected to represent the Stock Division.

31. Minutes.

Resolved:

That the minutes of the meeting held on 12 July 2011 be approved as a correct record and signed by the Chairman subject to a revision to the list of those present and an amendment to the wording on page 35, Minute 23(i), such that this would now read:

‘The Cabinet Member endorsed the result of the School’s Forum Debate on the debt (caused by criminal activity) at Roding Valley High School. On the adequacy of sixth form provision in Loughton and the Epping Forest District he said he would continue to listen to concerned councillors and parents.’

32. Recent Death.

The Chairman informed the Council with regret of the recent death of former Essex County Council County Architect Alan Willis CBE, who was widely respected and known to many Members.

Members stood in silence in memory of the deceased.

33. Civic Receptions.

The Chairman thanked Members for their attendance at the Civic Reception that had been held at his home and requested that they note in their diaries that the forthcoming Christmas Reception would be held at Maynetrees on

Thursday 15 December. In a break from tradition, spouses would be invited to attend.

34. Recent Marriage.

The Chairman on behalf of the Council congratulated Councillor Roger Walters on the occasion of his marriage.

35. Britain in Bloom - Halstead.

The Chairman on behalf of the Council congratulated the Mayor of Halstead and others as the town was awarded gold in the town category of the Royal Horticultural Society Britain in Bloom Awards 2011. Halstead also took an Anglia in Bloom Blue Ribbon Award and the Chairman expressed the view that the results provided an excellent example of co-operative effort in the locality.

36. National Transport Awards - Colchester.

The Chairman invited Councillor Tracey Chapman, Cabinet Member for Highways and Transportation to say a few words concerning the National Transport Awards.

Councillor Chapman wished to congratulate staff at Essex County Council and Colchester Borough Council and others, including the former Cabinet Member for Highways and Transportation, Councillor Norman Hume, the Cycling Colchester Team, local cycling networks and groups who had all contributed towards the Cycle Colchester Initiative. The award of Cycling Town Status recognised the improvements made to the cycle network around Colchester over the past three years.

37. Presentation of petitions.

The Chairman formally received petitions concerning;

- a pedestrian crossing on Lane End, Church Langley, Harlow from Councillor Eddie Johnson,
- the proposed closure of the Civic Amenity Site at High Ongar, from Councillor Gerard McEwen,
- the proposed closure of the Civic Amenity Site at St. Osyth, from Councillor Derek Robinson (two petitions) and
- road safety issues near Baddow Hall Infant and Junior Schools on Church Street, Great Baddow, from Councillor Maureen Miller.

38. Revisions to the political proportions applying to Committee memberships

The Council noted a report from the Chief Executive revising the political proportions applying to Committee memberships.

The Chairman advised the Council that the Chief Executive had confirmed that the paper complied with Regulation 17 of the Local Government (Committees and Political Groups) Regulations 1990.

39. Motion – Public Engagement

It was moved by Councillor T C Smith-Hughes, seconded by Councillor M Mackrory and supported by Councillor Mrs T M A Higgins that:

“Council notes that whilst corporate governance processes and procedures have been enhanced since February last year, there is still more that needs to be done to engage with the public and restore confidence in the County Council by Essex residents and council taxpayers. The Council has stated it believes in being accountable to the public, and in open and transparent democracy, but there is still an urgent need to improve public engagement and explore ways of opening up the Council to the public.

Council therefore:-

- Resolves to form a cross-party Working Group to investigate ways of improving public engagement with the Council, firstly by setting out a workable procedure for allowing members of the public to ask questions in person at public Council meetings, relating to the business of the Council.
- Resolves that, far from stopping there, it should also explore the potential of further, innovative ways of opening up the Council's meetings and processes to the public.
- Resolves that the Working Group report back to Cabinet or Full Council by May 2012 at the latest. “

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

40. Report of Council Issues

The report of Council Issues was received.

Before being put to the meeting it was moved by Councillor P J Martin and seconded by Councillor D Finch that recommendation (3) to item 2 (Member Scheme of Allowances) be amended by the addition of the following words at the end:

'It should be noted that the office of Chairman incorporates a large element of ceremonial duties which by their very nature will include an expectation of formal hospitality for which a separate budget is allocated and within which it is acceptable. There are also agreed arrangements for members to provide lunch for visitors at County Hall at a subsidised rate.'

Having been put to the meeting the amendment was declared to be carried.

