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# ESSEX COUNTY COUNCIL MEETING 15 October 2013

## Answers to Written Questions (Standing Order 16.11.3)

13(b)

1. **By Councillor M Danvers of the Leader of the Council**

'With 1,764 identified County staff on zero hours contracts would the Leader of the Council clarify his statement that this is a "life style choice" when some staff are regularly working 10,20 and 30+ hours a week on zero hours, should these identifiable employees not be given better contracts and the same employment rights of conditions of service?'

**Reply**

Analysis over the last three months shows that only 15% of those on zero hours contracts have done on average more than 10 hours per week, so this is the exception rather than the rule. Where continuous employment is demonstrated ECC will ensure that the contract is amended and full employment rights including contractual entitlement to holiday pay and sickness is provided.

ECC would never use zero based contracts to avoid its employment obligations. These contracts are used to fulfil its service delivery commitments and provide uninterrupted service which is 24/7 in some cases. Of course you could argue that if we overstaffed we would not need Zero based staff but this would be at an unacceptable cost and not all employees would be fully utilised for the duration of their employment contract.

ECC advertises a blend of fixed term, permanent roles on a fulltime and part time basis. All zero based employees can apply for these roles as they arise if they have issues relating to financial security

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**2. By Councillor J Deakin of the Cabinet Member for Libraries, Communities and Planning**

'Last October I asked the following question :

"As highlighted by some of my recent casework, I was astonished to find that the public are unable to access Essex County Council Planning Applications on the council's own website in order to view plans in detail, read attached reports, and see comments submitted.

"It appears that the majority of other County Councils in England already have this facility. When will this public service be available to the residents of Essex?"

and received the following answer:

"Thank you for your question. At present summaries of planning applications are available online; however, we have been working hard to enable full public access to planning applications on-line and we hope to be able to provide this service within the next few months."

Residents are still complaining that they cannot access a recent planning application. What progress has been made please? When can we expect this to be available please?'

### **Reply**

The initial launch of the public website for ECC Planning Applications was scheduled for March 2012. Following extensive testing the system was found to have some major security vulnerabilities. It was Essex County Council's opinion that the system would not be suitable for public use at that time due to the nature of these vulnerabilities.

Following recommendations made to the supplier, extensive changes were made and further testing was carried out. These changes were approved by ECC Security experts in November 2012, however as the APAS Case Management System is a third-party system these changes had to be incorporated by the supplier as a new release of the commercially available product ("Build 77").

An early release of Build 77 was provided to the Minerals and Waste planning team in March, but delays to the final version of Build 77 meant it was not available to the team until the end of August 2013. This functional testing has now successfully been completed.

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The next stage in the process is for migration of the test system to a staging environment and this is scheduled to take place on the 11<sup>th</sup> October 2013. There will then be a final 2 week period of testing and sign off by the Minerals and Waste Planning team. The system will then be 'soft launched' internally on the 25<sup>th</sup> October to allow final configuration, definition of processes and communications to be completed.

The system will be launched to the Public on the 11<sup>th</sup> of November 2013.

**3. By Councillor D Kendall of the Cabinet Member for Transformation and Corporate Services**

'With regard to the on-going Transformation Programme, would the Cabinet Member please explain what handover procedures are in place to ensure that valuable knowledge and expertise is passed on prior to experienced staff leaving the employment of the County Council?'

**Reply**

Thank you for your question. As I am sure you will appreciate, from the outset of the Transformation Programme this has been identified as a critical risk to manage and robust mitigations have been put in place accordingly.

First and foremost we have made sure our selection for redundancy process is built around key skills/knowledge. This helps us to ensure retention of critical skills. Equally we have not accepted any voluntary redundancy requests for employees in business critical posts.

