



Essex County Council

Summons

To all Members of Essex County Council

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

10:00	Tuesday, 15 May 2018	Council Chamber, County Hall, Chelmsford, CM1 1QH
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Gavin Jones
Chief Executive

Officer Support to the Council:

Andy Gribben, Senior Democratic Services Officer

Telephone: 03330134565

Email: Democratic.services@essex.gov.uk

Prayers The meeting will be preceded by Prayers led by The Right Reverend Hugh Allan o. praem, the Abbot of Beeleigh and Chaplain to the Chairman of Essex County Council.

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

Presentation of the East of England Charter for Elected Member Development to be presented by Councillor Fitzpatrick, Chairman of the East of England Local Government Association.

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2 Election of Chairman

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Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt

in accordance with the requirements of the Local Government Act 1972. If there is exempted business, it will be clearly marked as an Exempt Item on the agenda and members of the public and any representatives of the media will be asked to leave the meeting room for that item.

The agenda is available on the Essex County Council website, <https://www.essex.gov.uk>. From the Home Page, click on 'Your Council', then on 'Meetings and Agendas'. Finally, select the relevant committee from the calendar of meetings.

Attendance at meetings

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Access to the meeting and reasonable adjustments

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The Council Chamber and Committee Rooms are accessible by lift and are located on the first and second floors of County Hall.

Induction loop facilities are available in most Meeting Rooms. Specialist headsets are available from Reception.

With sufficient notice, documents can be made available in alternative formats, for further information about this or about the meeting in general please contact the named officer on the agenda pack or email democratic.services@essex.gov.uk

Audio recording of meetings

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Should you wish to record the meeting, please contact the officer shown on the agenda front page.

Minutes of the meeting of the Full Council, held in the Council Chamber County Hall, Chelmsford, Essex on Tuesday, 13 February 2018

Present:

	Chairman:	Councillor J F Aldridge	
	Vice-Chairman:	Councillor J G Jowers	
J Abbott		C Guglielmi	Dr R Moore
B Aspinell		M Hardware	J Moran
J Baker		D Harris	M Platt
T Ball		A M Hedley	R Pratt
S Barker		I Henderson	J M Reeves
J Beavis		J Henry	P Reid
K Bentley		S Hillier	S Robinson
D Blackwell		A Jackson	C Sargeant
M Buckley		E C Johnson	W Schmitt
G Butland		D J Kendall	L Scordis
J Chandler		S Lissimore	A Sheldon
P Channer		D Louis	K Smith
T Cutmore		J Lumley	C Souter
A Davies		M Mackrory	J Spence
J Deakin		R A Madden	M Steptoe
M Durham		M Maddocks	A Turrell
B Egan		B Massey	L Wagland
A Erskine		P May	S Walsh
D Finch		M McEwen	C Weston
R Gadsby		L McKinlay	C Whitbread
A Goggin		V Metcalfe	A Wood
R J Gooding		R Mitchell	J A Young
I Grundy		G Mohindra	

Prayers

The meeting was preceded by Prayers led by The Reverend Canon Ivor Moody, Vice Dean and Canon Pastor, Chelmsford Cathedral and Workplace Chaplain, Essex County Council.

Public Questions

1. The Chairman welcomed Mr Brian Moran who spoke concerning cycling in Essex and stated:

'I recently chanced across an application from Essex County Council to the world cycling governing body, the UCI, to become a Regional Area of Cycling. It is dated spring 2017 and it is an interesting read. You should all have received a copy of the application, however, below is a sample of the text.

The assessment of each application is based on two key pillars:

1. Hosting UCI events
2. Investing in Cycling for All, based on the following 8 criteria:
 - a. Clear, long-term cycling strategy
 - b. Dedicated funding for the promotion of cycling in the city or region
 - c. Better infrastructure for bikes
 - d. Increase in cycle usage
 - e. Promotion of road safety
 - f. Organisation of mass participation and closed road events
 - g. Provision of child cycle training
 - h. Measurement and monitoring of progress

This application has committed the County Council to:

- A step change in the provision of ensuring a consistent level of revenue and capital funding to support the delivery of this strategy
- Increasing the level of funding in Essex from its current level of £2.50 per head of population to £10 per head of population by 2025.
- Increasing the utilisation and prioritisation of other funding sources such as developer contributions and central Government grants/allocations.
- Developing a clear and cohesive methodology for the allocation of cycle funding across Essex Districts.

It says: "This will ensure that new proposals are not frustrated by a lack of funding and designers and promoters are set free to develop measures that will lead to a consistent growth in cycling numbers, frequency and safety".

The application is full of 'Aspirations, Plans, Drive the strategy forward, Targeted, Step change' but it does not contain the word 'Action' or mention the sponsorship that Cllr Grundy talked about at the last meeting of the Full Council.

It commits the county to many things, including:

- Hosting UCI events
- Organisation of mass participation and closed road events
- Better infrastructure for bikes
- Child cycle training

The application asks which mass participation and closed road events will be regularly organised within your region, including amateur racing or family cycling events, to give everyone the opportunity to cycle in a safe environment?

Other than at Hadleigh Park, Essex County Council has hosted, but not initiated or financed any high-profile events. The Olympics was the Mayor of London/Department for Media and Culture. The Tour de France was a Yorkshire/TFL initiative. The Tour of Britain was a Tendring D.C. None of these are 'regular' there have been no closed road events, no bike festivals, no car-free days.

Where is the stated funding coming from? Is it on paper? Is it a wish list? Is it real money? Has anyone been commissioned to seek sponsorship?

The County Council has applied. How will it be financed and when will it be delivered?

I appreciate that as confrontational as this may appear, I really want to work with you to make this work for the benefit of everyone in our county.'

Councillor Grundy, the Cabinet Member for Highways, thanked Mr Moran for his question. He stated:

'You are quite right, our bid to the UCI included a number of pledges for the activities we would do, if we were successful.

You mention that many of these things haven't happened, and that is because we were unsuccessful in our application, however we would look again to apply to UCI.

We are committed to high profile cycling events but this hasn't been the first priority in the programme.

I mentioned in my response to a similar question at the last Full Council that there is a great amount of work underway to improve and promote cycling in Essex

Rather than re-iterate this today, I'd like to invite you to meet with our cycling leads and learn more about our vision first hand. I'm sure a lot will be gained from the conversation. If you can email me we will set something up.'

2. The Chairman welcomed Mr Ian Fuller who spoke concerning the closure of White Hart Lane in Springfield. He stated that there were long queues on Pump Lane and New Bowers Way and no checks seem to be happening to stop overweight lorries from crossing the narrow Pump Lane bridge. He asked:

'When was the need for the works first identified?

Was winter the best time to do the works if the curing process is not to overrun?

What steps have been taken to encourage more traffic to use the diversion (so that overweight lorries do not use the Pump Lane bridge and to prevent congestion on Pump Lane and New Bowers Way)?

Why are the s.106 improvements to the Sainsbury's roundabout not happening at the same time?'

Councillor Grundy, the Cabinet Member for Highways, thanked Mr Fuller for his question and stated:

'I agree that, where possible, it is beneficial to do improvement works in one area at the same time – that is providing the additional works don't involve further road closures in the area and a greater knock on effect on traffic.

The works on White Hart Lane are to waterproof the bridge, and they are essential for safety and the longevity of the bridge's life.

The other improvement works you mention are a developer scheme, and the developer has not, as yet, provided us with a design that is up to scratch.

Because the works on White Hart Lane can be delayed no further and we have no idea when a suitable design for the Sainsbury's roundabout will arrive.

We are progressing with the works now, during half term, while disruption should be at a minimum.'

Post meeting note: the Cabinet Member undertook to write to Mr Fuller in order to enlarge upon the given response.

The Chairman formally opened the meeting

1. Apologies for Absence

Apologies for absence were received on behalf of Councillors Brown, Garnett, Honeywood, Pond and Sheldon.

Councillor Sheldon entered the Chamber during the consideration of item 6, the Budget 2018/2019.

2. Declarations of Interest

The Chairman reminded Members of the advice they had been given by the Monitoring Officer:

(a) concerning those who may have any arrears of Council Tax outstanding for two months or more that they must make a declaration and were not entitled to vote on the Annual Budget but were not prevented from taking part in the discussion; and

(b) on the need for declarations of interest relating to the Budget debate.

There were no declarations of interest.

3. Confirmation of the minutes of the meeting held on 12 December 2017**Resolved:**

That the minutes of the ordinary meeting held on 12 December 2017 be approved as a correct record and signed by the Chairman subject to an amendment on page 7, Minute 4 (Chairman's Announcements and Communications) to remove reference to 'Former Councillor Robert Sears' and to amend the minute heading to read 'Former Councillor David Fisher'

4. Chairman's Announcements and Communications**Recent Deaths****Former Councillor Tony Wright**

The Chairman informed Members that former Councillor Tony Wright had died on Tuesday 9 January at the age of 78.

He had been elected to Essex County Council to represent the Division of Vange (and subsequently Basildon, Gloucester Park) in 1989, served on numerous committees including Police and Environment, Highways and Transportation, Heritage and Culture and Social Services, as well as being a County Council representative on the Essex Fire Authority.

He had been an elected member of Benfleet Urban District Council and then Castle Point Council where he had served as Leader of the Council. He had been also a governor of Southend Hospital Trust as well as the South Essex Community Mental Health Trust and was a founder Governor of the Essex Partnership University Trust.

Former Councillor Ronald Kennedy BEM

The Chairman informed Members that former Councillor Ron Kennedy BEM had died on Thursday 1 February at the age of 85.

He had been elected to Essex County Council to represent the Division of Victoria in 1981 and had served on numerous committees including the Highways, Social Services, Policy and Resources and the Enterprise Board. He was elected Chairman of the Council in 1997. The Chairman noted that his portrait was to be seen in Committee Room 2, County Hall and features a steam locomotive, reflecting his former occupation as a train driver.

He had also been a Member of Southend-on-Sea Borough Council and a school governor.

With the approval of the Chairman, Councillors Young and Gooding spoke of their memories of former Councillor Kennedy.

Members stood in remembrance.

Duke of Edinburgh Award – the new three-year Licence

The Chairman advised Members that the Duke of Edinburgh Award Scheme, throughout Essex, has been administered, developed and supported very successfully by Essex Youth Service. In 2017, the organisation had included the hard work of 60 Schools, Further Education Colleges and Sixth Form Centres, the Duke of Edinburgh Open Centre's, and various Community or Charitable groups, as well as 200 The Duke of Edinburgh Coordinators, Leaders and volunteers across Essex. There were 3088 new starters in Essex, 1481 total Awards achieved, and of that number, an impressive 77 Gold Awards achieved.

He noted that in 2017 young people in Essex had undertaken 33,500 hours of voluntary work.

Essex County Council is very proud to hold the Duke of Edinburgh licence and we look forward to continuing with our partnership working with the Award charity over the coming years.

The Chairman invited Mr Peter Singleton, South East Regional Director of the Award to present to him, on behalf of the Council, a framed Duke of Edinburgh Licence.

Members expressed their appreciation by applauding.

New Year's Honour

The Chairman informed Council that in the New Year's Honours, Mr Dave Hill, Executive Director, Social Care and Education had been awarded a CBE

(Commander of the Most Excellent Order of the British Empire) for services to children's social care.

5. Receipt of petitions and deputations

The Chairman received a petition presented by Councillor Robinson concerning opposition to a proposal to cut the number 41 bus service from Chignal Estate, Chelmsford to Galleywood via Great Baddow

The petition was passed for the attention of Councillor Gooding, the Cabinet Member for Education.

6. Budget 2018/2019

The Council received the Report on the Budget 2018/19 and
Appendix A – Essex Organisation Plan 2018/19
Appendix B – Refreshed Organisation Strategy
Appendix C – Equality Impact Assessment (Organisation Plan and Budget)
Appendix D – Equality Impact Assessment (Organisation Strategy)

The recommendations as set out in the Report and amended by the 'Addendum Organisation Plan and Budget 2018/19 and refreshed Organisation Strategy' were moved by the Leader, Councillor Finch, and seconded by the Cabinet Member for Resources, Councillor McKinlay.

It was moved by Councillor Mackrory and seconded by Councillor Robinson that the recommended budget be amended as follows:

1. Tackling the crisis in the NHS and social care

- 1.1 Create a new Social Care Pressures earmarked reserve of **£2.5m**, subject to reducing the **Transformation and Digitalisation Reserve** by an equivalent amount. This can be drawn on to match fund joint initiatives with the NHS and Care Providers to speed the discharge of patients from Hospital and increase the supply of urgently needed care outside hospital. For example this would include utilising vacant ward space in the former Brentwood Community Hospital. Another example would be to ease pressures on Children's Social Care funding.

