

Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 8 July 2014

Present

Chairman: Councillor N Hume

Vice-Chairman: Councillor J F Aldridge

Councillors:

J Abbott	R J Gooding	R A Madden
B Aspinell	I Grundy	M Maddocks
S Barker	C Guglielmi	M McEwen
R L Bass	D Harris	M McGeorge
A Bayley	A M Hedley	V Metcalfe
K Bentley	G Helm	A Naylor
D Blackwell	I Henderson	Lady Newton
K Bobbin	T M A Higgins	P Oxley
R G Boyce	R Hirst	M J Page
A Brown	P Honeywood	J W Pike
M Buckley	R C Howard	C Pond
G Butland	M Hoy	J M Reeves
P Channer	J Huntman	S Robinson
K Clempner	E C Johnson	C Seagers
T Cutmore	J G Jowers	K Smith
M Danvers	D J Kendall	J Spence
T Durcan	N Le Gresley	K Twitchen
M Ellis	S Lissimore	S Walsh
D Finch	J Lodge	R G Walters
M D Fisher	R Lord	J Whitehouse
R Gadsby	M Mackrory	J A Young

Prayers

The meeting was preceded by prayers led by The Reverend Canon Carol Smith, County Council Chaplain and Vicar of the Church of England Parish Church for Moulsham Lodge with Tile Kiln, in the Diocese of Chelmsford.

Public Questions

Mrs Maureen Smith, a resident of Tendring, had registered to ask the following question of Council:

'As I understand there is no statutory requirement on highway authorities to provide public lighting however, Essex County Council has a statutory duty under Section 97 of the Highways Act 1980 where it states:

- 1.) ... every local highway authority may provide lighting for the purposes of any highway or proposed highway for which they are or will be the highway authority, and may for that purpose -
- (a) contract with any persons for the supply of gas, electricity or other means of lighting; and
 - (b) construct and maintain such lamps, posts and other works as they consider necessary

9.2 The Council has a statutory responsibility to provide a safe and efficient highway network for the benefit and safety of all road users.

Therefore, my belief is that street lighting is provided to:

- ensure the safety of all road users,
- reduce the fear of crime and increase the feeling of security when it is dark,
- support the 24-hour economy by promoting economic development and
- support social inclusion by facilitating the use of the road network at night.

As a resident of Tendring my belief is this has not been executed when implementing 'Part-night lighting' and I would therefore like to know when it will be and to see written proof where this 'duty' was implemented in the 'Risk Assessment / Consultation.'

The Chairman called upon Councillor Bass, Cabinet Member for Highways, to respond. Councillor Bass confirmed that the County Council has no statutory duty to provide lighting on public highways, but may do so. However, the Council is required to light certain road features, which it does, and these are lit all night.

The part-night scheme was introduced in Tendring following successful trials elsewhere, and following extensive consultation with the emergency services, Tendring District Council and the public who sent a large number of responses. There are exception criteria, which are applied in high-risk areas.

The Chairman thanked Mrs Smith for her contribution.

1. Apologies for Absence

Apologies for absence were received on behalf of Councillors W Archibald, J Chandler, J Deakin, A Erskine, K Gibbs, A Jackson, J Knapman, D Louis, A Turrell and A Wood.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the meeting held on 13 May 2014

Resolved:

That the minutes of the meeting held on 11 February 2014 be approved as a correct record and signed by the Chairman, subject to two minor amendments raised by Councillors Mackrory and Pond.*

4. Chairman's Announcements

Award

The Chairman on behalf of the Council received from Councillor R Bass, Chairman of the Essex Pension Fund Board, an award from Professional Pensions for 'Best Public Sector Scheme of the Year 2014'. The Chairman reminded Members that this was the second award the Essex Pensions Fund had won in the preceding six months.

Visits

The Chairman informed Members of a number of significant visits he had undertaken since taking office as Chairman.

Robert Overall

The Chairman informed the meeting that Robert Overall, Deputy Chief Executive and Executive Director for Place Commissioning, left Essex County Council on 31 May, in order to pursue a career in consultancy. The Chairman paid tribute to his contribution to the development and transformation of the organisation and asked Members to join him in wishing Mr Overall the very best for the future.

5. Presentation of Petitions

The Chairman received petitions relating to:

- street lighting in Basildon presented by Councillor K Bobbin;
- introduction of a 20 mph speed limit in Rivenhall, presented by Councillor J Abbott; and
- the closure of Fairycroft House, Saffron Walden, presented by Councillor J Lodge.

The Chairman passed the first two petitions to the Cabinet Member for Highways and Transportation and the third to the Cabinet Member for Education and Lifelong Learning.