Additionally, throughout the design stage of the new structure and new functions, we have undertaken process mapping to ensure we have a good understanding of work currently undertaken so that it can be translated into new roles and new structures. From a corporate governance perspective this has been supported by the completion of Service Assurance Statements by each of the newly formed functions. The Service Assurance Statements have not identified any key risks in this area nor have there been any examples where key services have been affected due to a loss of organisational knowledge. However, this is clearly tracked carefully and we will continue to adopt the practices that have helped us deliver a successful transformation programme over the last four years into our next phase.

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We have also published guides for line managers for managing employees under notice and for managing internal moves. Both of these guides include a detailed template for handover and give the flexibility to tailor notice periods to manage knowledge transfer. In exceptional circumstance we are able to extend notice periods where knowledge or skills retention is required.

**4. By Councillor D Kendall of the Cabinet Member for Highways and Transportation**

'Would the Cabinet Member please supply the following information to Members regarding claims made to the County Council over the last four financial years for damage sustained to residents' vehicles by potholes.

- How many claims have been made each year?
- How many claims have been paid out each year?
- How much has been paid out each year?
- If a resident has been unsuccessful with their compensation claim, what is their right of appeal?

**Reply**

The Highways Service does not handle claims as they are passed to our claims handlers, Essex Legal Services. It should also be noted that there is no intervention by me in the claims process.

1. The total number of claims were as follows:

2009/10	1625,
2010/11	2203,
2011/12	1590,
2012/13	2166.

2. The total number of claims actually paid out in the years in question ( i.e. regardless of when the claim was lodged) were:

2009/10	263,
2010/11	225,
2011/12	162,
2012/13	81.

3. The amounts paid out as per 2 above (these would also any include personal injury claims if included within the vehicle claim) were:

2009/10	£189K,
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2010/11	£253K,
2011/12	£124K,
2012/13	£65K

4. There is no right of appeal as such to a decision by Legal Services. Any claimant has the right to issue proceedings in the County court if he/she wishes to challenge the decision.

**5. By Councillor M Mackrory of the Cabinet Member for Transformation and Corporate Services**

'At the 5 October 2011 Council meeting I asked the following question:

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

The answer given was that,

"Options for its future use are being considered".

Two years later, I now understand that the Shire Hall is to be disposed of. In the event of disposal, will there be provision for community use?'

**Reply**

Thank you for your question. As you will be aware, there has been extensive public consultation on the future use of Shire Hall led by Cllr Dick Madden and the Shire Hall Reference Group. They are due to report their findings by the end of December 2013 and as such no decision on its future use has been or will be made before then.

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**6. By Councillor M Mackrory of the Leader of the Council**

'It was reported to the 24 June Audit Committee that the Council was seeking to recover £40,000 from Lord Hanningfield by agreement.

Would the Leader of the Council please update Members as to whether the money has been received and, if not, have legal proceedings commenced to recover the sums due?'

**Reply**

The Audit committee recommended that the County Council seek recovery of sums due by issuing legal proceedings in as cost effective manner as possible.

Having taken account of the views expressed by the Audit Committee I wrote to the Monitoring Officer and requested that legal proceedings be issued.

I am aware that attempts have been made by the Monitoring Officer to hold discussions with Lord Hanningfield and his solicitors with a view to reaching a settlement but it has not been possible to do so. Counsel has been instructed and I am aware that a conference with counsel is taking place on 18<sup>th</sup> October to discuss the case and to consider the court papers.

**7. By Councillor I Henderson of the Cabinet Member for Highways and Transportation**

'The Council's current Local Transport Plan published in 2011 notes that with regard to freight movement, it will seek to encourage "a shift of freight from road transport to rail transport". However, the Local Transport Plan also notes that a strategy for freight which will help underpin and guide this pledge is "to be developed".

Could the Cabinet Member provide reassurance that the Council is doing all it can, in the absence of a freight strategy, to ensure that it is:

1. Working in partnership with freight carriers, ports and airports to promote and facilitate a shift from road freight to rail freight and coastal shipping;
2. Lobbying central government, agencies and partners?'

