
Essex County Council

13 July 2021

Order Paper

Report of the Local Government Ombudsman

Under the Local Government Act 1974 any public report of the Ombudsman is required to be 'laid before the Council'. This does not require the report to be considered at a meeting of the Full Council but the Ombudsman has expressed the view that the matters ought to be referred to in the papers for a meeting.

One report has been received and is noted here.

The Council has accepted the recommendations set out in the report.

Copies of the report are available by email from Andy Gribben, Senior Democratic Services Officer. andy.gribben@essex.gov.uk

Date of report	Reference	Subject
13 May 2021	19 008 474	Adult Care Services

Agenda item 4 Public Speakers

The following question will be asked by a member of the public registered to speak in accordance with Standing Order 16.12.8.

Question: from Mr Philip Robinson of Elmstead Market who is to ask a question concerning the impact of the proposed Garden Community upon Turnip Lodge Lane. His question is:

'Turnip Lodge Lane is an historic, beautifully peaceful single-track lane enjoyed by many walkers, cyclists and horse riders. It is also a Protected Lane of high regional importance due to its historic integrity and aesthetic value. The proposed Link Road will cut right across this Lane and, it will run close alongside the Lane for the entire length of its protected portion. This results in the Lane and its setting being severely damaged for all users and for all time.

As a Non-Designated Heritage Asset, ECC is obliged (by the National Planning Policy Framework as well as local policies) to fully assess the

impact of the new Road on the Lane and further to avoid/minimise that impact on both the Lane and its setting.

In my view, the current assessment undertaken in the Planning Application is not adequate as:

- There are no impact minimisation actions presented in the documentation set.
- The landscape impact of the Road upon the Lane has only been fully assessed at a single point along its entire c.500 metre length. This view screens the Road to some extent via an existing hedgerow, which is not the case along all the Lane. 50m away from this point there is a significant stretch with no hedgerow protection at all.
- In my view there are several potential minor adjustments to the current Road design that could result in a noticeable reduction in the impact of the Road on the Lane.
- There are no additional bush/tree screening measures on this section of the Road.

In addition, the proposed Garden Community has placed high importance in celebrating its historical assets with its policy to protect and enhance its historic features. It would seem a fundamental error to not fully analyse/minimise the impact on its only Protected Lane from the very first construction project within its boundaries.

I know that ECC will want to preserve every heritage gem, and its setting, and I appeal to you to look closely at this Road Application to see for yourselves if enough has been done. The road designers may have produced a good design that minimizes the cost and construction time, but I urge you to check whether more needs to be done to better preserve this Lane and its setting and ask you to review the decision in the light of the environmental impact on the historic environment.

Furthermore, if you want any further justification, I respectfully invite you to visit Turnip Lodge Lane for yourselves before its partial destruction and its entire setting is sanctioned to be lost for all time.'

Councillor Wagland, Cabinet Member for Economic Renewal, Infrastructure and Planning will respond.

Agenda item 8**Motions**

The following amendments to Motions have been received:

Motion 1 Creation of a free Essex-wide parking permit scheme for carers on duty

An amendment to be moved by **Councillor Scott** and seconded by **Councillor Lissimore**.

- *(The words deleted are shown ~~struck through~~ and additions are shown underlined)*

'Council calls upon the Cabinet to ~~create~~ consider an Essex-wide on-street parking permit scheme for the exclusive use for carers, healthcare assistants and associated volunteers who visit patients/residents living in controlled parking zones and similar to provide caring services, so as to create a single permit system for the whole county, ~~to be issued gratis~~. Council also asks the cabinet member to ~~negotiate~~, consider, if possible, similar reciprocal arrangements with neighbouring authorities, so as to facilitate provision of care in border areas.

- *The motion, if amended, would then read:*

'Council calls upon the Cabinet to consider an Essex-wide on-street parking permit scheme for the exclusive use for carers, healthcare assistants and associated volunteers who visit patients/residents living in controlled parking zones and similar to provide caring services, so as to create a single permit system for the whole county. Council also asks the cabinet member to consider, if possible, similar reciprocal arrangements with neighbouring authorities, so as to facilitate provision of care in border areas.