* After the meeting, having looked further into the amendment proposed by Councillor Mackrory, the Chairman notified Councillor Mackrory that he did not consider it appropriate to make the amendment. - JK

Executive Statement

Prior to the Leader's statement the Chairman indicated that it was his intention to take all matters on the Agenda relating to Lord Hanningfield at this point.

The Leader of the Council gave the following statement.

'As you will by now have heard, I took the decision last week to take no further action in relation to the ongoing matter of Lord Hanningfield's expenses.

'This was not an easy decision as I recognise that there is public and member interest in the case and some people feel we should take action to recover money from Lord Hanningfield. The advice I have had from our professional advisers is that the case would, in all probability, fail and that we would spend yet more public money pursuing a case with uncertain chances of success. I am not prepared to do that. It is incumbent upon me to take the right course of action now and not embark on an expensive and time-consuming legal case which we are unlikely to win. On balance, I feel I must have due regard for public funds and so with a heavy heart I have come to the conclusion that we should not embark on an expensive and time-consuming legal case which we are unlikely to win.

'I have taken account of the recommendation of our Audit Committee not to take any further action and have consulted with my Cabinet colleagues who agree that, regrettably, this is the right thing to do.

'I would echo the words of Councillor Susan Barker, the Chairman of our Audit Committee, regarding the improvements made to our governance arrangements. Like her, I am satisfied that the Council now has in place robust governance arrangements and operates in a much more transparent and open environment, I am confident that this sort of unreasonable and extravagant expenditure does not, and would not, take place today.

'I am angry and frustrated by this situation. Lord Hanningfield should have demonstrated better judgement and more restraint while he was Leader of this Council. I now call upon him publicly to do the right thing and repay the money to the Council.'

A motion to accept this statement was moved by Councillor Bass and seconded by Councillor Jowers.

Prior to the Motion being put, ten Members demanded a division by name by standing in their places.

The Motion having been put it was declared to be carried by 38 votes for, 26 against and with one abstention.

Those voting for the Motion were Councillors:

J F Aldridge

I Grundy

V Metcalfe

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

Those voting against the Motion were Councillors:

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

Councillor D Blackwell abstained.

7. Written questions to the Leader of the Council relating to Lord Hanningfield

9. By Councillor R Lord of the Leader of the Council

‘Would the Leader of the Council concur, that those members and officers; who knowingly or innocently, benefitted from Lord Hanningfield’s generous hospitality, which has now been ruled as inappropriate, now show a degree of empathy with him and make a contribution, no matter how modest, towards those costs?’

Reply

The majority of the expenditure incurred on the credit card was legitimate. We have no evidence to suggest that members or officers received any personal benefit from the expenditure incurred on Lord Hanningfield’s credit card and so we will not be asking them to make a contribution.

15. By Councillor J Young of the Leader of the Council

‘In light of the deplorable decision by the Audit Committee (01-Jul-14) to exclude the public from the item on Lord Hanningfield’s expenses, would the Leader of the Council confirm whether he is able to make publicly available documentation relating to the proceedings of the

meeting that arrived at a recommendation to take no further action?’

Reply

I do not consider the decision by the cross-party Audit Committee to be deplorable. They took a considered view of the matter and reached a reasonable conclusion based on the professional advice they had received on a very difficult issue. The meeting was chaired by the Chairman of the Committee, Councillor Susan Barker, so I am not sure why the question is directed at me. But I would wish to be as open as possible in relation to my own decision and will make relevant documents available publicly as soon as possible, and subject of course to legal advice.

8. Motions

Increased Business Confidence

It was moved by Councillor S Lissimore and seconded by Councillor P Channer

‘That this Council welcomes the recent news that the UK economy grew by 0.8% in the first three months of 2014, and the UK is now one of the fastest growing western economies. This Council recognises that the direct impact in Essex has been to improve business confidence, help to secure jobs and improve skills.

‘The creation of the Essex Employment and Skills Board led by business and further and higher education together with the Greater Essex Business Board, is a clear indication that the policies of this Council and its partner organisations have increased business confidence and are helping to improve the lives and futures of our residents.’

It was moved by Councillor J Young and seconded by Councillor I Henderson that the motion be amended to read as follows:

‘That this Council welcomes the recent news that the UK economy grew by 0.8% in the first three months of 2014, and the UK is now one of the fastest growing western economies. This Council recognises that the direct impact in Essex has been to improve business confidence, help to secure jobs and improve skills.

The creation of the Essex Employment and Skills Board led by business and further and higher education together with the Greater Essex Business Board is to be welcomed and the policies of this Council should be guided by supporting their objectives in areas such as improving careers advice, increasing the provision of apprenticeships and promoting sustainable employment to improve the lives and futures of our residents.’

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

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

Part-Night Street Lighting and Part-Night Lighting

The Chairman ruled that the Motions 'Part-Night Street Lighting' and 'Part-Night Lighting' should be taken as one debate.