2. Supporting Essex's young people

- 2.1 An increase of **£350,000** in the budget provision for Youth Services (Education and Lifelong Learning portfolio) for the provision of Youth Service projects including, support, mentoring and respite for young carers, school lunchtime clubs/drop in sessions run by youth workers and outreach work, including detached working. The increase is to be funded by a withdrawal from the **Innovation Reserve** in 2018/19 and thereafter added to the Medium Term Resources Strategy for action to be identified to

determine a permanent funding solution, subject to the evaluation of the pilot.

- 2.2 An increase of **£250,000** in the budget provision for Passenger Transport (Education and Lifelong Learning portfolio) to go towards helping support low income families with 16 – 18 year old students in full time Further Education with travel costs. The increase to be financed by a withdrawal from the **Transformation and Digitalisation Reserve** in 2018/19 and thereafter added to the Medium Term Resources Strategy for action to be identified to determine a permanent funding solution.

3. Investing in our infrastructure and keeping Essex safe

- 3.1 An increase in the 2018/19 capital programme provision for **Local Highways Panels** (Highways and Transport portfolio) of **£4m**. This will be allocated to individual panels, to return their total funding to the 2015/16 level (i.e. to £8m).
- 3.2 The additional **£4m** referred to above will be funded by a transfer from the Capital programme provision for Highways Infrastructure.
- 3.3 For 2018/19 the split in funding for highways maintenance will be 60% roads and 40% footways / cycle ways, as against the present 70% roads and 30% footways.

4. Reducing fly tipping

- 4.1 An increase of **£250,000** in the budget provision for Waste Disposal (Environment and Waste portfolio) to enable all Civic Amenity Sites once again to accept residents' DIY waste. This increase is to be funded from the **Transformation and Digitalisation Reserve** in 2018/19 and thereafter added to the Medium Term Resources Strategy for action to be identified pending the outcome of a review of the service.

5. Summary of Proposals and ongoing impact

- 5.1 A number of the amendments that are proposed to be funded from reserves in 2018/19 have an ongoing impact on the MTRS from 2019/20 onwards, increasing the gap in future years by the amount shown in the table below

Description	£000
Investment in the Youth Service	350
Investment in Post 16 Transport provision	250
Investment in Waste Disposal	250
Ongoing impact after 2018/19	850

It was moved by Councillor Henderson and seconded by Councillor Young that the budget be amended as follows:

1. An additional £60,000 to carry out a one-off independent review of Children's services to ascertain what impact year on year budget savings have had on early intervention and prevention. Subject to increasing the budget for Children and Families portfolio by £60,000 funded by a necessary adjustment to the earmarked revenue Innovation Fund Reserve being recommended to the Council.

The outcome of this review will be used to re-design/amend and alter Essex County Council policy and strategy through the specific utilisation of £3m for Children's Innovation set aside in the existing Transformation and Digitalisation Reserve.

2. An additional £60,000 to carry out a one-off independent review into the impact of Early Intervention and Prevention on Adult Social Care. The outcome of this review will provide evidence to lobby Central Government to give future adequate funding of Adult Social Care for vulnerable residents in Essex. Subject to increasing the budget for Adult Social Care portfolio by £60,000 funded by a necessary adjustment to the earmarked revenue Innovation Fund Reserve being recommended to the Council.
3. An additional £105,000 to carry out a one-off independent review of Highways covering the quality of the contract and its impact. Subject to increasing the budget for Highways portfolio by £105,000 funded by a necessary adjustment to the earmarked revenue Innovation Fund Reserve being recommended to the Council.

Upon being put to the meeting the amendment moved by Councillor Mackrory and seconded by Councillor Robinson was declared to be **lost**.

Upon being put to the meeting the amendment moved by Councillor Henderson and seconded by Councillor Young was declared to be **lost**.

In accordance with Standing Order 16.10.2 (Voting on budget decisions) the Motion as amended by the Addendum was put to a division by name and **carried** by 54 votes for, 14 against and 2 abstentions.

Those voting for the Motion were Councillors:

J F Aldridge	C Guglielmi	R Mitchell
T Ball	M Hardware	G Mohindra
S Barker	A M Hedley	Dr R Moore
J Beavis	J Henry	J Moran
K Bentley	S Hillier	M Platt
M Buckley	A Jackson	R Pratt
G Butland	E C Johnson	J M Reeves
J Chandler	J G Jowers	W Schmitt

P Channer	S Lissimore	A Sheldon
T Cutmore	D Louis	K Smith
M Durham	J Lumley	C Souter
B Egan	R A Madden	J Spence
A Erskine	M Maddocks	M Steptoe
D Finch	B Massey	L Wagland
R Gadsby	P May	S Walsh
A Goggin	M McEwen	C Weston
R J Gooding	L McKinlay	C Whitbread
I Grundy	V Metcalfe	A Wood

Those voting against the Motion were Councillors:

J Abbott	D Harris	S Robinson
B Aspinell	I Henderson	L Scordis
J Baker	D J Kendall	A Turrell
A Davies	M Mackrory	J A Young
J Deakin	P Reid	

Those abstaining were Councillors D Blackwell and C Sargeant.

Resolved:

That:

1. The Organisation Plan be approved in form appended to the report as amended in accordance with paragraphs 3.4 and 3.5 of the addendum report circulated before the meeting.
2. The Organisation Strategy be approved in the form appended to the report.
3. The net revenue budget requirement be set at **£865.3 million (m)** (net cost of services less general government grants) for 2018/19 – Appendix A (page 33).
4. The net cost of services be set at **£915.4m** for 2018/19 – Appendix A (page 33).
5. The total council tax funding requirement be set at **£635.6m** for 2018/19 – Appendix A (page 33).

6. 2% social care precept be levied and a 2.99% increase to Essex County Council's element of the council tax, therefore the Essex County Council element of the council tax for charge for a Band D property in 2018/19 will be **£1,221.75**. A full list of bands is as follows:

Council Tax Band	2017/18 £	2018/19 £
Band A	775.80	814.50
Band B	905.10	950.25
Band C	1,034.40	1,086.00
Band D	1,163.70	1,221.75
Band E	1,422.30	1,493.25
Band F	1,680.90	1,764.75
Band G	1,939.50	2,036.25
Band H	2,327.40	2,443.50

7. The council tax for each category of dwelling and the precepts on each of the council tax billing authorities for 2018/19, together with the final tax base, as set out in the table below

Billing Authority	2018/19 Final Tax Base Band D Equivalent	2018/19 Gross precept £000
Basildon	60,135	73,470
Braintree	51,980	63,507
Brentwood	32,593	39,820
Castle Point	30,443	37,194
Chelmsford	65,495	80,018
Colchester	61,960	75,700
Epping Forest	53,563	65,440
Harlow	25,590	31,265
Maldon	24,193	29,558
Rochford	31,297	38,237
Tendring	46,740	57,104
Uttlesford	36,211	44,241
Total for ECC	520,199	635,553

8. The proposed total schools budget be **£517.5m** for 2018/19, which will be funded by the Dedicated Schools Grant.
9. The underlying balance on the General Balance be set at **£55.1m** at as at 1 April 2018 (Appendix A, page 55).

10. The capital payments guideline be set at **£298.6m** for 2018/19.
11. For the purposes of section 52ZB of the Local Government Finance Act 1992 the Council formally determines that the increase in council tax is not such as to trigger a referendum.

Capital Strategy:

12. The 2018/19 – 2020/21 Prudential Indicators and limits, together with updated limits for 2017/18 be as set out in **Annexes 1A** and **1B** of the Capital Strategy (as shown in pages 82 and 83 of Appendix A).
13. The Treasury Management Strategy for 2018/19 comprising the following, be approved:
 - a. Borrowing strategy, as set out in **Annex 1** of the Capital Strategy (starting on page 66 of Appendix A).
 - b. Treasury management investment strategy, as set out in **Annex 1** of the Capital Strategy (starting on page 73 of Appendix A).
 - c. Indicative strategy for commercial investment activities, as set out in **Annex 1** of the Capital Strategy (starting at page 75 of Appendix A).
14. The policy for making a prudent level of revenue provision for the repayment of debt (the Minimum Revenue Provision policy as set out in **Annex 1C** of the Capital Strategy (starting at page 84 of Appendix A).
15. The Treasury Management Policy Statement and Treasury Management Practices be updated to those, set out in **Annexes 1E, 1F** and **1G** of the Capital Strategy (starting at page 89 of Appendix A).

7. To receive a report of Scrutiny Activity

Councillor Reeves, the Chairman of the Scrutiny Board, presented a report providing a summary of the scrutiny activity which had taken place over the last two years and an appendix giving more detail.

It having been moved by Councillor Reeves and seconded by Councillor Maddocks it was

Resolved

That the report be received.

8. To receive a report of matters reserved to the Council

Councillor Finch, the Leader of the Council, presented the report of matters reserved to Council.

It having been moved by Councillor Finch and seconded by Councillor Bentley it was

Resolved

That annex A of the Pay Policy Statement for 2017/18 and 2018/19 be amended with immediate effect to read:

1: The following box:

Grade D	£50,000	£65,500
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is replaced with

Grade D	£50,000	£65,000
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2. The following box:

Grade J	£15,749	£17,500
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is replaced with:

Grade J	National Living Wage	£17,500
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9. To receive the Leader's report of Cabinet Issues

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

It having been moved by Councillor Finch and seconded by Councillor Bentley it was

Resolved

That the report be received.

10. Written Questions

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

Members asked supplementary questions of the relevant Cabinet Members details of which are available on the ECC website [via the online audio recording of the meeting](#). The written questions were:

1. By Councillor Harris of the Cabinet Member for Highways

'Having seen over months the repeated infill of pot holes in Queen Elizabeth Way Colchester, with repeat visits, could the Cabinet Member confirm what are the arrangements for checking the quality of work by contractors, the type of work, and whether the work was appropriate by contractors. What are processes for percentages of work completed and are there KPIs kept of such quality checks.'

Reply

'We do have a Key Performance Indicator (KPI) titled 'Percentage of defects repaired right first time.' A random sample of potholes, footway defects, drainage works, signs and lines, and iron works from the last 12 months is re-inspected. Any defects which fail to meet the standards can be re-opened and repaired by Essex Highways.

Since 2015/16 there have been 7390 re-inspections, and only 38 recorded failures – a 99.5% success rate.

With reference to Queen Elizabeth Way, we made temporary repairs for safety reasons and permanent patching work is planned for 2018-19.'

2. By Councillor Sargeant of the Cabinet Member for Environment and Waste

'On 27 October 2014, a report (FP/861/11/14) from the Executive Director for Corporate and Customer Services was presented to the Cabinet Members for: Transformation and Corporate and Traded Services (Cllr. D. Lewis) and Library, Communities and Planning (Cllr. R. Hirst).

Three recommendations were agreed:

6. That all residents should be discouraged from releasing sky lanterns due to the damage that they cause the environment.
7. That the outdoor release of lanterns will be prohibited from all ECC property. In relation to sites where a third party already has a lease or a licence in place, ECC will write to them to encourage the adoption of this policy.
8. That all new leases and licences granted by ECC and any new renewals of existing leases and licences will include a clause prohibiting the use of sky lanterns on ECC premises.

Please could a similar report and recommendations be prepared asap for the prohibition of mass balloon release from ECC land and premises; as this creates a risk to wildlife and livestock from debris falling to land or washed up onto our beaches (through ingestion, entanglement and entrapment).'

Reply

'I am aware that a number of council's across the country have moved to ban the mass release of helium balloons from their own land due to concerns around littering and the associated risk to animals. This position is backed and promoted by a number of organisations including the Marine Conservation Society, the NFU and the Tidy Britain Group. I am supportive of this approach and a specific ECC policy on the issue is being actively considered. ECC Country Park managers have already been instructed to prohibit mass balloon releases on our country park estate.'

3. By Councillor Reid of the Cabinet Member for Resources

'I received an email from a constituent concerning a dispute between Fujitsu and their employees' Trade Union. I understand that Essex County Council currently uses Fujitsu for some of its IT services.

After a promising settlement and failing to deliver it back in August last year, the dispute is still on-going and the company is now dismissing and targeting union representatives.