Motion 2 Changing the culture of Sexual Harassment towards girls and women

An amendment to be moved by **Councillor McKinlay** and seconded by **Councillor Ball**.

- *(Words deleted ~~struck through~~ and additions shown underlined)*

'This Council recognises the saddening state of affairs outlined by the Ofsted report on 10th June 2021 stating: "culture change needed to tackle 'normalised' sexual harassment in schools and colleges".

Ofsted's inspectors visited 32 state and private schools and colleges and spoke to more than 900 children and young people about the prevalence of sexual harassment in their lives and the lives of their peers. The review found that sexual harassment, including online sexual abuse, has become 'normalised' for children and young people and that Education leaders that were spoken to, also highlighted

the problems that easy access to pornography had created and how pornography had set unhealthy expectations of sexual relationships and shaped children and young people's perceptions of women and girls.

~~Around 9 in 10 of the girls spoken to said that sexist name calling and being sent unwanted explicit pictures or videos happened 'a lot' or 'sometimes'. Inspectors were also told that boys talk about whose 'nudes' they have and share them among themselves like a 'collection game', typically on platforms like WhatsApp or Snapchat.~~

The review recommends that school and college leaders act on the assumption that sexual harassment is affecting their pupils and take a whole-school approach to addressing these issues, creating a culture where sexual harassment is not tolerated.

Furthermore, Ofsted explain that it was clear that effective joint working between Local Safeguarding Partnerships (LSPs) and all schools and colleges was not happening consistently. The report makes recommendations for schools, colleges, local and central government to implement.

This Council acknowledges that this is a societal issue where we all have a role to in resolving; and the considerable action already being taken in Essex, which includes:

1. The work already done by Cllr McKinlay and the Safety Advisory Group, including research and engagement activities to develop a fuller understanding of the experiences of women and girls in Essex and how we can work with our partners to produce meaningful action. This includes a survey through the resident's panel, a literature review of national evidence/best practice, engaging with the Young Essex Assembly, analysis of testimonials on national/local websites (such as Everyone's Invited), focus groups.
2. The continuing work of the Local Safeguarding Partnership in Essex, where there is clear evidence of a strong multiagency partnership.
3. The work that is already happening in schools and colleges to ensure that Relationships, Sex, and Health Education (RSHE) is delivered to a consistently high standard across every school and college in Essex, including:
 - Termly safeguarding forums, to which all settings are invited – these are well attended by a range of settings.
 - Regular safeguarding briefings, sent to all settings, with key information and updates.

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- Training from the Education Safeguarding Team on Harmful Sexualised Behaviour took place on 10th June – over 150 school leaders / safeguarding leads.
4. The work of the Essex Child and Family Wellbeing services, family hubs, parent forums and other partners to develop a ‘whole society’ approach to this in Essex.

This Council therefore calls upon Cabinet, with the support of all councillors, to:

1. The Chairman of the SAG presents to the *People* and Families Policy and *Scrutiny* Committee outlining the approach to the work and presents back a draft report and set of recommendations on the expenditure of the £500,000.
2. The Cabinet to continue to take a lead across educational establishments in Essex to improve engagement between multi-agency safeguarding partners, ensuring effective joint working occurs between Local Safeguarding Partnerships.
3. The Government to implement the Age verification for legal pornography sites which was introduced under part 3 of the Digital Economy Act in 2017, by the end of the year.

~~This Council therefore calls upon Cabinet, with the support of all councillors, to:~~

- ~~1. Publicly acknowledge and respond to the content and recommendations in the Ofsted report on Sexual Harassment in schools and colleges.~~
- ~~2. Create a working group of Councillors and experts to conduct further research into the Essex experience and understand the wider causes and determinants of this culture of sexual harassment.~~
- ~~3. Take a lead across educational establishments in Essex to improve engagement between multi-agency safeguarding partners, ensuring effective joint working occurs between Local Safeguarding Partnerships.~~
- ~~4. Share resources, training and guidance for school and college leaders, ensuring that relationships, sex, and health education (RSHE) is provided and is of a consistently high standard across every school and college in Essex.~~
- ~~5. Share developing government guidance about sexual harassment and online abuse to help change attitudes, including advice for parents and carers.~~
- ~~6. Communicate support for women and girls across Essex, primarily by removing the blame upon women and acknowledging the need to change the education, culture and attitudes of boys and men towards women.~~