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## Reply

Yes. The Council will encourage the Government to facilitate a shift away from road freight wherever practical but not in the naive way adopted by the previous Government. Furthermore, it also needs to be recognised that road freight is vital to the local economy of Essex in the absence of proper rail facilities for freight and for rural inland communities. Thus, the immediate requirement is decent roads, sensible priority routes and connectivity with rail heads and ports.

### 8. **By Councillor I Henderson of the Leader of the Council**

'In noting central government's invitation for local authorities to form LEPs in 2010/11, would the Cabinet Member publish our LEPs Economic Strategy for Essex and the total proposed funding to be held by the LEP for future job creation in the county of Essex?'

## Reply

When the LEP's Strategic Economic Plan (SEP) and the Essex part of that plan is complete, we would of course publish it – not before ensuring that all members of the council were fully sighted on it. The South East LEP has a strict deadline of March 2014 to submit the final SEP to Government. We will, of course, be very influential in this process and officers from across the public sector are working very hard to ensure that our contribution to it is comprehensive and coherent, but, above all, that it speaks to our ambition and our desire to drive prosperity through innovation in Essex.

The South East LEP's SEP, as with other LEPs, is the document which will begin the 'growth deal' dialogue with Government. In that respect, it will catalogue a series of asks alongside a set of projects ideas and interventions which will have been provided by the local areas. The difference for the South East LEP is that its SEP will be an overarching summary document for the local contributions spanning Essex, Kent, East Sussex and the unitary areas. It is incumbent on us to ensure that the Essex story both contributes to a competitive South East LEP SEP, but that it is also competitive *within* the LEP - that is - that our clear ambition; our strategic prioritisation; our clarity of expectations from Government and our route to securing local leverage unashamedly attract funding to Essex rather than anywhere else.

Government have not yet been clear on the total proposed funding to LEPs, nor is there yet clarity on what funding streams are within the reach of LEPs. Two things are clear though – firstly that European

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funding will be available. EU Structural Investment Fund strategies are currently being developed by all LEPs, ours included, to provide the blueprint for the way in which EU monies might be utilised. These strategies are, in all cases, being developed in tandem with the Strategic Economic Plans.

Secondly, the Government has designated the 'Single Local Growth Fund' (SLGF) for deployment by LEPs. While the quantum of this fund has not been finalised, it is clear that a proportion of the overall SLGF will be devolved to LEPs for them to spend against the priorities articulated in their SEPs.

The complication for the South East LEP again relates to its size. We are currently trying to agree governance arrangements for a 'federated' LEP, which will see local boards reporting in to the main LEP board – ensuring local determination and decision making. When these conversations conclude, it is our understanding that the South East LEP will have decided how it will distribute its own SLGF – whether notionally devolved to the federated areas, or retained at the LEP level for determination.

**9      By Councillor K Bobbin of the Cabinet Member for Libraries, Communities and Planning**

'Could the Cabinet Member provide a statement on what the average cost of running a mobile library service has been for the last full year, what that figure amounts to per book which has been loaned out on average from the mobile library service in the last full year, and whether or not this figure represents good value for money?'

**Reply**

The ECC Mobile Library Service comprises 11 purpose built vehicles with dedicated staff serving 681 locations, across 262 parishes on a fortnightly basis. The mobile libraries also serve vulnerable people living in a variety of settings including; 108 care homes, sheltered housing and older peoples' housing complexes, a number of travellers' sites and a Women's Refuge. In combination with our static library network this enables approximately 99% of the population of Essex to access library services within 2 miles of their home. It also ensures the rurally isolated and socially excluded citizens of Essex can access a personalised service, including access to essential information. By providing a communication channel to the wider Essex community, the service helps our more vulnerable residents to remain independent for longer.