Could the Cabinet Member please ensure that we make representation to Fujitsu deploring their treatment of employees?'

Reply

'ECC has a contract with Fujitsu to provide IT systems. It would be inappropriate for me to comment or write to Fujitsu on an issue not related to ECCs contract, particularly as the Local Government Act 1988 states that non-commercial considerations may not be taken into account when taking steps to manage contractors.'

4. By Councillor Mackrory of the Cabinet Member for Resources

'In the light of the investigations into MITIE's finances, the profit warning for Capita and the collapse of Carillion, what strengthening of the processes for awarding contracts with outsourcing contracts are under consideration? Furthermore, what checks are being undertaken to check the robustness of companies with whom ECC already has contracts.'

Reply

'Essex County Council is already renowned for its robust approach to Procurement and Contract Management. We have recently been shortlisted for a Public Finance Innovation award specifically in relation to our approach to supplier financial risk assessment during the tender process which will also include, where applicable and concerns are raised, the use of Parent Company Guarantees or Bonds.

The Council also received the top score in an external benchmarking survey for its risk management approach to contract management which includes the creation of

a contingency and exit plan at the point of contract award, the use of a risk register for all strategic suppliers reviewed and updated monthly and a monthly Dunn and Bradstreet assessment of financial viability of our key suppliers.

Trends are reviewed and assessed and any adverse movement is picked up with the suppliers to understand the drivers and potential risks to contract delivery, with resultant action. Service areas are kept informed of any concerns and, where appropriate, review business continuity arrangements where service delivery may be at risk. Despite all efforts, unexpected issues can arise and this is why having a Contingency and Exit plan in place for our strategic suppliers is critical so that we can quickly react should circumstances require it.'

5. By Councillor Mackrory of the Cabinet Member for Health and Adult Social Care

'I understand that the recent increases to the charging policy for services to the disabled will be subject to review. Can the Cabinet Member give an assurance that where weekly charges for disabled related expenditure has increased from zero to £100 a week, serious consideration will be given to how that has impacted on the lifestyle of disabled people and the consequences that could have on other areas of the public sector?'

Reply

'We continue to meet need in compliance with the relevant regulations and the provisions of the statutory Care and Support Guidance (Department of Health, 2017), and our charging arrangements are fully compliant with the provisions set out within it.

Where an adult informs us that they are unable to pay their assessed charge we will always review their assessment and in so doing consider whether their circumstances are such that we should reduce the charge or remit it altogether. This has been our practice for many years.

It is important to remember the amount we ask someone to pay is determined through an assessment of their financial means conducted using the statutory arrangements set out in the Care and Support Guidance. Our analysis shows that approximately 0.8% of people receiving support at home saw their charge rise, at least initially, from 0 to £100 per week.

For most people affected by the significant rise the key driver appears to be the reduction in the capital threshold that came in as part of the charging reforms, which resulted in a number of people becoming liable for the full cost of their care until their capital dropped below the national threshold of £23,250.

It should be borne in mind that introducing this capital threshold, we were moving to the standard laid down by government, having previously been using a higher minimum.'

6. By Councillor Baker of the Leader or the Council

'My questions are further to the response I received at the last Full Council meeting in December 2017 relating to Essex County Council and Brexit.

9. Could the Leader of the Council or Councillor Bentley update members on the latest situation with regard to Brexit and its implications for Essex following the recent visit of Monsieur Michel Barnier, the European Chief Negotiator for the United Kingdom Exiting the European Union; and
10. Would he reconsider setting up a cross-party working group, comprising members and senior officers of ECC, in preparation for the UK exiting the EU in order to mitigate the risks and capture the opportunities for UK and EU citizens, businesses and major organisations, in particular hospitals, universities, sea ports and airports, across Essex?

I would respectfully refer the Leader of the Council and members of the Cabinet to previous written questions I have asked in relation to Brexit at the October and December 2017 meetings of the Full Council.'

Reply

Since Full Council in December there has been progress in the negotiations between the UK government and the European Union allowing discussion to take place on a transition deal. However, there still remains much uncertainty about the type of Brexit that will be delivered and the associated impacts and we will continue to monitor progress as the negotiations continue.

ECC is closely engaged with cross-party working through the LGA and as you are aware Cllr Bentley is the LGA's national Brexit lead, chairing the Brexit Task and Finish group focussing on the priority areas for Local Government in leaving the European Union, these include:

1. Securing funding and investment currently sourced from the EU
2. The future autonomy of local government and reaching a new constitutional settlement post-Brexit.
3. The return of EU powers: developing a new legal base for local government
4. Community cohesion and workforce
5. Recognising the differential place-based impacts

Recent work has included:

- Giving evidence at the CLG Select Committee inquiry into Brexit and local government.
- Attending a special DIT roundtable on the UK's international trade policy post-exit
- Attending the annual meetings of the EU Committee of the Regions and Congress
- Meeting with DexEU Ministers to highlight local government issues ahead of the second round discussions on transition and future trade framework.

- Releasing a second call for information on the place-based impacts of Brexit

Further updates on the LGA's Brexit work can be found on their website <https://www.local.gov.uk/topics/european-and-international/brexit>

I believe ECC's engagement with Brexit through the cross party work of the LGA is the right approach at this time. We will continue to update Council in the coming months and I have asked Cllr Bentley to arrange a Member Development Session for all ECC Members on this topic. When there is greater clarity from the negotiations at a national level we will of course consider new approaches to engaging with this hugely important issue for Essex.'

7. By Councillor Turrell of the Cabinet Member for Highways

'When will Maldon Road in Colchester be resurfaced as it is in a very bad state.'

Reply

'Maldon Road, from the roundabout to the junction with Cambridge Road, is currently scheduled for surfacing in the 18/19 year. The full schemes list for 18/19 will be shared with members, and online, shortly.'

8. By Councillor Robinson of the Cabinet Member for Highways

'Will the Cabinet Member please commit to adding dates to all Highways reports on the "Track It" system and will he please clarify the procedure for the local County Member to escalate issues when the Member feels that a serious issue has been ignored by Essex Highways.'

Reply

'We are constantly looking at our highway website tools, and customer feedback, to see how we can improve the information we make available to the public. For example, recently we have adapted our 'Tell Us' tool, so it now incorporates a third-party map showing the street lights, traffic lights etc. that UK Power Networks will be fixing. We have work underway to enable customers to add their email to defects they report, so they can be sent the reference number for future use when checking. We are also working on how to provide the date of last or next inspector survey for a defect.

We will continue to consider the addition of other data too, provided that it does not increase the fraud or liability risk, and consequently the potential cost, to Essex County Council and suggestions are always welcome.

Regarding the process members have for escalating issues, this is quite clear: the first step for Members with highways issues is the website and the online report it tool; if this does not resolve your issue you can enquire via Members Enquiries; if

you still find your issue unresolved you can book an appointment at my weekly Highways Surgery, there are up to three slots available from 12-1pm every Tuesday, except when it clashes with Full Council or Cabinet. Please email me if you would like to book an appointment.'

9. By Councillor Henry of the Leader of the Council

'Can the Leader give Council an update on the progress of the Independent Property Review Commission, set up after July Council?'

Reply

'The Independent Property Review Commission completed its report on 31 January making 14 recommendations. I'd like to thank all the Members who took part as well as the Chairman, Andy Fry OBE, for their time and hard work.'

Following discussion with Opposition Leaders we have agreed that Members will have the opportunity to discuss the report at Council in May and I will arrange for a copy of the report to be available online with the minutes from this Council meeting.'

10. By Councillor Aspinell of the Cabinet Member for Highways

'Air pollution, especially on congested roads, is a growing concern for the public. Will the Cabinet Member consider (a) planting more trees in urban areas to help address this and (b) ensure that the public are made aware of pollution 'hotspots', in a similar manner to weather and traffic reports.'

Reply

(The reply has been supplied by the Cabinet Member for Waste and Environment)

'Air quality is an important issue as highlighted by the debate and Motion carried at December's Full Council. The Place Services Policy and Economic Growth Scrutiny Committee have set up a Task and Finish Group looking at air quality and I and my relevant Cabinet colleagues look forward to engaging in that process and considering the recommendations that result. I am pleased to note that the Task and Finish Group's work is set to commence on 22 February.'

ECC as Highways Authority is committed to working in partnership with District Council's and the Environment Agency to develop plans for improving air quality at sites identified to have high levels of air pollution. The planting of trees near to roads in these areas is an important consideration that is taken into account when developing plans to improve air quality. It is also an important consideration when designing the layout of new developments.

DEFRA already provide an air pollution forecast and the possibilities for providing access to more localised, up to date pollution information is improving in line with technological and air quality monitoring advances and ECC will continue to review

opportunities to make this available to local residents.

In a sign of the positive action being taken on this issue ECC were this week successfully awarded over £1m of Defra Clean Bus Technology funding to retrofit 60 older buses operated by Arriva and First across Essex to meet minimum emissions standards. We are also actively progressing air quality improvements at the Army and Navy in Chelmsford and parts of the A127 in Rochford and Basildon to improve the health of residents.'

11. By Councillor Baker of the Cabinet Member for Education

'What funding is currently available for educational classical music initiatives in Essex and what is the proposed budget for the coming year/s.'

Reply

'It is a matter for schools to determine their budgets and their curriculum time and they have autonomy to decide how much of their budget and curriculum time is spent on music teaching. However I can go into detail of Essex County Council's (ECC) music initiatives which are separate from school funding for music curriculum lessons.

ECC's Music Services leads Essex Music Education Hub. ECC received public funding from Arts Council England to support music in schools and within the community. In 2017/2018 this funding is **£1,923,470**, in 2018/2019 it will be **£1,923,945**. In addition the service leverages significant income from parents, carers and schools. In 2017/2018 this is predicted to total **£2,559,000**, rising to over **£2,730,000** in 2018/2019 and over **£2,790,000** in 2019/2020.

It is difficult to give exact figures on classical music as we work with a diverse range of musical genres. However to give an idea of the size of investment, total planned 2018/2019 expenditure for budget lines where Classical music plays a large part are listed below:

- **£20,000**: Instrument hire scheme.
- **£85,000**: Partnership projects in schools with professional organisations, including City of London Sinfonia, Opera Brava
- **£393,000**: County Orchestras and Ensembles (*majority classical, some jazz*)
- **£18,000**: Vocal and Choral Development
- **£2,080,000**: Peripatetic music service (*instrumental and vocal tuition in schools*)
- **£501,000**: Community music schools (*offering tuition, aural and theory classes, and ensembles*)
- **£105,000**: remissions/vouchers scheme (*to make tuition, choir and ensemble membership affordable to low-income families*).
- **£20,000** (from the Virtual School): to support 100% free access to music service provision for Looked After Children.
- **£262,000**: First Access programme (*all KS2 schools offered a free term of whole class instrumental learning*)
- **£144,000**: digital and e-learning resources (*including, for example, units on the*

BBC Ten Pieces classical initiative)

- **£26,000**: for Sounds of Essex festival celebrating young music making from across the county.

- **£15,000**: to support Saffron Centre For Young Musicians (*in partnership with the Guildhall School of Music and Drama*)

TOTAL: £3,669,000

In addition through external partnerships, ECC leverages significant other investment in Classical music, for example through the bursaries paid by Essex Young Musicians Trust which total £15,000 annually; and the Lullaby Concert series by Orchestras Live which bought in £66,000 worth of investment into Essex and Suffolk in 2017.'

12. By Councillor Deakin of the Cabinet Member for Culture, Communities and Customer

'What provision is being made for Library facilities in rural communities; especially schools if/when the Library bus is reduced or stopped.'

Reply

'The Mobile Library Service will continue in 213 communities, many of which are rural. Multiple stops serving one community are being merged and we are talking to mobile library users in those places to make sure vehicles are stopping in the best location. The mobile library stops for at least 30 minutes, an increase in many places.

The mobile libraries offer a service to the community, rather than to individual schools, although some current mobile stops are very close to schools. The schools can visit their local library – though they generally maintain their own libraries – and all schools can subscribe to the School Libraries Service, which lends books, picture packs and artefacts to schools. Where a stop at or near a school is being withdrawn, the school will be notified and given information about the School Libraries Service and how to arrange a class visit to their nearest library building or stop.

We are working with any mobile library customers who are not able to reach a library or mobile library stop, to offer alternatives: this could be a Friends and Family Card, so friends or family members can collect and return loan items for them; or the Home Library Service, where volunteers bring items to people in their own homes. We can also help people access e-books and magazines online.