Link to the Ofsted Report on Sexual Harassment in Schools and Colleges, including recommendations: <https://www.gov.uk/government/news/ofsted-culture-change-needed-to-tackle-normalised-sexual-harassment-in-schools-and-colleges>

- *The motion, if amended, would then read:*

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2. The continuing work of the Local Safeguarding Partnership in Essex, where there is clear evidence of a strong multiagency partnership.
3. The work that is already happening in schools and colleges to ensure that Relationships, Sex, and Health Education (RHSE) is delivered to a consistently high standard across every school and college in Essex, including:

- Termly safeguarding forums, to which all settings are invited – these are well attended by a range of settings.
 - Regular safeguarding briefings, sent to all settings, with key information and updates.
 - Training from the Education Safeguarding Team on Harmful Sexualised Behaviour took place on 10th June – over 150 school leaders / safeguarding leads.
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Agenda item 14

Written Questions and Answers

1. By Councillor Henderson of the Cabinet Member for Highways Maintenance and Sustainable Transport

‘Can the Portfolio Holder provide details with reference to routine inspection and maintenance of the highway drainage system within the following areas/streets in Harwich.

Bathside – Harwich

Maria Street

Talbot Street

Canning Street

Vansittart Street

Albert Street

Stour Road
 Albemarle Street
 Pepys Street
 Coke Street

Dovercourt - Harwich

East Street
 Victoria Street

When were these Roads/Streets last checked and how many times during a 12-month period are they checked?'

Reply

'Thank you for your question. Please find below the details to your question. For ease of reference these have been included in a table which details the last time the areas listed were inspected, the inspection type and the frequency.

Location	Inspection type	Inspection frequency	Inspection Due	Date of last inspection
Bathside Harwich (confirmed as Bathside Garage/Bay/Park on Stour Road, Harwich)	Walked	Annual	February	18/02/2021
Maria Street	Walked	Annual	February	04/02/2021
Talbot Street	Walked	Annual	February	15/02/2021
Canning Street	Walked	Annual	February	18/02/2021
Vansittart Street	Walked	Annual	February	05/02/2021
Albert Street	Walked	Annual	February	17/02/2021
Stour Road	Walked	Annual	February	18/02/2021
Albemarle Street	Walked	Annual	February	02/02/2021
Pepys Street	Walked	Annual	February	04/02/2021
Coke Street	Walked	Annual	February	04/02/2021
Dovercourt - Harwich - 5 sections:				
Dovercourt Bypass Stage 2 Service Road Harwich	Walked	Annual	February	18/02/2021
Dovercourt Bypass Stage 2	Driven*	Monthly	June	01/06/2021
Dovercourt Bypass (1)	N/A	N/A	N/A	N/A
Dovercourt Bypass (2)	N/A	N/A	N/A	N/A
Dovercourt Roundabout	Driven*	Monthly	June	01/06/2021

East Street	Walked	Annual	March	16/03/2021
Victoria Street	Walked	Annual	March	16/03/2021

*Driven: Walked and Driven inspections are the full width of the Highway of all assets. Currently all Driven inspections are noted as Reduced Inspections as they are undertaken by a lone driver for CAT1 defects only. Reduced Inspection can also be used if there is an issue on site restricting an inspection. (Utility works, parked vehicles etc).

Dovercourt Bypass (1) and (2) are both the responsibility of Highways England.'

2. **By Councillor Harris of the Cabinet Member for Highways Maintenance and Sustainable Transport**

'There has been a massive repeating of flooding in parts of my division over past year or two. Drains seem to be unseen and forgotten about.