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The cost of the service in 2012/13 (including all costs associated with running the service; vehicle lease charges, maintenance, fuel, insurance, staffing, recharged services and asset charges etc.) was £703,198. In the same year the mobile libraries issued 211,479 items of stock – giving a cost per loan of £3.32. For further comparison, using CIPFA figures across all static and mobile libraries across UK Library authorities, the figure was £3.70. As such, I believe it would be reasonable to say that within Essex mobile services provides value for money for residents, as well as enabling the library service to reach 99% of the population of Essex.

**10 By Councillor K Gibbs of the Cabinet Member for Libraries, Communities and Planning**

‘Surface Flooding;

The Council being the lead Authority for surface flooding in Essex has a responsibility to carry out its obligations to adapt and maintain the ditches, rivers culverts and balancing ponds, or cause them to be maintained by other Authorities by clearing silt and overgrown foliage. Undoubtedly the increase of building developments also plays its part.

- Will the Cabinet Member for Libraries, Communities and Planning please advise if a Flood Plain Assessment been carried out by the relevant Authorities or Agencies involved?
- What steps have been taken to ensure the maintenance of areas which cause horrendous flooding in parts of Essex, resulting in damage, health risks to residents and possibly resulting in compensation costs?’

**Reply**

Firstly, it is important to note that ECC has no direct responsibility for the maintenance of ditches, rivers, culverts or balancing ponds unless they fall on land under ECC’s ownership. We are working with other authorities where they have a maintenance role, although our primary line of defence in local flooding issues is to pursue those private landowners responsible where ditches have been in-filled, piped or neglected. We are being proactive in this new enforcement role, and have already taken action to educate hundreds of landowners since inheriting land drainage powers from the districts and the Environment Agency.

ECCs new remit gives us a role in the management of Surface Water, Groundwater and Ordinary Watercourses. Flood plains are more commonly associated with Main River flooding, which remains the

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responsibility of the Environment Agency. Flood Mapping and Modeling of all forms of flood risk are constantly updated by the various responsible organisations, including ECC by way of our Surface Water Management Plan projects. The Environment Agency are currently the statutory consultee for 'Flood Risk Assessments' associated with new development on the flood plain, but ECC are also due to become a SuDS Approval Body in April 2014, with a role for approving drainage proposals associated with new development.

We are working with all the organisations involved (including Essex Highways, Districts and Boroughs, the Environment Agency and Water Companies) as well as private landowners to draw lines under the various roles, responsibilities and legal issues. We saw exceptional rainfall in August, the likes of which may not be resolvable through maintenance activity alone.

**11 By Councillor K Gibbs of the Cabinet Member for Highways and Transportation**

'Street lighting on Major Roads;

In view of the recent incidents on the A127 where there have been cases of horses wandering on this major route resulting in the deaths of a person and animals, will the Cabinet Member for Highways and Transportation reconsider the part-night lighting trial scheduled for the A13 and the A127 on the 1 December 2013?'

**Reply**

No decision has been made but it is unlikely to be affected.

**12 By Councillor G Helm of the Leader of the Council**

'Migration to Essex;

Can the Cabinet Member please advise what assessment has the Council made; as to the likely impact on local services, schools, jobs and housing; with the expected increase in migrants from Romania and Bulgaria; when border restrictions are abandoned in January 2014?

**Reply**

At national level, Ministers have taken the view that it is impossible to forecast with any accuracy the level of migration into the UK by Bulgarian and Romanian nationals once transitional controls are removed. This is because there are too many factors at play of which officials have uncertain knowledge. The Government is not, therefore,

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producing forecasts.

Bulgarian and Romanian nationals have been able to work in the UK for some time. Evidence suggests that they move mostly to London and the South East region rather than to the Eastern region. For Essex, we know from national insurance registrations that in 2012 we had 119 new Bulgarian and 305 Romanian registrations, making a total of 424. This was a decrease of 192 on the previous year. Bulgarian and Romanian registrations in 2012 amounted to 8.5% of all foreign nationals' registrations in the county.

Data also suggests that the great majority of Bulgarian and Romanian migrants into Essex are aged 18-34.