More than 100 people have already expressed an interest in helping to set up community libraries and 50 potential venues were suggested, many of which will be close to schools.'

13. By Councillor Robinson of the Cabinet Member for Housing, Property and Planning

'Is it not a huge waste of public money to spend hundreds of thousands of pounds a year on security, utilities and business rates for council properties that are left empty for many years? Would it not be better if community and voluntary groups or local councils could be enabled to use these properties? How many Essex CC properties are currently empty?'

Reply

'In Essex we currently have 25 unoccupied buildings, 7 of which are old school buildings, 7 are individual houses while others are buildings that have previously formed part of the council's general operations. We already have plans for a number of these sites including:

- 6 which are to be used for redevelopment for new school provision
- 4 sites to be redeveloped for residential purposes as part of our Essex Housing Project
- 6 properties are in the process of being re-let
- 5 properties are on the market or being prepared for disposal

The remaining buildings are to be looked at as part of our Lean Estate programme and plans will be formed around the future of these sites. The Lean Estate programme will confirm the principles and priorities of the organisation in relation to our property needs and we will be engaging with Members and key stakeholders on this prior to its launch.

When buildings are to be re-let, ECC enters into a fair and equitable process of deciding who is to take the lease on a property and we have let properties to community and voluntary groups, however only in circumstances where the vacant property is of a manageable size and in a reasonable state of repair.

In regard to security it is important to ensure that all is done to deter trespassers from entering a site, not only to prevent them from causing damage to the building but also for their own safety. As much as possible we try to keep costs for security on surplus sites to a minimum and vacant sites are a natural by-product of managing a large property estate.'

14. By Councillor Kendall of the Cabinet Member for Education

'Please could the Cabinet Member tell me what progress has been made by the County Council on delivering the Bus Franchise Scheme motion that was agreed unanimously by members at a Full Council meeting last year?'

Reply

'To refresh ECC's approach, in light of the new legislative powers set out in the Bus Services Act 2017, I have asked officers to undertake a formal review of its passenger transport strategy. This will include consideration of how to best use the

new powers in regard to the County Council's objectives of enabling inclusive economic growth, helping people get the best start and age well and helping to create great places to grow up, live and work. This review is at an early stage and no options for making use of the new powers have been ruled in or out at this point.'

15. By Councillor Kendall of the Leader of the Council

'Please could you tell me how much the County Council have spent on Consultants and Agency Staff over each of the last four financial years including the current financial year up to the end of January 2018?'

Reply

'The figures requested are shown in the table below. It will be helpful to note that consultancy covers a wide spectrum of activities ranging from provision of expert advice on specific topics to what is effectively the sub-contracting, or employment of specialists to aid implementation. Similarly agency spend covers interim staff to cover one-off activity to support projects and key roles, for example where there are roles that are difficult to fill, or gaps whilst recruitment is underway, it also has the benefit of allowing earlier implementation. The total spend in 2017/18 is forecast to represent under 1.8% of our gross expenditure (excluding schools).'

Year	Consultants £000	Agency £000
2017/18*	6,135	16,474
2016/17	4,952	21,349
2015/16	4,124	22,921
2014/15	3,405	25,739
* forecast end of year spend		

16. By Councillor Deakin of the Cabinet Member for Highways

'With increasing numbers of campaigns to get people to cycle rather than drive, many are put off cycling because they feel unsafe. One of the things that makes cyclists feel safer on our roads is good visible road markings, e.g. for cycle lanes and advanced stop lines. In many parts of the County these have faded so much as to be almost invisible. How much has been spent in the last two years on this re-marking? Is there any increase in the budget for this? When will our road users see improvements?'

Reply

'The benefits of cycling are acknowledged and its increased take-up is encouraged by ECC. In fact a new cycle strategy has been launched and new initiatives are being pursued to provide good quality cycle facilities.

We do not capture costs down to this granular level but during the last 2 years at

least £200,000 per annum will have been spent repainting defective lines throughout the county. In addition, many more lines will have been repainted following surfacing.

We are also keen to push innovation, and therefore during the last 2 years a new road marking product has been used that lasts much longer than traditional products. Although the product is more expensive to install initially it may offer long-term benefits down the line.'

17. By Councillor Abbott of the Cabinet Member for Highways

'At the time of writing there are over 40 streetlights showing on the ECC on-line map as not working in the 2 (adjacent) villages of Rivenhall and Silver End. In recent months the number has been even higher than that. Some of these lights have been out for many months and I have received multiple complaints from local residents.

Would the Cabinet Member agree that local people pay their council tax in the expectation that as per ECC policy, these lights should all be on when most needed in the morning and early evenings periods of travelling to/from school, work, etc. and that this is particularly the case during the winter months ?

Can the Cabinet Member explain why, despite these street lights having been reported, so many are still not working?'

Reply

'We maintain over 127,000 streetlights in Essex. If the issue is a simple bulb replacement, we repair this within an average of 8 days, however some issues are more significant and take more time. We should see an improvement to our performance level as we roll out more and more of the LED Smart Street Lights.

If you'd like to discuss the specific issues in your area, you can come to my Highways Surgery, there are up to three slots available from 12-1pm every Tuesday, except when it clashes with Full Council or Cabinet. Please email me if you would like to book an appointment.'

18. By Councillor Abbott of the Cabinet Member for Highways

'Despite having secured the agreement of ECC that work needs to be done to correct various highway defects in the division I represent, the list of outstanding work gets ever longer resulting in residents making complaints and parish councils asking why agreed work that I have reported back to them is still not done. Some cases go back several years. They include work required for safety reasons in Collingwood Road Witham (footway and pedestrian island), Terling (at the ford), Motts Lane Witham (drainage improvements), Hollies Road Bradwell (surface water issuing from the road and freezing), etc.

Can the Cabinet Member give assurances that when work is agreed with a local Member, that it is not being “lost in the system”? (as I have to repeatedly chase these outstanding items).

Can the Cabinet Member explain why ECC often declines to give local Members any target date for such work or even a target period?’

Reply

‘I can assure you that work does not get lost in the system. As I’m sure you know, works start dates are very subject to change, for a huge variety of reasons: weather, supplier issues, other programmes running late, the opportunity to coincide with other works, etc.

If your issues are unresolved after using the Report It tool and Members Enquiries you can book an appointment at my weekly Highways Surgery. There are up to three slots available from 12-1pm every Tuesday, except when it clashes with Full Council or Cabinet. Please email me if you would like to book an appointment.’

19. By Councillor Davies of the Cabinet Member for Environment and Waste

‘Given that the Basildon Tovi Eco Plant has not performed as initially expected, and Cabinet on the 21 February 2017 met to discuss events should the MBT plant become partially or wholly unavailable, would the Cabinet Member please update Council on how much of the £103M waste reserve has been earmarked for possible contingency plans for the site?’

Reply

‘The waste reserve was set up to ensure we can meet our obligations over the 25 year life of the PFI contract. It was set up some time ago, anticipating the increasing costs of waste disposal due to both volume and landfill tax increases. The idea is to smooth the year on year increases in cost to the taxpayer with net contributions to the reserve in early years being balanced out by withdrawals later. None of the waste reserve has been set aside for contingency plans for the site at this time.’

20. By Councillor Young of the Cabinet Member for Health and Adult Social Care

‘Following the flawed ECC consultation in 2016 asking about reducing the allowances for Disability Related Expenses, when many disabled residents, and their representative organisations, were not consulted; and following the savage cuts to these allowances which have left many disabled persons in non-residential care now desperately short of money; and in view of the current £102,000 budget underspend gained because of the erroneous budget forecast made for the new charging policy for non-residential adult social care, which underspend is seemingly funded by the disabled;

Will the Council now honour Councillor Finch’s professed desire to protect the most

vulnerable in Essex by reversing some of the decisions disallowing Disability Related Expenses, and treat the disabled more sympathetically?’

Reply

‘The Council has fully discharged its commitment to protect vulnerable people. We continue to meet need in compliance with the relevant regulations and the provisions of the statutory Care and Support Guidance (Department of Health, 2017), and our charging arrangements are fully compliant with the provisions set out within it.

The consultation undertaken to inform the Cabinet Decision on implementing the charging changes was suitable and proportionate, and all relevant papers were produced, including an Equality Impact Assessment. The process and papers were overseen by the Monitoring Officer in line with the Council’s Governance arrangements.’

21. **By Councillor Harris of the Cabinet Member for Culture, Communities and Customer**

‘Will the Cabinet Member confirm if there is a download form option on the ECC website for a Disabled Blue Badge, and if so, could it be shared with County members’.

Reply

‘Several years ago following consultation with customers and user groups the option to download a form was removed and online applications have increased to 60%. Paper copies of the form are still available on request by calling the Customer Service Centre.’

11. **Oral Questions of the Leader, Cabinet Member or the chairman of a committee upon any matter relevant to the business of Council**

Members asked questions of the Leader of the Council, Cabinet Members or the chairmen of committees details of which are available [on the audio recording of the meeting.](#)

The Questions asked were:

Member	Topic	To whom
Councillor Robinson	Support to the Essex Savers Credit Union?	Leader of the Council
Councillor Henderson	The condition of the A120.	Deputy Leader and Cabinet Member for Infrastructure

Councillor Henderson	The forthcoming celebrations of the history of Harwich and its connection to the sailing of the Mayflower.	Leader of the Council
Councillor Young	The impact that children losing their entitlement to free school meals as a result of the introduction of universal credit may have on the Pupil Premium received by schools.	Cabinet Member for Education
Councillor Smith	Public consultation on road safety work to be undertaken in proximity to a local school.	Cabinet Member for Highways
Councillor Sargeant	The purpose of Passenger Transport Representative Meetings.	Cabinet Member for Education
Councillor Abbott	The colour of LED street lights and their impact on health and the environment.	Cabinet Member for Highways
Councillor Abbott	Problems with water on the road on Hollies Rd in Bradwell, Braintree.	Cabinet Member for Highways
Councillor Davies	Cessation of buses 15 and 25 running from Basildon to Wickford.	Cabinet Member of Education
Councillor Ball	Congestion charging on the A127 and a motion passed by Basildon Borough Council.	Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy
Councillor Scordis	Walking routes to school.	Cabinet Member of Education
Councillor Reid	The condition of pavements and the impact upon a particular constituent who is a wheelchair user.	Cabinet Member for Highways
Councillor Harris	Quality of pothole repairs in Shrub End Colchester.	Cabinet Member for Highways

12. Oral Questions of the representative of the Essex Police, Fire and Crime Panel on any matter of that Panel

Members asked questions of the representative of the Essex Police, Fire and Crime Panel details of which are available on [the audio recording of the meeting](#).

The Questions asked were:

Councillor Robinson	To seek feedback for his recent request that the representative speak to the Police, Fire and Crime Commissioner concerning permission for homeless people to occupy vacant property.	Chairman of the Essex Police, Fire and Crime Panel
Councillor Henderson	Concerning alleged payments to the recently dismissed Chief Fire Officer.	Chairman of the Essex Police, Fire and Crime Panel

13. Closing Remarks

The Civic Service

The Chairman indicated that he would be pleased to welcome any Member wishing to attend the Civic Service at Chelmsford Cathedral on 4 March.

The Office of Chairman

The Chairman, noting that this had been the full meeting of Council that he would chair, thanked all Members for their courtesy whilst he had been Chairman.

In response, David Finch, the Leader of the Council, paid tribute to the skill and impartiality with which the Chairman had undertaken the office.

Chairman

The Chief Executive’s Report on Political Proportionality

Review of Political Proportionality

We have been notified that Cllr Stephen Canning is no longer a member of the registered Conservative Group on Essex County Council. We have not been notified that Cllr Canning has joined any other political group. The political composition of the Council is now as follows:

Group	Number of members
Conservative	55
Liberal Democrat	7
Labour	6
Non-aligned group	6
Independent	1

A review of political proportionality has been undertaken in accordance with the statutory political balance rules as the law requires the Council to allocate committee seats to registered political groups in accordance with those rules. The rules are as follows:

1. The majority party must have the most seats on every committee. Where there are co-opted voting members this is a majority of all seats, not just those held by councillors.
2. The total number of ordinary committee seats must be proportionate. Where the Conservative Group has 73% of Council seats it should have 73% of the ordinary committee seats. Overview and Scrutiny Committees and joint committees do not count as ‘ordinary committees’.
3. Each individual committee must be as proportionate as possible. Subject to the impact on other groups, a group with 73% of Council seats should have as close to 73% of the seats on each committee as possible.