Upon being put to the meeting, the recommendations in connection with items 1 (Appointment of Monitoring Officer and consequent changes to Delegations), 2 (Member Scheme of Allowances), 3 (Updating the Council's Petitions Policy) and 4 (Amendments to the Constitution) were approved and accordingly it was:

Resolved:

Appointment of Monitoring Officer and consequent changes to Delegations

- (1) That Terry Osborne, Assistant Director of Corporate Law, be appointed as the Council's Monitoring Officer with immediate effect.
- (2) That Article 4.4 be amended to show that the Post of Assistant Director of Corporate Law be designated Monitoring Officer.
- (3) That Part 3 of the Constitution Scheme of Delegations to Officers be amended by the substitution of the delegations to the County Solicitor and the addition of delegations to the Assistant Director of Corporate Law as shown in Annex "A" to the report.

Member Scheme of Allowances

- (4) That as every member is required to sign that they are responsible for the accuracy of their own claim, the words " , provided that claim forms relating to the duties of deputy Cabinet Members shall be counter signed by the relevant Cabinet Member" be deleted from the end of the fourth paragraph of Section 25.13 of the Members Allowances Scheme.
- (5) That the following wording be added to the end of the fourth paragraph of the Section on Travel Expenses in Appendix 2 of the Members Allowances Scheme:

"However, a Member who is registered for VAT and provides a copy of the relevant VAT Certificate to the Governance Team can claim mileage without receipts."

- (6) In order to formally recognise a decision taken by Council in December 2009, the following be added at the end of the Section on Subsistence Expenses in Appendix 2 of the Members Allowances Scheme:

“Hospitality

Council funds should not normally be used for offering hospitality to third parties. If it is likely that a ‘typical’ member of the public would think that using Council funds to offer hospitality is inappropriate, then it probably is and should therefore not be offered.

In exceptional circumstances Members may be in a position where they are required to provide hospitality (e.g. buying lunch for the purpose of managing the reputation of the Council). The need to incur such expenses must be approved in advance by the authorising officer. In these circumstances there must be appropriate supporting information provided with the claim / P-Card which includes relevant receipts and demonstrates the authorisation given, the reasons for the need to offer hospitality, and the names of those involved (both those of the external body offered the hospitality, and any County Council officers present). It is expected that the subsistence rates would normally apply, although there may be occasions when a higher level of hospitality is appropriate. In these cases, the same rate as that applying to officers is permitted which is currently a maximum of £40 per head, including alcohol. Catering may be provided for formal meetings with external bodies in certain circumstances, for example, if meetings take place outside of normal office hours.

It should be noted that the office of Chairman incorporates a large element of ceremonial duties which by their very nature will include an expectation of formal hospitality for which a separate budget is allocated and within which it is acceptable. There are also agreed arrangements for members to provide lunch for visitors at County Hall at a subsidised rate.”

Updating the Council’s Petitions Policy

- (7) That the Council’s published Petitions Policy be updated to show the availability of e-petitioning and to remove references to Area Forums.

Amendments to the Constitution

- (8) That the second paragraph of Standing Order 16.10.2 Notices of Motion be amended to read as follows:

“Written notice must be signed by the Member intending to move the motion and not less than one other member.”

- (9) That Part 3 of the Constitution under Executive Functions be amended by the inclusion at the end of paragraph 13.3 of the following:
- “The following joint bodies will exercise Executive Functions in accordance with the terms of the agreements currently in operation, namely the South Essex Parking Partnership Joint Committee and the North Essex Parking Partnership Joint Committee”.
- (10) That Article 9.5.4 of the Constitution be amended to increase the membership of the Economic Development, Environment and Highways Committee from 16 to 18.

41. Report of Cabinet Issues

The report of Cabinet Issues was received and adopted.

42. Overview and Scrutiny Issues Report.

The report of Overview and Scrutiny Issues was received and adopted.

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

Members responded to questions as follows:

- (i) To a request that there should be a named contact officer for each of the bodies engaged in the Parking Partnerships; (Councillor Pond of the Cabinet Member for Highways and Transportation)

The Cabinet Member responded that she would investigate the possibility.

- (ii) To a request for a report on the Hadleigh Mountain Biking Event in July; (Councillor Reeves of the Cabinet Member for Education and the 2012 Games)

The Cabinet Member stated that the event had taken place and large numbers of people had attended what proved to be an excellent example of partnership working, involving the Salvation Army, other local authorities, and a tribute to the officers of Essex County Council and other stakeholders who had contributed to a successful event.