Council officers are aware that there might be some effect on need for local public services. If this arises, it will be picked up in the routine monitoring processes that are used to detect changes in the level of need.

**13      By Councillor R Lord of the Cabinet Member for Adult Social Care**

'Care Workers' Visits;

Will the Cabinet Member for Adult Social Care give Members reassurance; following the report by Leonard Cheshire Disability, that 15 minute visits by care workers are not used to fulfil tasks such as dressing, feeding or bathing as this is inappropriate and unfair to both the care workers and those that are cared for.'

**Reply**

Essex County Council does not encourage the use of 15 minute visits but recognises that these do still happen – if agreed between the service user and the care provider – and that these are appropriate if the desired outcomes can be achieved in that time. A 15 minute visit might be appropriate, for example, for someone with diabetes who needs to take their insulin.

A 15 minute visit is also not indicative of the total level of care an individual will receive – and may be one of several visits during a day. We aim to provide choice and control for our service users – enabling them to receive an appropriate level of care to achieve agreed outcomes and address their identified needs – and have been actively supporting a shift away from a 'time and task' approach to care through the adoption of 'flexible diaries', which provide care at a time that is agreed with and suitable for our service users.

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**14 By Councillor R Lord of the Cabinet Member for Waste and Recycling**

'Recycling Savings;  
Recent calculations by members of Norfolk County Council; supported by studies from other sources, have shown that massive savings could be achieved by shipping their waste, via East Coast ports to Amsterdam.

If it was shown that there were much cheaper options available, would the Cabinet member for Waste and Recycling consider abandoning the Courtauld Road project, which will deliver over £50 million to an anonymous offshore company; create tens of thousands of extra lorry miles on Essex roads and ultimately produce an end product for which there is currently no alternative disposal process other than by incineration abroad?'

**Reply**

Mass burn incineration of untreated waste, whether in the UK or abroad, is not permitted under the adopted Joint Municipal Waste Management Strategy for Essex.

Furthermore, the *Proximity Principle* requires that waste be disposed of as closely as possible to where it is produced and the Transfrontier Shipment of Waste Regulations 2007 enforced by the Environment Agency prohibits the export of untreated mixed residual waste.

Terminating the contract for Courtauld Road at this late stage would result in significant financial liabilities for the County Council and leave the Waste Disposal Authority reliant on significantly more expensive residual waste treatment options.

The Courtauld Rd site is owned by the Lime Property Fund Limited Partnership (a wholly owned investment fund under the Aviva Group) this has been fully detailed in a previous communication from the Cabinet Member in August 2013 to Cllr Lord.

With regard to traffic implications, it is likely that even more traffic movements will be generated by transporting waste to an Essex coastal port rather than to a central treatment facility.

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**15 By Councillor K Smith of the Cabinet Member for Highways and Transportation**

'Will the Cabinet Member for Highways and Transportation please advise what part has the EU's target of reducing CO2 emissions by 30% in 2020 had to play in the decision to switch off the majority of street lighting in Essex as part night lighting policy?

Would the Cabinet Member agree this is yet another benefit of leaving the European Union; local authorities can leave street lighting on to protect the public from the fear and the reality of crime?'

**Reply**

Little if any. Her Majesty's Government and Essex County Council are, however, keen to reduce unnecessary CO2 emissions and costs. Keeping all street lights on all night is a wasteful use of energy and a waste of public money.

**16 By Councillor K Smith of the Cabinet Member for Libraries, Communities and Planning**

'The Lee Valley has been in receipt of taxpayers' money from Essex, Hertfordshire and London residents for nearly fifty years.

Can the Cabinet Member for Transformation and Corporate Services please advise if the taxpayers of Essex should continue to see only part of the County benefit from the annual £1.5 million given to the Lee Valley directly from County Hall?