These rules can sometimes conflict, depending on the number and size of the political groups. If this happens the first rule is the most important, then the second and then the third.

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

In summary, the Conservative Group has decreased by one and the Council now has one member who is not in a political group, the impact on the political balance is as follows:

- a. The balance on the ordinary committees is unchanged
- b. The Liberal Democrat Group is entitled to an extra seat on the following Policy and Scrutiny Committees:
 - i. People and Families
 - ii. Corporate
 - iii. Place Services and Economic Growth
- c. The Conservative Group is entitled to one fewer seat on the Policy and Scrutiny Committees listed above.

In all other respects the committee allocations are as they were in 2017/18

Recommended:

That the revised political balance and committee seat allocations to registered political groups be noted.

Membership of Committees – as set out below		
<p>CORPORATE POLICY AND SCRUTINY COMMITTEE (14)</p> <p>(10 Con: 1 Lab: 2 LD: 1 NAG)</p> <p>James Abbott</p> <p>Jo Beavis</p> <p>Malcolm Buckley</p> <p>Michael Garnett</p> <p>Mike Hardware</p> <p>Ivan Henderson</p> <p>Mike Mackrory</p> <p>Valerie Metcalfe</p> <p>John Moran</p> <p>Ron Pratt</p> <p>Wendy Schmitt</p> <p>Andrew Sheldon</p> <p>Mike Steptoe</p> <p>Anne Turrell</p>	<p>PEOPLE AND FAMILIES POLICY AND SCRUTINY COMMITTEE (18)</p> <p>(10 Con :1 Lab: 2 LD: 1 NAG + 4 Co-opted)</p> <p>John Baker</p> <p>Graham Butland</p> <p>Jenny Chandler</p> <p>Jude Deakin</p> <p>Mark Durham</p> <p>Beverley Egan</p> <p>Jeff Henry</p> <p>June Lumley</p> <p>Malcolm Maddocks</p> <p>Peter May</p> <p>Maggie McEwen</p> <p>Patricia Reid</p> <p>Clive Souter</p> <p>Andy Wood</p>	<p>PLACE AND ECONOMIC GROWTH POLICY AND SCRUTINY COMMITTEE (14)</p> <p>(10 Con: 1 Lab: 1 LD: 2 NAG)</p> <p>Barry Aspinell</p> <p>Tony Ball</p> <p>Terry Cutmore</p> <p>Andy Erskine</p> <p>Ian Grundy</p> <p>Stephen Hillier</p> <p>Paul Honeywood</p> <p>David Kendall</p> <p>Bob Massey</p> <p>Chris Pond</p> <p>Ron Pratt</p> <p>Wendy Schmitt</p> <p>Carole Weston</p> <p>Julie Young</p>
<p><i>Conservative Sub:</i></p> <p>John Aldridge</p> <p>Ian Grundy</p> <p><i>Labour Sub:</i></p> <p>Julie Young</p>	<p><i>Conservative Subs:</i></p> <p>Carlo Guglielmi</p> <p>Mark Platt</p> <p><i>Labour Sub:</i></p> <p>Lee Scordis</p>	<p><i>Conservative Subs:</i></p> <p>John Moran</p> <p>Chris Whitbread</p> <p><i>Labour Sub:</i></p> <p>Dave Harris</p>

<p><i>Liberal Democrat Sub:</i></p> <p>Jude Deakin</p> <p><i>NAG Sub:</i></p>	<p><i>Liberal Democrat Sub:</i></p> <p>Mike Mackrory</p> <p><i>NAG sub</i></p>	<p><i>Liberal Democrat Sub:</i></p> <p>Stephen Robinson</p> <p><i>NAG sub</i></p>
<p>HEALTH OVERVIEW POLICY AND SCRUTINY COMMITTEE (12)</p> <p>(9 Con: 1 Lab: 1 LD: 1 NAG)</p> <p>Anne Brown</p> <p>Jenny Chandler</p> <p>Beverley Egan</p> <p>Ricki Gadsby</p> <p>Dave Harris</p> <p>Bob Massey</p> <p>Maggie McEwen</p> <p>Richard Moore</p> <p>Jillian Reeves</p> <p>Stephen Robinson</p> <p>Colin Sargeant</p> <p>Andy Wood</p>	<p>AUDIT, GOVERNANCE AND STANDARDS COMMITTEE (10)</p> <p>(7 Con: 1 Lab: 1 LD: 1 NAG)</p> <p>Penny Channer</p> <p>Terry Cutmore</p> <p>Allan Davies</p> <p>Andy Erskine</p> <p>Anthony Hedley</p> <p>Robert Mitchell</p> <p>Richard Moore</p> <p>Mark Platt</p> <p>Kerry Smith</p> <p>Anne Turrell</p>	<p>DEVELOPMENT AND REGULATION COMMITTEE (12)</p> <p>(9 Con: 1 Lab: 1 LD: 1 NAG)</p> <p>John Aldridge</p> <p>Dave Blackwell</p> <p>Carlo Guglielmi</p> <p>Mike Garnett</p> <p>Mike Hardware</p> <p>Ivan Henderson</p> <p>Stephen Hillier</p> <p>Mike Mackrory</p> <p>Richard Moore</p> <p>John Moran</p> <p>Jill Reeves</p> <p>Andy Wood</p>
<p><i>Conservative Subs:</i></p> <p>Alan Goggin</p> <p>June Lumley</p> <p>Mike Steptoe</p> <p><i>Labour Sub:</i></p>	<p><i>Conservative Sub:</i></p> <p>Malcolm Maddocks</p> <p>Andrew Sheldon</p> <p><i>Labour Sub:</i></p> <p><i>Liberal Democrat Sub:</i></p>	<p><i>Conservative Subs:</i></p> <p>Malcolm Maddocks</p> <p>Bob Massey</p> <p><i>Labour Sub:</i></p> <p>Dave Harris</p>

Patricia Reid <i>Liberal Democrat Sub:</i> John Baker <i>NAG Sub:</i>	<i>NAG Sub:</i>	<i>Liberal Democrat Sub:</i> Anne Turrell <i>NAG Sub:</i>
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COMMITTEE TO CONSIDER APPLICATIONS TO UNDERTAKE CERTAIN DUTIES BY MEMBERS AND FOREIGN TRAVEL BY OFFICERS (5) (4 Con: 1 LD) Susan Barker Kevin Bentley David Finch Dick Madden Mike Mackrory	INVESTMENT STEERING COMMITTEE (7) (5 Con: 1 Lab: 1 NAG) Susan Barker Alan Goggin Anthony Hedley Mark Platt Chris Pond Lee Scordis Clive Souter	
<i>Conservative Sub:</i> <i>Liberal Democrat Sub:</i> Anne Turrell	<i>Conservative Subs:</i> Andy Erskine Malcolm Maddocks <i>Labour Sub:</i> Allan Davies <i>Liberal Democrat Sub:</i> <i>NAG Sub:</i>	

Election of Chairmen of Committees

Corporate Policy and Scrutiny Committee

Chairman:

Mike Mackrory

People and Families Policy and Scrutiny Committee

Chairman:

Malcolm Maddocks

Place and Economic Growth Policy and Scrutiny Committee

Chairman:

Ian Grundy

Health Overview Policy and Scrutiny Committee

Chairman:

Jillian Reeves

Audit, Governance and Standards Committee

Chairman:

Terry Cutmore

Development and Regulation Committee

Chairman:

Carlo Guglielmi

Committee To Consider Applications To Undertake Certain Duties By Members And Foreign Travel By Officers

Chairman:

David Finch

Investment Steering Committee

Chairman:

Susan Barker

Other Appointments and Nominations:

1 To receive notice from the Leader of the Council of the three County Council nominations to the Health and Wellbeing Board

John Spence, Sue Lissimore and Chris Whitbread as members with Anne Brown and Ray Gooding and as the named Substitutes.

2 To appoint the County Council's representative on the Essex Police, Fire and Crime Panel

Malcolm Maddocks

3 To appoint the County Council's representative on the Essex Pension Fund Advisory Board

Simon Walsh

Motions

Members have given notice that they intend to move the following motions in accordance with paragraph 16.8.2 of the Constitution:

1 The Future of Highways Services

Moved by Councillor Pond and seconded by Councillor Sargeant:

‘Council calls for the Leader to approve a root and branch re-examination of whether the partnership with Ringway Jacobs represents a fit model for the future provision of highways services.

In accordance with the Council's 2017 debate on Localism and Subsidiarity, re-examination of the strategic partnership concept should also encompass devolution where appropriate of some highway services on a cash-limited basis to Districts, Towns, or consortia thereof. The ambit of Local Highways Panels and Highways Ranger services should be further considered.’

2 Housing and Infrastructure Fund Bids

Moved by Councillor Steptoe and seconded by Councillor Mohindra:

‘This Council celebrates the news that three of its Housing and Infrastructure Fund bids (HIFs) to Government have been successful. This recognises the Council's great work in unlocking economic growth which in turn will provide jobs, homes, improvements to future transportation needs and the chance for existing and new families to prosper. Essex is a leading County in economic growth and we now call on the Government to join ECC in investing in our other growth corridors of the M11, the A127 and A13.’

3 Recognising our Armed Forces

Moved by Councillor Buckley and seconded by Councillor Durham:

‘Later this year, our nation will commemorate the 100th Anniversary of the end of World War 1.

This Council therefore commends the bravery of those men and women from Essex who served during that war and also remembers those who paid the ultimate sacrifice in this and other conflicts since.

This Council further recognises that our democracy is underpinned by the bravery of all those who have served and continue to serve in Her Majesty's Armed Forces including the many based in Essex and that maintaining a

strong defence capability is essential to deter the threats currently facing the United Kingdom.

This Council recognises the valuable work of the Civilian Military Partnership Board and calls on all partners involved to work for the benefit of serving personnel and veterans in this county.'

4 Scrutiny Review of the Policies for Pothole Repairs

Moved by Councillor Kendall and seconded by Councillor Aspinell:

'This Council requests that the Place Services and Economic Growth Policy and Scrutiny Committee undertakes an urgent scrutiny review into the County Council's criteria for repairing potholes, the repair methods our contractors are currently using and the quality control standards we have to ensure that all our policies on pothole repairs are fit for purpose.'

Report title: Essex County Council Response to the findings of the Independent Property Review Commission	
Report author: Cllr David Finch, Leader of the Council	
Date: 15 May 2018	For: Decision
Enquiries to: Nicola Beach, Executive Director Infrastructure and Environment	
County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 On 11 July 2017, following the Grenfell Tower tragedy on 14 June 2017, Council passed the following resolution:

‘This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.

This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore this Council asks the Leader to arrange for a thorough investigation into all buildings owned and maintained by Essex County Council to be undertaken to ensure that any cladding is reviewed as appropriate and action taken.

In addition, the Council calls for the Leader to establish an independently chaired all-party commission involving partner organisations to look into the whole system of fire safety for employees and other users of our buildings.

This would take into account the size, scale, location and use of the particular building and consider the tools and technologies available to protect human life and the building.’

- 1.2 In response to the motion, the Leader set up a cross-party Independent Property Review Commission (IPRC) to investigate fire safety in Essex County Council’s (ECC) property portfolio.
- 1.3 The IPRC published their final report in February 2018 and in recognition of both the scale of importance and the interest of Members in the issue, the Leader has decided to bring ECC’s response to the findings of the IPRC Report to Council.

2. Recommendations

- 2.1 That the Council endorses the proposed response to the IPRC as set out in section 5 of this report.
- 2.2 That the Council formally thanks the members of the IPRC for their work on the Commission.

3. Background

- 3.1 The independent, cross party panel was created to investigate the fire safety of ECC's property portfolio. The IPRC scrutinised fire safety measures in ECC buildings, explored written evidence, heard expert testimony, and attend site visits with a view to presenting findings and recommendations in a report to the Leader.
- 3.2 The aim of the IPRC was to conduct a comprehensive review of the ECC estate to:
- i. Ensure that any external cladding on ECC buildings was reviewed, and necessary action taken to ensure appropriate fire safety standards; and
 - ii. Undertake a whole system review of fire safety for employees and other users of ECC buildings, taking into account the size, scale, location and use of the buildings, and consider the tools and technologies available to protect human life and the buildings themselves.
- 3.3 After engagement with potential independent Chairpersons, Andy Fry OBE was selected to chair the IPRC.
- 3.4 Members of the IPRC were nominated by political Group leaders – with one councillor being selected by each of the Liberal Democrat, Labour and Non-aligned Groups, and three from the Conservative Group:

Conservative Group representatives:	Councillor Lesley Wagland Councillor Michael Hardware Councillor Anthony Jackson
Labour Group representative:	Councillor Julie Young
Liberal Democrat Group representative:	Councillor Barry Aspinell
Non-Aligned Group representative:	Councillor Chris Pond

- 3.5 Nominated councillors brought a wealth of expertise to the IPRC in a broad range of areas relating to fire safety, construction, property law, and facilities management.