Notably in my area the hotspots for flooding are:

- 1) Berechurch Hall road, which floods regularly by a bus stop soaking those who wait for a bus,
- 2) Mersea Road near the Colchester cemetery wall (which is very old and affected by the water splashed onto it by cars),
- 3) School Road, Monkwick which is a route to school for many secondary, junior and infant age groups,
- 4) Gloucester Avenue and parts of Rayner Road in Shrub End,
- 5) Parts of Monkwick estate such as Moy Road, and Queen Elizabeth Way.

Can the portfolio holder confirm whether there is regular jetting and clearing of the drains on a maintenance schedule, or is it a reactionary service just responding to call outs?

Is it also possible to add sites for future investment in these areas?'

Reply

'Thank you for your question. Essex County Council has lead local responsibility for reducing the risk of flooding from surface water, groundwater and ordinary watercourses and to work closely with other organisations under the Flood and Water Management Act 2010. The County Council has two key teams with responsibility for dealing with flooding. ECC's Flood and Water Management Team are responsible for identifying broader flood risks, developing strategies for mitigating them and working with various partners, such as the Environment Agency, utility suppliers, landowners, developers and third-sector organisations to reduce potential and actual flooding. Day-to-day flooding, on the highways that Essex County Council are responsible for, is generally managed by Essex Highways, using gully cleaning teams and/or our Surface Water Alleviation Scheme (SWAS) process.

I appreciate that with ever more severe weather events, flooding is an issue that will increase which is why we have the flooding team now within the Highways

Maintenance and Sustainable Transport Portfolio and we will be investing in how we better manage floods and flooding across Essex. With regards to your question around regular jetting and clearing of drains I can confirm that there is one in place. For the maintenance of gullies, the service operates a risk-based approach to cleansing on our priority road network. This is based on analysis of the volume of detritus collected from each gully over several years. A more traditional cyclical based approach is applied to the local roads and this will continue until sufficient data is available to extend the risk-based approach into local roads. At present we cleanse in the region of 1/3 of our gullies across the county each year.

In addition to this, the service employs three high pressure jetting units across the county all year to help prevent or relieve flooding on the network. This defect-led work can come from a range of places including gully crew reports, inspections, ad-hoc reports, weather related incidents and enquiries. It is also worthwhile noting that many of the highways systems drain or flow into systems or ditches that are managed by other agencies who would have their own separate maintenance regimes.'

3. By Councillor Harris of the Cabinet Member for Education Excellence, Skills and Training

'Would the portfolio holder for schools be able to review the Colchester Schools places survey, and adjust future provision places? I see many families who cannot get into local schools in South Colchester. (An example of a family in South Colchester being told the only place they could offer was Brightlingsea. Not a very "green" way with a journey for mum each day back and forth.)'

Reply

'Essex County Council has a Ten-Year Plan for school places which is updated annually using the latest information on school capacities, local demand, and new housing. Colchester has seen significant school expansion over recent years to ensure sufficiency of school places. The south of the town has seen recent expansion at Philip Morant School and the opening of Paxman Academy, which between them added 1200 secondary school places into the system. At a primary level, that part of town has seen the expansion of St Michael's Primary, St John's Green Primary, and Monkwick Infant and Junior schools, which combined added 840 primary school places into the system. Capacity and demand is monitored carefully, and if there is a need for additional school places in Colchester or anywhere else in the county then our plans for school places will be updated accordingly.'

If you can provide specific details around the cases that you refer to in your question, I would be happy to investigate and provide a written response to you.'

4. By Councillor Thorogood of the Chairman of the Development and Regulation Committee

'Local communities believe the Rivenhall Airfield Waste Site represents a clear example of planning creep.

Essex County Council previously stated it would take legal advice as to whether or not waste management company Indaver could start construction without sticking to the original planning permission gained by Gent Fairhead in 2010 and re-issued by ECC as a variation in 2016 where it was stated they were at RIBA stage D detailed design (as yet unseen). The planning consent sets out that the facility should be "integrated" to include recycling, anaerobic bio digestion (the processing of food waste), composting and crucially, a paper pulping facility that ensures the site complies with a Combined Heat and Power (CHP) status using heat and electricity from the on-site waste incinerator.