It was moved by Councillor D Kendall and seconded by Councillor S Robinson

'That the members of Essex County Council call on the administration to give Essex residents more democratic control and flexibility in terms of how part night lighting operates in their local areas.

As residents were not properly consulted before part night time lighting was introduced, the County Council will now:

1. Fund the full cost of a referendum on whether part night lighting should continue in a specific area if a city, borough or district council calls for one to take place.
2. If the majority of the residents taking part in the referendum call for the lights to be switched back on, then the County will abide by that democratic decision and will meet all the ongoing costs.'

It was moved by Councillor I Henderson and seconded by Councillor M Danvers

'That the Council acknowledges the responsibility for elected representatives to take decisions on behalf of our communities across Essex.

Council recognises that in doing so, residents should be put at the heart of the decisions taken, ensuring that the safety and well-being of our residents are of principal importance.

Council acknowledges that it has failed to consult our residents countywide despite investment of £6.5m of taxpayers' money to enact a countywide part-night lighting policy, and failed to carry out individual risk assessments for each district to assess the safety of drivers, cyclists and pedestrians.

Council calls on the Administration to put residents first, by discontinuing part-night lighting at least pending a formal countywide public consultation (to include gathering views on alternative lighting strategies and technologies such as LED/white light/alternate lighting) and for individual risk assessments to be carried out for each district and independently verified.'

Prior to the Motion moved by Councillor Kendall being put, ten Members demanded a division by name by standing in their places.

The Motion having been put it was declared to be lost by 26 votes for, 36 against and with 2 abstentions.

The Motion moved by Councillor Henderson having been put, was also declared to be lost by 26 votes for, 36 against and with 2 abstentions.

Those voting for the Motions were Councillors:

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

Those voting against the Motions were Councillors:

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

Those abstaining were Councillors J Abbott and J Lodge.

9. **Adjournment**

With the agreement of Council the Chairman adjourned the meeting for luncheon at 1:25pm.

The meeting reconvened at 2:30pm.

10. **Motions (continued)**

Commendation of the Administration's Determination

It was moved by Councillor J Spence and seconded by Councillor V Metcalfe

'That this Council commends the Administration's determination to achieve both a range of strategic outcomes and a balanced budget, and recognises that this will inevitably require difficult issues to be raised and difficult choices to be made.'

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

Withdrawal of Subsidy for Meals on Wheels Service

The Chairman indicated that this Motion had been withdrawn.

11. To consider the adoption of the Essex Minerals Local Plan

The Cabinet Member for Libraries, Communities and Planning, Councillor J Jowers, presented a report seeking approval to the Essex Minerals Local Plan.

Resolved:

1. That in accordance with section 20(3) of the Planning and Compulsory Purchase Act 2004 the Council formally adopt the Essex Minerals Local Plan (2014-2029) in the form set out at Appendix A to the report together with the proposals map in the form available for inspection at the meeting.
2. That the Director for Operations: Environment and Economy be authorised to make formatting changes and correct any typographical errors in order to publish the local plan.
3. That the Director for Operations: Environment and Economy be authorised to approve the adoption statement and Strategic Environmental Assessment adoption statement.

12. To receive the annual report of the Essex Pension Fund Board

The Annual Report of the Essex Pension Fund Board was received and adopted.

13. The Leader's Report of Cabinet Issues

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

The report of Cabinet Issues was received and adopted.

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

The published answers to the 21 written questions submitted in accordance with Standing Order 16.12.1 were noted.

Supplementary questions:

- (1) In response to a supplementary question from Councillor Butland the Leader confirmed that the comprehensive response he had received to the written question made the situation clear for all Members until 2017.
- (3) As the Cabinet Member had left the meeting by this point, Councillor Johnson, as the Deputy to the Cabinet Member for Highways and Transportation, responded to a supplementary question from Councillor Kendall that there was a plan in place, which would

shortly be implemented, now that the Priority Routes 1 & 2 had been dealt with.

The Leader confirmed that the question would be addressed to the Cabinet Member and that Councillor Kendall would receive a response directly.

- (7) In response to a supplementary question from Councillor Robinson the Leader confirmed that there was a major programme underway at present, to improve customer service and to provide answers that are in plain English and tailored to the individual enquiry. He or the Executive Director would welcome feedback on any examples of where this has not been achieved.
- (8) In response to a supplementary question from Councillor Robinson concerning a provider not being able to engage in dialogue about its loss of provision, Councillor Gooding confirmed he was aware and agreed to look into it.
- (16) In response to a supplementary question from Councillor Young the Cabinet Member confirmed that the arrangements might not be what the school and parents would have expected, but he pointed out that the situation had been discussed with the various parties and he had decided that it was not possible to implement a special provision here. This would set a precedent across the County that would go against the intention to remove anomalies.
- (19) In response to a supplementary question from Councillor Clempner the Cabinet Member confirmed that funding will come directly from the Government, via the Better Care Fund. The districts have asked for increased funding; this has not been forthcoming.
- (20) In response to a supplementary question from Councillor Clempner the Cabinet Member confirmed that the HRS services were currently under consideration and the intention was to restyle the service. No projects had yet been aligned. The Cabinet Member agreed to give Councillor Clempner a special briefing on this, once she knew about Harlow's situation.