- 3.6 The group's terms of reference were agreed at the first meeting of the IPRC in October 2017. These are set out at **appendix A**. The group followed a number of specific Key Lines of Enquiry, under the following headings:
- Management of fire safety issues associated with external cladding on ECC buildings.
 - Fire safety standards in the design and construction of new ECC buildings
 - Fire safety standards in existing ECC buildings
 - Fire safety standards in ECC buildings undergoing refurbishment
 - What recommendations does the IPRC propose?
- 3.7 'ECC buildings' were defined as buildings owned or occupied by ECC, and other buildings within which third parties deliver services on behalf of ECC. Individual private dwellings, i.e. those not covered by the Regulatory Reform (Fire Safety) Order 2005, were deemed as out of scope for the IPRC.
- 3.8 ECC buildings were grouped into three categories¹:
- The ECC core estate:** Buildings maintained and/or owned by ECC, where ECC is the employer and 'Responsible Person' under the Regulatory Reform (Fire Safety) Order 2005. There are approximately 300 such buildings.
 - ECC Maintained schools:** ECC has responsibility as the employer at 167 community schools and 59 voluntary controlled schools. It also has 227 academies, 56 Voluntary Aided Schools and 39 Foundation Schools, where ECC is neither the employer nor the 'Responsible Person' for fire safety.
 - Buildings not owned or controlled by ECC in which statutory services are provided by third parties under contract to ECC (e.g. social care sites):** Whilst primary legal responsibility for fire safety standards in these premises rests with the third-party providers, it was recognised that ECC has a secondary duty of care towards, and some moral responsibility for, the safety of potentially vulnerable residents who resort to, or reside in these buildings. On that basis, they were included in the scope of the IPRC.
- 3.9 The ECC core estate is a mixture of buildings, ranging from Victorian construction to modern buildings. Construction types vary from traditional brick construction with tiled roofs, to timber frame. There are only three high-rise buildings in the portfolio (i.e. those over 18-metres in height), Seax House in Chelmsford, Goodman House in Harlow, and Magnet House in Clacton. ECC also has a stock of Heritage sites and Historic buildings for which it has responsibility for maintenance.

¹ The figures provided below were accurate at the time of the IPRC's investigation however, may have subsequently changed.

4. Government Requests to local authorities after the Grenfell Fire

- 4.1 In the immediate aftermath of the Grenfell Tower tragedy, the external cladding was identified as a potentially major contributor to the rapid spread of fire. The cladding in question is generically referred to as Aluminium Composite Material (ACM), which is a flat panel that consists of two thin aluminium sheets bonded to a non-aluminium insulating core. Samples of the ACM cladding fitted to Grenfell Tower were subsequently tested and the core was found to be highly combustible. This finding raised serious safety concerns about other buildings fitted with ACM cladding, as well as those incorporating alternative cladding systems with insulating materials that could be similarly combustible.
- 4.2 In response to these concerns, the then Department for Communities and Local Government (DCLG)² initiated urgent safety checks on high-rise residential buildings, i.e. buildings of over 18 metres in which sleeping accommodation is provided. The checks were intended to identify buildings that were potentially fitted with hazardous cladding. Where such cladding was suspected, interim safety measures were introduced while samples of the cladding were sent to the Building Research Establishment (BRE) for testing, to determine whether or not they complied with Building Regulations.
- 4.3 Beyond the initial DCLG response, the Education and Skills Funding Agency (ESFA) wrote to all local authority Directors of Children's Services, Chief Executives of academy trusts, and those responsible for the governance of other types of schools, asking them to complete a fire safety questionnaire. The questionnaire sought information on school buildings with more than four floors that may be fitted with hazardous cladding.
- 4.4 In addition to the above actions, in the care industry, the Chief Executive of the Care Quality Commission, Sir David Behan, wrote to all care providers, reminding them of the greater duty of care owed to those with various impairments, as well as the need for providers to carry out, and periodically review, fire risk assessments to ensure their continued validity.
- 4.5 How ECC reacted to these central requests can be summarised as follows:

The ECC Core Estate

- 4.6 ECC responded swiftly to the information request from DCLG about high-rise buildings within its core estate (i.e. those over 18m). No schools are above 18m. The only three buildings which meet this criterion; Seax House in Chelmsford, Goodman House in Harlow, and Magnet House in Clacton are office buildings and none of them are fitted with potentially hazardous cladding.

The ECC Maintained Schools Estate

² In January 2018, as part of Theresa May's Cabinet Reshuffle, the department was renamed the Ministry of Housing, Communities and Local Government (MHCLG).

- 4.7 Again, ECC responded swiftly to requests for information from the Education and Skills Funding Agency (ESFA) about schools over four storeys high, or those in which residential accommodation was provided. As with the ECC Core Estate, the response was informed by a desk-top audit undertaken by officers, which confirmed that there were no Maintained schools over four storeys. It also established that ECC was responsible for one school that provided sleeping accommodation, but that the school was not fitted with cladding.

Buildings in which services are being provided for ECC by third-parties

- 4.8 Whilst the primary legal responsibility for fire safety standards in residential care premises run by third party providers rests with the providers, it was recognised that ECC has a secondary duty of care towards, and moral responsibility for, the safety of potentially vulnerable residents of such buildings. In line with this recognition, ECC decided it would seek assurance that issues associated with potentially hazardous cladding fitted to residential care premises managed by third parties were being appropriately addressed.
- 4.9 In an attempt to build an accurate picture of the position regarding such cladding across care premises in high-rise buildings, a telephone survey of all ECC care providers was undertaken in July 2017. This survey sought to establish if the provider was using buildings more than 18 metres high to provide residential services and whether they were clad in ACM panels.
- 4.10 The telephone survey identified 7 buildings that had cladding fitted. Of the 7 buildings identified as having cladding fitted, the following commentary on the cladding in question was provided by those responsible for the buildings:
- Adults with Disabilities Residential (4)
 - 1 – “some cladding but not thought to be ACM, being checked”;
 - 1 – “some cladding to a balcony which is being checked for flammability”;
 - 1 – “some cladding on 2nd floor but it is attached directly to wall.”
 - 1 – “two storey building with some wooden cladding that has been passed as ok by fire service”.
 - Supported Living (3)
 - 1 – “not of Grenfell type”;
 - 1 – “of Grenfell type, being reviewed”
 - 1 – no info
- 4.11 The providers of premises meeting the criteria were asked to provide a copy of the current risk assessment for the building and a photograph of the outside of the part of the building where the cladding is fitted.

5. IPRC Recommendations and ECC Response

- 5.1 In the IPRC’s view, ECC responded swiftly and effectively to requests for information that were made by the DCLG, and the ESFA in the immediate aftermath of the Grenfell Tower fire.
- 5.2 Further, the IPRC commended the proactive approach taken by ECC in broadening its focus to encompass all buildings in the ECC Core Estate, and

every Maintained school, regardless of their height. Although recognising that a definitive position was not achieved due to the 'desk-top' nature of the reviews undertaken.

- 5.3 In relation to residential care homes being operated by third party providers, the IPRC considers that ECC took a responsible step in attempting to achieve assurance that fire safety issues associated with potentially hazardous cladding on high-rise buildings were being appropriately addressed.
- 5.4 When considering their response to the recommendations of the IPRC involving third party providers officers recognise that ECC has a duty to monitor the health and safety standards of the providers it uses. However, ECC does not have the authority, degree of control or jurisdictions, to ensure that such issues are adequately addressed. Further, it is important to ensure that ECC does not exceed the obligations placed upon it by health and safety legislation as ECC would take on an additional risk if it did so. Action has been taken to address concerns so far as is reasonably practicable and is outlined below.
- 5.5 The fourteen recommendations and the current position with respect to them is set out below:

Recommendation 1: *ECC should take urgent action to ensure appropriate steps are taken to address fire safety issues in high-rise buildings fitted with potentially hazardous cladding, in residential care homes operated by third parties where ECC places residents.*

Implemented – officers have conducted desktop research and spoken with providers that concluded that there were no care premises used by ECC which were over 18m tall and had ACM cladding.

Recommendation 2: *ECC should consider the introduction of a sample auditing programme, to assess the suitability and sufficiency of fire risk assessments in residential care homes operated by third parties where ECC places residents.*

Implemented - ECC already has a sample auditing programme in place to assess the suitability and sufficiency of fire risk assessments in residential care homes operated by third parties where ECC places residents. Officers from the Quality Improvement team intend to introduce more robust checking of the quality of the fire risk assessments inspected during site visits by June 2018.

Recommendation 3: *ECC should issue guidance to all maintained schools, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed, and share it on a 'for information' basis with other Essex schools.*

Implementation underway - A desktop study has been undertaken of all ECC maintained schools to determine the presence of potential ACM cladding

and this study showed that there are no schools in excess of 3 storeys that have external cladding of this type.

Given the quality of existing data which does not provide extensive information on cladding types, guidance will be issued to schools by June 2018 to enable them to review their buildings and provide ECC with a response.

In respect of other Essex schools (not maintained by ECC) information will be issued, on a “for information only” basis, through the schools info link system by June 2018.

Recommendation 4: *Three months after the guidance referred to in recommendation 3 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.*

Proposed for implementation - In line with the response to recommendation 3, it is proposed that officers will work with maintained schools to undertake a thorough review of the risk to ECC maintained school buildings, this will be completed by October 2018. As a result it is not anticipated that a sample audit will be required as responses from schools will be logged and chased if not received.

Officers will make contact with a sample of non-maintained schools by October 2018 to enquire if they are taking any action as a result of the information provided.

Recommendation 5: *ECC should issue guidance to organisations providing residential care in premises where ECC places residents, aimed at ensuring that the potential implications of hazardous external cladding on any multi-storey buildings are systematically assessed and managed.*

Alternative implemented - Officers in the Procurement team wrote to all residential care providers in April 2018, reminding them of their obligations under the legislation to employ or engage competent persons to carry out fire risk assessments of their premises to the appropriate national standards, including that these consider potential external fire spread.

Recommendation 6: *Three months after the guidance referred to in recommendation 5 has been issued, ECC should undertake a sample audit to assess the extent to which the guidance has been followed.*

Audit systems already in place, but will be strengthened - ECC already has a sample auditing programme in place to assess the suitability and sufficiency of fire risk assessments in residential care homes operated by third parties where ECC places residents. Officers in the Quality Improvement team will be supported by the Health and Safety team to introduce more robust checking of the quality of the fire risk assessments inspected during site visits by June 2018.

Recommendation 7: ECC should put in place clear arrangements for the provision of ad hoc specialist fire safety advice in connection with relatively complex fire safety issues.

Implemented - ECC already has clear arrangements for the provision of ad hoc specialist fire safety advice in connection with relatively complex fire safety issues. Advice can be accessed via the Mitie contract, the Lead Building Control Partnership agreement (with Chelmsford City Council) or existing arrangements with specialist consultants.

Recommendation 8: ECC should introduce arrangements for Essex County Fire and Rescue Service to be invited to be involved at an early stage in the building design process for all its 'upper-tier' construction projects, i.e. those with a capital value in excess of £2m.

Implemented - Essex County Fire and Rescue Service have been invited by the ECC Infrastructure Delivery Team (IDT) to engage earlier on construction projects with values in excess of £2m. The fire service have agreed in principle and a protocol is being prepared to ensure they are engaged at an early stage.

Recommendation 9: ECC should introduce a requirement for property protection and business continuity risk assessments to be undertaken as an element of all future design briefs for new buildings.

Implementation underway - The IDT team will develop a risk assessment to be undertaken in conjunction with the client at the design stage by June 2018. Clients are best placed to advise on property protection and business continuity risk as they understand the risks to the service should a building suffer a total or partial loss. This risk assessment will be used as appropriate.

Recommendation 10: Three months after publication of this report, ECC should review progress on the steps being taken by MITIE to improve arrangements for ensuring the competence of those involved in undertaking fire risk assessments, as well as reviews of such assessments.