- (iii) Regarding the proposed closure of the recycling centre in St. Osyth and the suggestion of an error in the consultation process; (Councillor Young of the Cabinet Member for Economic Development, Waste and Recycling)

The Cabinet Member replied that there was no statutory consultation required, however, there had been local engagement and consideration would be given to the views of local residents and appropriate weight to the petitions received before the decision was taken.

- (iv) The cost to ECC of the evictions at Dale Farm and the implications for the provision of local education; (Councillor Durcan of the Leader and the Cabinet Member for Education and the 2012 Games)

The Leader responded, stating that the answer to this was complex and touched upon many areas across Essex County Council and so he would provide a full response at a later date.

The Cabinet Member stated that the majority of travellers' children attended not just one local school but various schools and were primarily from the legal site and so were not facing eviction. In consequence he believed that there would be minimal disruption to education in the locality.

The Chairman then expressed his personal concerns about consequences to all concerned because of the delays to the eviction.

- (v) Minerals planning application: local residents requesting details of person at Network Rail; (Councillor Candy of the Cabinet Member for Communities and Planning)

The Cabinet Member responded by expressing the confidence that he had in the process of consultation that had taken place, the evidence provided and the officers concerned.

- (vi) The removal of audible bleeping from the pedestrian crossing lights on Wickford High Street; (Councillor Pummell of the Cabinet Member for Highways and Transportation)

The Cabinet Member responded that the audible bleeping of the pedestrian crossing had not been removed, as had been suggested, but to meet the latest standards for such crossings. There was now in place a vibrating signal situated on the pillars adjacent to the crossing.

- (vii) Closure of recycling sites and payments for recycling and clarification of payments for recycling; (Councillor Knapman of the Cabinet Member for Economic Development, Waste and Recycling)

The Cabinet Member replied that he was seeking ways that a negotiated solution could be found to keep the sites operational.

- (viii) A request that congratulations be conveyed to the Leader of Basildon District Council on the handling of the complex public relations issues that arose from the matters relating to Dale Farm; (Councillor Pike of The Leader)

The Leader agreed that we would write to the Leader of Basildon District Council.

- (ix) The lift in Chelmsford Library having been out of working order for some weeks; (Councillor Mackrory of The Cabinet Member for Environment and Culture)

The Cabinet Member replied that he would investigate the matter.

44. Written Questions (Standing Order 17.11.3)**(1) By Councillor Gerard McEwen of the Cabinet Member for Economic Development, Waste and Recycling.**

‘The proposal to cease operating the Civic Amenity Site in High Ongar has provoked a storm of protest as demonstrated by the petition presented to the Chairman this morning with well over 3,000 signatures.

The calculations used to justify closure make no allowance for the loss of amenity to this large rural area (of something over 70 square miles) which is served by the site. The next nearest CAS in Brentwood is 6 miles away but it will mean a round trip of up to 25 miles for many of the users coming from the surrounding villages. This would also create additional serious traffic problems on the extremely busy A128 road.

A reduction in hours and days of operation as proposed for the other sites would be a far more acceptable option.

Whilst accepting the need for you to find maximum budget savings from your portfolio, I ask that the intended proposal - to close this site altogether before the year end - should be reviewed, to allow time for alternative solutions to be evaluated.

Following the meeting with Chairmen and Clerks of affected Parishes which you attended with the Head of Waste Management, a possibility has arisen which could result in a form of ‘partnership contract’. This might even extend beyond the operation in High Ongar, resulting in further savings for the County Council.

May I extend to you an invitation to meet for discussions with interested parties, with a view to maintaining this valuable amenity?’

Reply

‘The review of the Recycling Centre for Household Waste (RCHW) provision has been predicated on the reduction in usage of these facilities over the past few years as a result of increased kerbside waste and recycling service provision by district and borough councils, which in turn has been facilitated by direct County Council funding.

Since 2006/07 the amount of household waste being taken to the RCHW by residents has fallen by over 9%. In the case of the High Ongar site the reduction has been almost 21%. This fall in usage has meant that the current service provision no longer represents value for money.

In reviewing the RCHW service provision I have paid close attention to ensuring that the changes proposed in conjunction with other services provided do not significantly compromise the opportunity for householders to recycle or dispose of their waste.