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

1. Councillor C Pond pointed out that he had heard nothing further with regard to the petition about improvements on Loughton High Road, which had been presented to the Cabinet Member for Economic Development in February, and which had subsequently been passed to the Cabinet Member for Highways and Transportation; and he sought some response.

The Leader agreed to remind both parties to contact Councillor Pond.

2. Councillor S Barker asked whether the Cabinet Member for Highways and Transportation could consider reinstating the restrictions on lorries overtaking on the M11.

Councillor Johnson confirmed that the Cabinet Member was already having discussions about this.

3. Councillor D Kendall asked the Deputy Cabinet Member for Highways and Transportation whether Ringway Jacobs liaised with other parties involved in highway maintenance. He cited the work carried out on Ongar and Chelmsford Roads in Brentwood, asking whether it was supposed to be complete, as it was not of a sufficient standard.

Councillor Johnson replied that he was surprised at this; however he agreed that he would ask the Cabinet Member for Highways and Transportation to respond in writing.

4. Councillor M Mackrory noted that the timing of this Council meeting clashed with the LGA Annual Conference and asked the Leader whether this could be taken into consideration next year.

The Leader agreed that such clashes should be avoided if possible and he would use his best endeavours to avoid this happening again.

5. Councillor S Robinson asked the Leader to effect the transformation of Members' IT, to enable agendas to be distributed and accessed electronically, so cutting out the need for paper copies. He added that Members were unable to access the internal system via the Council's wireless guest network.

In response the Leader pointed out that there was a movement toward using technology in this way, and already several Cabinet Members took this approach. He encouraged Members to do likewise, as all papers were accessible online. Regarding the access issue, he believed that access by personal devices was restricted, on grounds of security. He would investigate and confirm this with Councillor Robinson.

6. Councillor K Smith asked the Cabinet Member for Families and Children whether one of his constituents could contact him about the proposed closure of Leverton Hall.

The Cabinet Member agreed to this.

7. Councillor Smith, referring to parents who have been fined for taking their children out of school, specifically asked the Cabinet Member for Education and Lifelong Learning for his views on families taking their children out of school in the wake of a delay in the issuing of passports by the Passport Office.

The Cabinet Member replied that the continuity of education is the important factor. A very good reason is needed for a headteacher to allow children to be out of school, so he would not necessarily condone such an absence.

8. Councillor M Hoy asked the Deputy Cabinet Member for Highways and Transportation if Members could be kept abreast of the workings of the partnership formed with Rochford District Council, within the context of its Area Action Plan.

The Deputy Cabinet Member confirmed that they would.

9. Councillor Hoy referred to the Youth Centre in Hullbridge, where a Mothers and Toddlers Group is unable to use this facility, as it does not meet the age requirements. He asked the Cabinet Member for Education and Lifelong Learning for an opportunity to discuss this matter.

The Cabinet Member confirmed he would be happy to do so.

10. Councillor M Le Gresley noted that the Government is investing over £1 billion in garden city schemes. Given that Essex is in a good position to take advantage of this, would the Leader agree to recommend that this be added to the agenda of the next Essex Leaders and Chief Executives meeting.

The Leader pointed out that the Chairman of the meeting would decide what items go on the agenda and when, but he confirmed he would offer this as a future agenda item and would recommend it be considered. He would keep Councillor Le Gresley informed of any progress.

11. Councillor J Whitehouse referred to the renewal of a number of local bus services on 30 August. He asked the Deputy Cabinet Member for Highways and Transportation whether he believed this gave enough time for these, given the PSB slippage from the original timetable, and if he believed that one-year contracts were too short to allow companies to plan ahead and develop their services and infrastructure.

The Deputy Cabinet Member confirmed his belief that one year was sufficient and pointed out that the Cabinet Member had previously explained the bus companies' situation with regard to their supplementation payment, and the consequent fallout from this.

16. Oral questions of the representative of the Essex Police and Crime Panel

There were no questions of the Panel's representative.

17. To note the report of the Essex Fire Authority's meeting on 18 June and to ask questions of the Authority's representative

The report of the Fire Authority's meeting held on 18 June 2014 was received.

There were no questions of the Authority's representative.

The meeting closed at 15:59.

Chairman
14 October 2014