Implementation underway. MITIE compliance officers under fire risk assessments. These assessments are reviewed on an annual basis by MITIE Assistant Facilities Managers.

MITIE had already put arrangements in place to have to their compliance scheme assessed and accredited by Tyne & Wear Fire & Rescue Service. This is anticipated to be completed by June 2018 and should achieve the recommendation. The Head of Facilities Management will monitor this to ensure that MITIE achieve this accreditation.

Recommendation 11: ECC should undertake a detailed review of arrangements for quality assuring its programme of fire risk assessments (FRA), and the annual reviews of these assessments.

Implemented - FRAs have been completed for all core estate sites by a competent person from the Mitie compliance fire risk assessors, these assessments are then reviewed on an annual basis by MITIE or whenever any work is undertaken that may give rise to change of building layout or functional operation

There is a nominated representative of the Infrastructure Delivery Team who quality assures this process. Further, the Essex Fire and Rescue Service visit ECC sites on an ad hoc basis. The EFRS has never issued an improvement notice since 2011 when the ECC/MITIE partnership came into operation.

These arrangements have been reviewed by the Head of Facilities Management who finds the current arrangements satisfactory.

Recommendation 12: ECC should review its approach to ensure that remedial fire safety works recorded as being necessary in fire risk assessment documentation are addressed within a reasonable period.

Implemented - A project management resource has been allocated to the Facilities Management team to enable logging and tracking of the risks identified in FRAs to enable action based upon findings to be undertaken appropriately.

The actions identified by fire risk assessments are classified as either major or minor works.

Major: Remedial works that will usually require project management to complete. As an indication this will usually be works with a value of £10,000 or higher, however this may not always be the case. Any major works are run through the EPF / MITIE capital works program.

Minor: Smaller works that can be completed. These works will usually be of a under £10,000. The completion of these works in a timely manner is ensured through the SLA in place within the MITIE / EPF contract.

Recommendation 13: ECC should complete the work that has been started to mitigate fire safety risks associated with maintenance and construction projects which are commissioned and managed by ECC maintained schools.

Implementation underway - Officers are reviewing the risks associated with the delivery of maintenance and construction works directly by schools. This is an extensive piece of work that does not just focus on fire risk, as a number of other potential risks are present such as the management of Asbestos and Gas safety. Engagement will be required with schools themselves to determine workable solutions and once these have been identified, time will be required to implement them. It is anticipated that a final report setting out the preferred strategy will be completed by the end of the 18/19 financial year.

Recommendation 14: *Twelve months after publication of this report, ECC should undertake a scrutiny exercise to assess the extent to which the recommendations made have been effectively implemented.*

Implementation proposed for future- The Leader will ask the Corporate Policy and Scrutiny Committee to undertake a scrutiny exercise to assess the extent to which the recommendations as amended made have been effectively implemented.

6. Issues for consideration

6.1 Financial implications

6.1.1 There are several work streams underway to address the recommendations in the report but it is noted that many of the recommendations have already been implemented. It is not anticipated that any additional ECC funding is required at this stage and any costs arising are expected to be contained within existing budgetary allocations and the MTRS, with the exception of the following set out below

6.1.2 With regards to Recommendation 9, there is a potential unquantifiable future capital cost increase to individual projects arising from additional property protection and business continuity risk mitigation. 2% - 4% could be added to a scheme's costs as a result of a decision to install fire suppression systems in excess of life safety requirements. So on a £2m design project, an additional cost of £40,000 - £80,000 could be experienced. Funding will be secured through the Business Case and Decision process as appropriate. The report applies this recommendation to future, rather than past, design briefs

6.1.3 With regards to Recommendation 12, issues have been raised arising from Fire risk assessments where potentially works are required to address these. However, these are still being worked through at this time. It is anticipated at this stage that these requirements can be contained within existing budgetary allocations

6.1.4 It is understood that Essex County Fire and Rescue Service will continue to provide support on a consistent basis to that provided currently.

6.2 Legal implications

6.2.1 There are three main ways in which the Council is responsible for fire safety:

- The Regulatory Reform (Fire Safety) Order 2005 which places responsibility on certain owners and occupiers of property to carry out fire risk assessments.
- The Health and Safety at Work Etc Act 1974 which makes ECC and other employers responsible for the health and safety of people affected by its business.

- The common law of negligence whereby ECC may incur civil liability if it breaches a common law 'duty of care' to people.

6.2.2 The recommendations in the report may extend beyond ECC's legal duties but they will help to promote fire safety as experienced by people using schools and ECC services.

6.2.3 Since fire safety relates to functions for which the Cabinet is responsible, under the law and the ECC constitution it is for the Leader and the Cabinet to decide the Council's response to the commission.

7. Equality and Diversity implications

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8. List of appendices

Appendix A – Terms of reference

Appendix B – Equality impact assessment

9. List of Background papers

IPRC Report. This is available here -

<https://www.essex.gov.uk/News/Pages/Independent-Commission-recommends-raft-of-actions-to-improve-the-fire-safety-of-Essex-County-Council-property.aspx>

The Leader's Report of Cabinet Issues

This report is to receive the minutes of the Cabinet meetings held on 20 February and 20 March 2018.

The minutes of the meetings are attached as appendices to this report.

Recommendation

To receive the minutes of the Cabinet meeting held on 20 February and 20 March 2018.

Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Tuesday 20 February 2018

Enquiries to Judith Dignum (Democratic Services Manager), 03330 134579, Judith.dignum@essex.gov.uk

Present:

Councillor	Cabinet Member Responsibility
K Bentley	Deputy Leader and Economic Growth, Skills, Infrastructure and the Digital Economy (Vice-Chairman, in the Chair)
S Barker	Culture, Communities and Customer
R Gooding	Education
I Grundy	Highways
S Lissimore	Housing, Property and Planning
D Madden	Children and Families
S Walsh	Environment and Waste

Councillors J Aldridge (Chairman of Essex County Council), P Channer, M Durham, A Hedley, M Mackrory, M Maddocks and A Turrell were also present.

1. Membership, Apologies, Substitutions and Declarations of Interest.

The report of Membership, Apologies and Declarations was received and it was noted that:

1. the membership of the Cabinet was unchanged since the last meeting;
2. apologies for absence had been received from Councillors David Finch, Leader of the Council, Louise McKinlay, Cabinet Member for Resources, John Spence, Cabinet Member for Health and Adult Social Care, Ivan Henderson, Leader of the Labour Group and Chris Pond, Leader of the Non-Aligned Group; and
3. any interests would be declared at the point during the meeting when they arose.

Members were sorry to learn that Councillor Julie Young had broken her leg and was therefore unable to attend as a substitute for Councillor Ivan Henderson.

2. Minutes of the meeting held on 23 January 2018

The minutes of the meeting held on 23 January 2018 were agreed as a correct record and signed by the Chairman.

3. Questions from the public

None.

4. To authorised a competitive tender process to procure a supplier to provide print services to the full organisation (FP/020/12/17)

The Cabinet was asked to approve the procurement of a three year Print Services (reprographics and scanning) Framework (the Framework) to be available to the Council, other public sector bodies and Essex Cares Limited, commencing in August 2018 upon the expiry of the current contractual arrangements. The Cabinet was also asked to authorise the award of a contract under the Framework for a period of three years.

Responding to a question by Councillor Mackrory, the Chairman advised that the existing provider, CDS, would be eligible to bid for the proposed Framework Agreement should they so wish.

Resolved:

1. That a new Print Services single supplier Framework Agreement be procured for three years with an option to extend for one year in accordance with the Public Contracts Regulations 2015, using the restricted procedure and evaluation criteria based on 70% price and 30% quality and with the framework available for use by those organisations listed at appendix A to report FP/020/12/17.
2. That the Director, Corporate Strategy be authorised to award the Framework contract in line with the evaluation criteria set out in paragraph 3.10 of report FP/020/12/17 if he believes that the Framework offers better value than other frameworks available to the Council.
3. That the Director, Corporate Strategy be authorised to award a call-off contract for a period of three years with an extension to extend for a further year from the newly established Framework, for ECC specific print and scanning needs.

5. Education Transport Contract Extensions and Awards 2018 (FP/044/01/18)

Cabinet's approval was sought for the Director, Education to take action to ensure that suitable transport arrangements are in place for September 2018 onwards to fulfil the Council's statutory and policy based obligations to provide transport to school for children.

The Cabinet Member for Education provided the following information in response to questions asked by Councillor Mackrory (including one asked on behalf of Councillor Julie Young):

- As the report related to implementation of an agreed policy rather than to formulation of the policy itself, Councillor Gooding did not believe that it should be referred to the relevant Policy and Scrutiny Committee. It was important to avoid delay to ensure that the necessary transport provision was in place for September 2018. He commented that the Policy had been referred to scrutiny on two previous occasions.
- The savings predicted as part of the move to the current education transport policy had been achieved in full.
- Although it would not be specified in the contract, there was a gradual move to ensure that the vehicles provided for education transport were eco-friendly. In addition, the Council was leading a project to upgrade buses in the Colchester and Rochford areas to the highest emissions standard.

Resolved:

1. That the Director, Education be authorised to extend for one year any home to school transport contracts which expire in July 2018 where extension is permitted under the terms of the contract and where she considers this to be in the Council's best interests.
2. That the Director, Education be authorised to procure new contracts via the Council's existing dynamic purchasing system where extension is not permitted or where she does not consider extension to be in the Council's best interests. Any such new contract is to be for a period determined by the Director, Education initially for a maximum of three years on terms which give the Council the right to extend for up to a further two years.

6. Recommissioning of Advocacy Services in Essex (FP/920/08/17)

Cabinet's approval was sought to procure an All Age Advocacy Hub, for Advocacy services for both adult and children and young persons, using a lead provider model, effective from 28 June 2018 when current contracts expire.

Presenting the report on behalf of the Cabinet Member for Health and Adult Social Care, the Chairman undertook to arrange for written responses to be provided to Councillor Mackrory regarding the proposed method for benchmarking quality and the plans in place to ensure continuity of the service should external funding cease.

The Cabinet Member for Children and Families commented that the proposed Advocacy Hub was a positive development which would allow faster and more responsive provision of an all-age service. This model had been nationally recognised as best practice.

Resolved:

1. That a contract be procured for a lead provider to secure an All Age Advocacy Hub, using a single stage procurement procedure which complies with the 'light touch' regime of the Public Contract Regulations 2015 with a contract length of five years, with break clauses at the end of years 2 and 3 and which can be terminated on either side by six months' notice in the final two years.
2. That the maximum annual cost of the contract be £1.3m (a maximum of £6.6m over the length of the contract), funded by:

▪ Health and Adult Social Care Portfolio	£1,170,000
▪ Children and Families Portfolio	£ 113,000
▪ Mid and West Essex CCGs	£ 30,000
3. That the Executive Director, Adult Social Care and Education be authorised to enter into an agreement under section 256 of the National Health Service Act 2006 to procure and commission the non-statutory children's services on behalf of the CCGs.
4. That the Director, Adult Social Care be authorised to award the contract for the provision of the Hub once he is satisfied that arrangements are in place for funding of the services by the CCGs.

7. Lease of Essex House and car park, 200 The Crescent, Colchester (FP/040/12/17)

Information contained within a confidential appendix was taken into account in reaching a decision on this issue (minute 13 below refers)

Cabinet considered recommendations in relation to the taking of a new lease of Essex House, Colchester for a term of ten years, to be the main corporate office for Essex County Council in north-east Essex in accordance with the current property strategy.

In presenting the report, the Cabinet Member for Housing, Property and Planning thanked the officers involved for their hard work in relation to this issue.

Responding to a question by Councillor Turrell, the Cabinet Member referred to paragraph 3.3 of report FP/040/12/17, advising that the potential to acquire the freehold of Essex House had been considered in 2016 but not pursued due to the likely asking price and uncertainty over accommodation requirement in the longer term. The position would be kept under regular review.

Resolved:

That a new lease of Essex House be taken on terms and conditions summarised in the confidential appendix to report FP/040/12/17 and on such

terms as are agreed by the Executive Director, Infrastructure and Environment in consultation with the Director, Legal and Assurance.

8. Energy Procurement from 1 October 2018 (FP/975/10/17)

The Cabinet considered and agreed the procurement process for the next energy contract period, commencing October 2018. The contract related to all energy consuming applications within the Council's portfolio, comprising schools, core estate and street lighting.