Although I accept that current users of the High Ongar site will experience inconvenience as a result of having to travel further to access an RCHW site, the investment made by the County Council and the local district and borough councils in kerbside collections means that the need and frequency of such visits is now much reduced, as much of this material can be collected from the kerbside. Recent analysis undertaken earlier this year at the High Ongar site has indicated that usage of the site could be reduced even further as the existing kerbside collection services could handle almost 50% (by weight) of the household waste taken to this site.

Current users of the site have a number of alternative sites available and the road networks surrounding all of the alternative facilities within the High Ongar catchment area are of a sufficient standard to deal with any additional traffic resulting from the closure of this facility.

Although the review did look at options for reducing the operating days of the High Ongar site the declining usage of the site which is expected to continue combined with the available capacity at the larger neighbouring sites provided an opportunity to reduce overall service costs and improve value for money, it is for this reason I am proposing this change.

In response to the recent meeting with local parishes, and the potential for a community led operation at the site, I will ensure all necessary resources are made available to explore this option with yourself, the local parish councils and the local district and borough councils. To this end a meeting is currently being sought with the interested party to further explore this potential opportunity.

(2) By Councillor Mike Mackrory of the Cabinet Member for Highways and Transportation.

‘In a recent press release, reference was made that the £5.3m of DfT funding for pothole repairs "has now been allocated".

Can the Cabinet Member confirm that these funds will be allocated solely for pothole repairs, of which there are many thousands outstanding?’

Reply

‘The terms of the DfT funding grant stated that the money must be spent by the end of September 2011 and that highway maintenance should be prioritised to maximise **longer term value for money**, and that the funding must complement rather than displace the wider highways budgets.

The type and distribution of winter damage across the County varied, depending on the material type of the roads, their age and their locality. Defects included joint damage, edge deterioration, drainage problems, pot holes and more extensive surface deterioration. It may also be noted that the grant letter from the DfT makes reference to ‘other road damage’ in terms of winter weather damage, not just ‘pot-holes’.

We tailored the nature of our response according to the type of damage as well as the opportunities to optimise the availability of contractor resources. At the heart of our approach, however, was the desire to achieve longer term value for money, as per the terms of the grant. 'Seek and fix' gangs were employed to tackle a proliferation of pot holes, but we also carried out more extensive resurfacing where this was a better means of addressing high numbers of defects. Approximately 22,000 minor repairs, such as pot-hole repairs, were carried out. Approximately 108,000 square metres of additional patching and resurfacing works were also carried out, which accounted for approximately 13,000 other defects.

The DfT funding was combined with our Council pledge of over £4M 'to restore the network to its pre-winter 2010/2011 condition'. Around half the Council pledge was spent by the end of September, and the Council-funded work will be ongoing to the end of the financial year. To the end of September, the Council funding had accounted for approximately 9,500 minor repairs, such as pot-hole repairs, plus approximately 17,000 square metres of additional patching which has accounted for approximately 4,250 other defects.

It may be noted that our value for money approach to longer-term repairs, in keeping with the terms of the DfT grant, has strengthened the asset which will reduce the number of defects, such as pot-holes which are likely to occur during the winter months ahead. This has only been possible through combining the Council pledge funding of £4M with the DfT grant. For more detail please refer to the 2010/2011 briefing note published on the Essex County Council website.'

(3) By Councillor Mike Mackrory of the Cabinet Member for Procurement, Property & Major Projects.

'With the Magistrates Courts vacating Shire Hall in April 2012, what proposals does the Cabinet Member have for the future use of this fine historic building?'

Reply

'As part of the Council's Property Transformation programme, options are currently being developed to ensure that the long-term future of this historic building is secured. It is worth noting that the key principles of County Council ownership, value for money and public space will underpin any option. The options will also take into account a wide range of views from interested parties such as Visioning Chelmsford and Chelmsford Borough Council, including their plans for Tindal Square and the wider town centre. It is anticipated that the option development will be completed early in the New Year when a decision on how to proceed will then be made.'

45. Questions to the Essex Police Authority Representative

The report of the Authority's meeting held on 5 September 2011 was received. Councillor Jackson, Chairman of Essex Police Authority, responded to matters raised.

46. Questions to the Essex Fire Authority Representative

The report of the Authority's meeting held on 7 September 2011 was received. Councillor Hedley, Chairman of Essex Fire Authority, responded to matters raised.

The meeting closed at 12:15

Chairman
13 December 2011