The former project company, which still has a stake in part of the site, has recently stated that the paper recycling unit is "commercially not viable" and will not be built. Indaver recently told the site liaison group that by 2025 it will not commit to build anything other than the waste incinerator and the overall shell of the building. The incinerator would be capable of burning nearly 600,000 tonnes of waste per annum and at capacity would emit approx. the same tonnage of CO2 per year. No recycling, food or compost waste processing and no paper pulping are set to be developed before 2025 at the earliest, and if at all.

The former project company promised an apple, but the current developer is now apparently proposing to deliver a pear.

So has Essex County Council sought advice on how construction can start when it is now known it will not be in accordance with the approved planning consent, and if so, what was that legal advice?'

Reply

'The Rivenhall Integrated Waste Management Facility is a proposal that has planning permission and was implemented in 2016. It is understood that the development is now progressing with initial ground works taking place in relation to the access and site.

Whether or not the development proceeds in accordance with the planning permission remains to be seen. I have asked officers to make sure any future planning applications that may be received are reported to the Development and Regulation Committee for determination.

At this stage the Waste Planning Authority has informed me that legal advice is continuing to be taken to determine the approach the Waste Planning Authority should take. I have asked that any reports that are presented to the committee in the future take into account any advice received as well as any information the Committee needs to be made aware of for any breaches of planning control.'

5. By Councillor Thorogood of the Chairman of the Development and Regulation Committee

'The original application for the Rivenhall Airfield Waste Site was "called in" by the Secretary of State and consent was granted in 2010 following a planning inquiry.

The consent was reissued by ECC based on a "variation" of the plans in 2016. One of the conditions imposed on the building of the waste site has now expired. Condition 66 stated that the developer had 5 years from the legal start (March 2nd 2016) for the Integrated Waste Management Facility (IWMF) to deliver a benefit to the community. If this was exceeded then the developer had six months to provide an agreed plan of works, and if this was not provided, they had six months to restore the site. It is now over eleven years since the original consent was given and yet nothing has been built. As the developer is now only proposing to build a waste incinerator, the public benefit argument is flawed.

What is Essex County Council going to do regarding this situation and should the authority require a fresh and complete new planning application?'

Reply

Please see the answer to Question 4.

6. By Councillor Scordis of the Cabinet Member for Highways Maintenance and Sustainable Transport

'With the focus on safer, greener, healthier and active travel, something I very much back, would Highways be able to re-evaluate how often they cut back PROWs and public footpaths that regularly overgrow to help us achieve our aims on active travel?'

Reply

'Thank you for your question. County Council revenue budgets are currently under pressure and therefore there are no additional cutting programmes planned for PROW at present. However, we have a very successful Public Paths Partnership arrangement whereby local volunteering groups can be supported to undertake local cutting work to support the use of their local PROW. Please direct enquirers to our Essex Highways website.

<https://www.essexhighways.org/getting-around/public-rights-of-way/volunteering>

I should also add that we are increasingly asked by members to reduce the cutting that we undertake to allow wildflowers and wildlife to grow and so it is very difficult to find a solution which pleases everyone, but it is something that I can keep under review as we continue to develop our Local Cycling and Walking Infrastructure Plans. If there is a specific location that you would like us to look at in more detail, please provide it to me and I will look into this.'

7. By Councillor Scordis of the Cabinet Member for Highways Maintenance and Sustainable Transport

'On Queen Street, Colchester, a pedestrian crossing has been turned off for the last year opposite the old bus station. This means that older residents more reliant on the bus can no longer cross safely to get the bus. As we wish to get more people out of cars, can we look at turning on these traffic lights again please?'

Reply

'Thank you for your question. I assume you refer to the pedestrian crossing located at the old bus station entrance in Queen Street, Colchester which was decommissioned in 2012?

We have no plans at present to reactivate this crossing, given that there are two other pedestrian crossings within a relatively short distance on the same street. We will however consider the case with any new development proposed in this location so as to take the needs of road users and pedestrians into account.

For a pedestrian crossing to be reinstated it would require the re-establishment of the traffic signals at the junction and it would not be feasible to only reinstate the crossing without a complete redesign and revised installation of equipment and road markings.'