- a. Will the Cabinet Member investigate whether this £1.5 million annual bill to Essex taxpayers should be used to extend the Lee Valley to benefit other areas of Essex, such as Basildon's Dry Street?
- b. The College presently located at Dry Street pastures is planning to relocate and sell the land for the construction of 725 four bedroom houses. Does the Cabinet Member think that it is better to use the Lee Valley levy to buy this threatened area of Dry Street and extend the Lea Valley to the people of Basildon?'

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## Reply

The Lee Valley Regional Park Authority (LVRPA) was created on 1 January 1967 by an Act of Parliament to manage the affairs of the Lee Valley Park. To fund the Authority, the Act included the provision of a levy on all households in London, Essex and Hertfordshire, which is collected through council tax contributions.

The annual contribution from Essex to the Lee Valley Regional Park Authority is therefore governed by legislation, and is managed by the 28 Members of the LVRPA Board. Any suggestion to change the boundaries of the Lee Valley Regional Park should be made through the ECC County Members who sit on the board.

I am content that the Lee Valley Regional Park Authority will continue to deliver against its statutory remit to develop and preserve leisure, recreation, sport and nature in the Lee Valley area

### 17 **By Councillor M Ellis of the Cabinet Member for Public Health and Wellbeing**

‘Basildon Hospital

It has been alleged by the media that the previous Labour Government doctored the actual statistics regarding Basildon Hospital for political purposes.

If these allegations are found to be true, will the Cabinet Member for Public Health and Wellbeing comment if;

- this has hampered the Council from providing the help and support vulnerable patients need?
- have the alleged actions of the previous Government caused any other problems or concerns for this Council with regard to Basildon Hospital?

## Reply

Media reports concerning our local hospitals are not always adequate or accurate.

Basildon Hospital has been placed in special measures and it is working hard with partners to deal with previous problems in the interests of safeguarding all its patients and providing excellent care.

A key objective for Essex County Council is to ensure that appropriate

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help and support is provided for vulnerable patients. This has not been compromised by any direct actions of the previous Labour Government. However, because of its profligate attitude to finances we now have the current cost pressures and the need for efficiency savings in every department.

**18 By Councillor M Ellis of the Cabinet Member for Libraries, Communities and Planning**

'Laindon Shopping Centre is a constant reminder to the people of Laindon of failed attempts at redevelopment and neglect resulting in part-demolished buildings, boarded up shops and a general derelict appearance which has blighted the area for many years.

- Will the Cabinet Member for Libraries, Communities and Planning ensure that full support is given to Basildon Council regarding the redevelopment of the recently sold Laindon Shopping Centre?
  
- And can the Cabinet Member give reassurance that Essex County Council will work together with Basildon Council and all representatives of the community and local agencies to take up this challenge and consult on the future regeneration of this area?'

**Reply**

The County Council will provide full support to Basildon Council, at an appropriate level as and when requested, regarding the redevelopment of the recently sold Laindon Shopping Centre, and will work together with Basildon Council and others, when Basildon Council consults on the future regeneration of this area. This may involve the County Council's responsibilities covering highways, spatial planning, economic growth, education and social services.

The County Council is already supporting colleagues at Basildon Council on a range of projects which Basildon has identified as priorities, such as Nethermayne, Basildon Town Centre and various others, to directly support neighbourhood regeneration and economic growth. The Economic Growth team at ECC, within the wider Spatial Planning and Regeneration service is largely focussed on working with district partners to accomplish shared aims and objectives for the future prosperity of the County. Dedicated team members have lead responsibility for each district and in this instance the lead officer for Basildon is Dominique Keogh. This joint working has enabled ECC to support Basildon Council in delivering work packages that have a

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positive and tangible effect on the economy of Essex such as Leisure Square in the Town Centre.

Officers from the Economic Growth team will continue to successfully manage the economic development and growth activity in and around Basildon to support the delivery of corporate objectives and will continue to work with district colleagues and other local agencies to maximise the benefits of sustainable growth (economic, social and environmental), create jobs, secure appropriate development, and enhance the image, reputation and economy in and around Essex.