In response to a question by Councillor Turrell, the Cabinet Member for Environment and Waste advised that the Council was taking measures where possible to improve energy efficiency. The proposed contract would allow scope for the Council to receive any income arising from solar panels.

The Cabinet Member for Education undertook to provide a written response to Councillor Mackrory regarding the proposals to implement from October 2018 a recharge mechanism for schools in relation to contract management costs, in particular whether schools were aware and had been consulted, and the likely impact on budgets which had already been agreed for the next financial year.

Resolved:

1. That energy (gas and electricity) services be procured using a flexible framework approach via the restricted procedure, with the contract commencing on 1 October 2018 for a period of three years, with extension for one year based upon performance.
2. That the Cabinet Member for Environment and Waste be authorised to award the contract(s) to the successful bidder(s) following completion of the procurement process.

9. Procurement of Integrated Community Equipment Service (FP/048/01/18)

The Cabinet's approval was sought for the direct award to Essex Cares Limited, trading as ECL, of the contract for the Integrated Community Equipment Service (ICES). The duration of the contract would be until 31 March 2019, including an option to extend for an additional one year until 31 March 2020, which can be terminated by a rolling three month break clause. This purpose of this short term contract was to provide certainty to ECC, health partners and ECL for an interim period during which ECC can undertake a competitive procurement to demonstrate that the future service will provide value for money. The Cabinet's approval was also sought to procure a new Integrated Community Equipment Service from the open market from April 2019 through a competitive OJEU procurement process.

Resolved:

1. That the Integrated Equipment Service contract for the period until 31 March 2019, with an option to extend for one year until 31 March 2020, be awarded directly to ECL.
2. That authority to award the extension be delegated to the Cabinet Member for Health and Adult Social Care.
3. That the agreement with ECL be varied to change the cost model for the service provision as set out in paragraph 6.1.5 of report FP/048/01/18, the payment mechanism to be effective from 1 April 2017.
4. That a provider be procured to deliver the Integrated Community Equipment Service from 1 April 2019, using a competitive single stage open procedure, based on 70% price, 30% quality evaluation criteria.
5. That the Executive Director, Social Care and Education, in consultation with the Cabinet Member for Health and Adult Social Care and the Leader of the Council, be authorised to award the contract following completion of the OJEU procurement process, provided they are satisfied that a formal evaluation and due diligence has been completed.

10. Decisions taken by or in consultation with Cabinet Members (FP/054/01/18)

The report of decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet was noted.

11. Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Tuesday 20 March 2018 at 10.00am.

12. Exclusion of the Press and Public

Resolved:

That the press and public be excluded from the meeting during consideration of the remaining item of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 3 of Schedule 12A of the Local Government Act 1972 (Information relating to the financial or business affairs of any particular person).

13. Lease of Essex House and car park, 200 The Crescent, Colchester (FP/040/12/17) – Confidential Appendix (Public and press excluded)

The Cabinet noted the Confidential Appendix to report FP/040/12/17, which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 7 above refers).

The Cabinet Member for Housing, Property and Planning undertook to respond in writing to Councillor Turrell providing a breakdown of yearly costs and commenting on the timing of the decision-making process.

.....
Chairman

.....
Date

Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Tuesday 20 March 2018

Enquiries to Joanna Boaler (Head of Democracy and Transparency), 03330 134 578, joanna.boaler@essex.gov.uk

Present:

Councillor	Cabinet Member Responsibility
D Finch	Leader of the Council (Chairman)
S Barker	Culture, Communities and Customer
R Gooding	Education
I Grundy	Highways
S Lissimore	Housing, Property and Planning
D Madden	Children and Families
L McKinlay	Resources
J Spence	Health and Adult Social Care

Councillors John Aldridge, Tony Ball, Mark Durham, Ricki Gadsby, Ivan Henderson, Mike Mackrory, Chris Pond and Anne Turrell were also present.

1. Membership, Apologies, Substitutions and Declarations of Interest.

The report of Membership, Apologies and Declarations was received and it was noted that:

1. the membership of the Cabinet was unchanged since the last meeting;
2. apologies for absence had been received from Councillors Kevin Bentley, Deputy Leader and Economic Growth, Skills, Infrastructure and the Digital Economy, and Simon Walsh, Cabinet Member for Environment and Waste.
3. any interests would be declared at the point during the meeting when they arose.

2. Minutes of the meeting held on 20 February 2018

The minutes of the meeting held on 20 February 2018 were agreed as a correct record and signed by the Chairman.

3. Questions from the public

There were none.

4. Colchester Integrated Transport Package (ITP) – A133 Ipswich and Harwich Road junction improvements (FP/062/01/18)

The Cabinet were asked to agree the scheme to reduce congestion and improve traffic flows on a stretch of the A133 in Colchester.

The scheme provides infrastructure needed to enable the planned growth of Colchester.

Responding to a question by Councillor Turrell, the Chairman advised he would ask Councillor Bentley to provide a response regarding the joining up of cycle lanes in the location and regarding dualling of the A133.

Responding to a question from Councillor Pond, the Chairman advised that due process had been followed with regard to selecting the contractor, Eurovia Infrastructure Ltd.

Resolved:

1. Approved the award of a construction contract to Eurovia Infrastructure Ltd as principal construction contractor for the sum of £5 million for the construction of the A133 Ipswich Rd and Harwich Rd roundabout junction improvements (including the A133 St Andrews Ave in between these junctions), Colchester.
2. Increase the overall capital budget by £1.337m in 2019/20, taking the total Capital budget to £13.8m utilising funds released from a reduction (also in 2019/20) in the capital budget of the A414 Harlow to Chelmsford scheme. It is also recommended to reprofile £97,000 from within the A133 allocation in 2017/18 to 2019/20. (Note that the £13.8m covers the whole Borough Wide package, of which £6m will have been spent in prior years – the remaining budget in future years for this final element is £7.8m - £1.5m in 2018/19, and £6.3m in 2019/20)
3. That the Director, Highways and Transportation be authorised to implement the shared cycleways and changes to crossings notwithstanding the issues raised by a member of the public.

5. Mental Health Accommodation Transformation (FP/065/01/18)

The Cabinet were asked to procure two short term contracts for the provision of accommodation for people with mental needs for whom in some circumstances the Council is required by law to provide short term accommodation, pending the development of a longer term approach.

Responding to questions from Councillors Henderson, Mackrory and Pond, Councillor Spence advised that the two year contract is about working with providers to shape the market to provide a mental health solution for all residents of Essex and the proposal sits within the mental health strategy, which aims to meet individuals' needs quickly and to minimise suicide.

In response to the allegations the BBC has made regarding access to Class A drugs and sexual relationships at the Essex Partnership University NHS Foundation Trust,

Cllr Spence stated that allegations are under immediate investigation by officers and partners.

Following an issue about the quality of the reports raised by Cllr Mackrory, Cllr Spence apologised for the errors and said he would speak to officers.

Resolved:

1. To undertake a competitive procurement for a contract to provide Intensive Enablement accommodation for people with mental health needs, with contracts awarded for a two year period from 1 October 2018.
2. To undertake a competitive procurement for a multi provider framework for Supported to Independence accommodation for people with mental health needs, with the framework awarded for a two year period from 1 October 2018.
3. That these procurements should be undertaken via the use of a single stage open tender process and that all contracts should be awarded on terms which allow ECC to withdraw from schemes should CCG funding not be forthcoming.
4. That the Director, Adult Social Care may award the contracts and may procure contracts under the framework.
5. That a report will be brought back to Cabinet by December 2018 to decide on the long term approach to procuring accommodation and support for people with mental health needs across Essex.

6. Decisions taken by or in consultation with Cabinet Members (FP/073/02/18)

The report of decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet was noted.

7. Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Tuesday 22 May 2018 at 10.00am.

.....
Chairman

.....
Date

Council Issues

1. Speeches during the budget debate

The Council's rules of debate limit the length of speeches. Normally members are allowed three minutes to speak except that:

- Proposers of substantive motions – not amendments - are allowed five minutes
- A Cabinet Member (or their nominee) replying to a motion is allowed five minutes.

Different rules apply to the annual budget debate, in recognition that the budget is complex and a key debate for full Council. In the budget debate:

- The Leader - unlimited amount of time to propose and sum up
- Secunder of budget motion - 10 minutes
- Other Cabinet Members – six minutes each, where they are responding to matters within their portfolio.
- Leader of the largest opposition group – 10 minutes (or six minutes each if the largest opposition groups are of equal sizes).

It is proposed that to enable smaller opposition groups sufficient time to propose an amendment to the budget, the allocated time is increased from three to six minutes.

Recommendation:

That paragraph 16.9.6 (iii) of the Constitution be amended to read:

(iii) When dealing with the annual budget debate the following limits to the lengths of speeches shall apply:

(a) The Leader of the Council when making the budget speech and summing up the debate – no time limit;

(b) The Cabinet Member speaking in support of the budget speech – 10 minutes;

(c) The Leader of the largest opposition group when responding to the budget speech – 10 minutes;

Where the largest opposition groups have an equal number of members then the Leader of each such group – 6 minutes;

(d) Leaders of opposition groups to whom (c) does not apply, when proposing an amendment to the budget motion – six minutes;

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

(f) Any other Member – three minutes.

2. Support for the Section 151 Officer

The Council is required by section 151 of the Local Government Act 1972 to appoint a chief finance officer. The officer is known colloquially as ‘the s151 officer’.

Margaret Lee, Executive Director for Corporate and Customer Service is the Council’s s151 Officer.

Section 114 of the Local Government Finance Act 1988 places the s151 officer under a statutory duty to report to Cabinet or Council on unlawful expenditure or proposed expenditure.

The law recognises that discharging these statutory duties will require support from officers. Section 114(7) says that the Council must :

*‘provide its **chief finance officer** with such staff, accommodation and other resources as are in his opinion sufficient to allow his duties under this section to be performed.’*

This is similar to the statutory duties to provide sufficient resources to the monitoring officer and to the head of the paid service. Paragraph 4.9 of the constitution refers to the statutory duty to provide resources to the monitoring officer and to the head of the paid service. However, there is an omission in that there is no reference in the constitution to the duty to provide resources to the s151 officer.

Accordingly, it is proposed that the Council should amend paragraph 4.9 of the constitution to reflect that the duty to provide resources applies to the section 151 officer.

Recommendation

That paragraph 4.9 of the Constitution be amended to read:

The Council will provide the Head of the Paid Service, the Section 151 Officer and the Monitoring Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their statutory duties to be performed in accordance with the law.

3. Changes to Scheme of Delegations to Officers

As a result of the departure of two senior managers to take up posts at other local authorities, the Constitution needs to be changed. In summary it is proposed that:

- (a) The powers delegated to the Executive Director, Education and Adult Social Care be transferred as follows:
 - a. Adult Social Care and Health: to the Director, Adult Social Care
 - b. Education: to the Executive Director, Children and Families

- (b) On an interim basis the powers delegated to the Executive Director, Infrastructure and Economy will be transferred to the Executive Director, Economy, Localities and Public Health. The interim period is planned to be six months so it is considered worthwhile changing the constitution to reflect this.

The recommendations do not amend the functions delegated to officers, just change who exercises them.

Recommendations:

That the Constitution is amended as follows:

- (1) Delete paragraphs 4.3.2 and 4.3.5 of the constitution and renumber the remaining parts of paragraph 4.3
- (2) Delete paragraph 15.3.3 of the constitution.
- (3) In current paragraph 15.3.4 of the constitution add:
 - (v) To exercise the Council's functions relating to education and training.
 - (vi) To make decisions on the licensing of the employment of children.
- (4) Delete paragraph 15.3.5 of the constitution
- (5) In current paragraph 15.3.6 of the constitution add in the following:
 - (x) To exercise the Council's functions relating to highways, transportation and traffic other than determination of applications or proposals for modification of the definitive map and statement of public rights of way.
 - (xi) To exercise the Council's functions relating to waste and recycling.
 - (xii) To exercise the Council's functions relating to improving the environmental performance and wellbeing of Essex including flood management.
 - (xiii) To exercise the Council's powers with respect to property and facilities management.
- (6) Replace the text under the heading in current paragraph 15.3.8 of the constitution with the following:

- (i) To exercise the Council's social services functions relating to adults.
- (ii) To exercise the Council's powers and duties to people who lack the mental capacity to make some decisions themselves.
- (iii) To exercise the Council's powers relating to community wellbeing and joint working with the NHS.

(7) Renumber paragraphs 15.3.3 to 15.3.11 of the constitution to reflect the above changes.