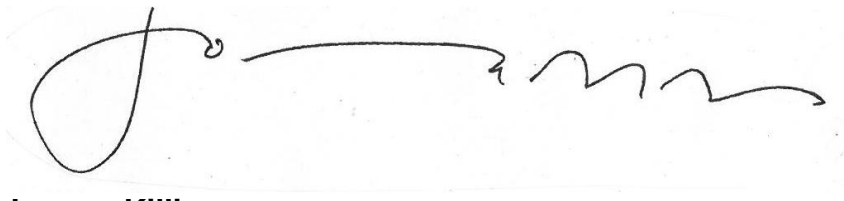


Summons

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, 14 October 2014	Council Chamber, County Hall, Chelmsford, Essex
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Joanna Killian
Chief Executive

Officer Support to the Council: Andy Gribben, Council and Member Support Officer
Telephone: 03330134565
Email: GovernanceTeam@essex.gov.uk

This meeting is open to the public and the press.

The agenda is available on the Essex County Council website, www.essex.gov.uk. On the home page select 'Your Council' and then 'Meetings and Decisions'. Finally, select 'Full Council' on the date shown above from the meeting calendar.

The agenda and associated documents can be provided on request in alternative formats such as large print, Braille and on disk.



Essex County Council

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

Public Questions A period of up to 30 minutes will be allowed for members of the public to ask questions on any business of the Council. 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.

		Pages
1	Apologies for Absence	
2	Brightlingsea By-Election The Chief Executive to report (a) on the return of a member elected to represent the Brightlingsea Division; and (b) on the implications for political proportionality arising from the result; and Council to agree any necessary changes to appointments	5 - 6
3	Declarations of Interest To note any declarations of interest to be made by Members	
4	Confirmation of the minutes of the meeting held on 8 July 2014	7 - 20
5	Chairman's Announcements	
6	Receipt of petitions and deputations	
7	Executive Statements	
8	Motions (standing order 16.11.2)	21 - 24
9	To receive a report of matters reserved to the Council and to consider any recommendations	25 - 26

10	To consider a report of proposed amendments to the Constitution	27 - 32
11	To consider a report concerning Cabinet Members and Portfolios	33 - 40
12	To receive the Leader's report of Cabinet Issues	41 - 42
13	Questions (Standing Order 16.12) a) Written questions (Standing Order 16.12.1) b) Oral questions of the Leader, Cabinet Member or the chairman of a committee upon any matter relevant to the business of the Council (Standing Order 16.12.6) c) Oral questions of the representative of the Essex Police and Crime Panel (Standing Order 16.12.7) d) Oral questions of the representative of the Essex Fire Authority on any matter relevant to the business of that Authority (Standing Order 16.12.7)	
14	In relation to 13d) above, the report of the Essex Fire Authority's meeting held on 3 September 2014 Attached for information	43 - 52

The Chief Executive's Report on return of Members Elected and Political Proportionality

Brightlingsea By-Election Return of Members Elected

Political Proportionality

Alan Goggin has been returned as the Member for the Brightlingsea Division at the By-Election held on 9 October 2014 triggered by the resignation of Roger Lord. Councillor Finch, the Leader of the Conservative Group, has given notice that Councillor Goggin will be a member of the Conservative Group on the Council. This triggers a review of the political balance of the Council's committees and other bodies.

Review of Political Proportionality

The political composition of the Council is now as follows:

Group	Number of members
Conservative	43
Labour	9
Liberal Democrat	9
UKIP	8
Non-aligned group	4
Green	2

The 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 a majority of 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. So where the Conservative Group has 57% of Council seats it should have 57% 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. A group with 57% of Council seats should have 57% of the seats on each committee.

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 have to 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 increased by one and the UKIP Group has reduced by one. This means that:

- a. The UKIP Group is no longer entitled to two seats on the Place and Economic Growth Overview and Scrutiny Committee. The Labour Group is entitled to an extra seat on the Committee in place of UKIP.
- b. The UKIP Group is no longer entitled to three seats on the Essex Fire Authority and the seat needs to be reallocated to a group with the greater entitlement, namely the Conservative Group.
- c. All other seat allocations remain unchanged.
- d. The allocation is shown below, with changes being made indicated in brackets:

	Con	Lab	LD	UKIP	Non-aligned	Green	Total
Economic Growth and Place Services Scrutiny	8	2(+1)	2	1(-1)	1	0	14
Essex Fire Authority	12(+1)	2	2	2(-1)	1	1	20

Recommended:

- (1) That the revised political balance of the Council be noted.
- (2) That Councillor Alan Bayley be replaced on the Place and Economic Growth Overview and Scrutiny Committee by Councillor (name to be inserted at the meeting) a Labour Group member nominated by the Leader of the Labour Group.
- (3) That Councillor Kerry Smith be removed from the Essex Fire Authority and replaced by Councillor (name to be inserted at the meeting) nominated by the Leader of the Conservative Group.

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

Present

Chairman: Councillor N Hume

Vice-Chairman: Councillor J F Aldridge

Councillors:

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

Prayers

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

Public Questions

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

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

1.) every local highway authority may provide lighting for the purposes of any highway or proposed highway for which they are or will be the highway authority, and may for that purpose -

(a) contract with any persons for the supply of gas, electricity or other means of lighting; and

(b) construct and maintain such lamps, posts and other works as they consider necessary

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

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

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

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

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

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

The Chairman thanked Mrs Smith for her contribution.

1. Apologies for Absence

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

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the meeting held on 13 May 2014**Resolved:**

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

4. Chairman's Announcements**Award**

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

Visits

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

Robert Overall

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

5. Presentation of Petitions

The Chairman received petitions relating to:

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

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

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

Executive Statement

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

The Leader of the Council gave the following statement.

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

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

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

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

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

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

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

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

Those voting for the Motion were Councillors:

J F Aldridge

I Grundy

V Metcalfe

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

Those voting against the Motion were Councillors:

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

Councillor D Blackwell abstained.

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

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

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

Reply

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

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

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

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

Reply

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

8. Motions

Increased Business Confidence

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

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

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

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

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

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

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

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

Part-Night Street Lighting and Part-Night Lighting

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

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

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

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

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

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

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

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

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

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

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

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

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

Those voting for the Motions were Councillors:

B Aspinell
A Bayley
D Blackwell
K Bobbin
K Clempner
M Danvers
T Durcan
M Ellis
M D Fisher

D Harris
G Helm
I Henderson
T M A Higgins
M Hoy
J Huntman
D J Kendall
N Le Gresley
R Lord

M Mackrory
M McGeorge
P Oxley
C Pond
S Robinson
K Smith
J Whitehouse
J A Young

Those voting against the Motions were Councillors:

J F Aldridge
S Barker
K Bentley
R G Boyce
A Brown
M Buckley
G Butland
P Channer
T Cutmore
D Finch
R Gadsby
R J Gooding

I Grundy
C Guglielmi
A M Hedley
R Hirst
P Honeywood
R C Howard
N Hume
E C Johnson
J G Jowers
S Lissimore
R A Madden
M Maddocks

M McEwen
V Metcalfe
A Naylor
Lady Newton
M J Page
J W Pike
J M Reeves
C Seagers
J Spence
K Twitchen
S Walsh
R G Walters

Those abstaining were Councillors J Abbott and J Lodge.

9. Adjournment

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

The meeting reconvened at 2:30pm.

10. Motions (continued)

Commendation of the Administration's Determination

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

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

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

Withdrawal of Subsidy for Meals on Wheels Service

The Chairman indicated that this Motion had been withdrawn.

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

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

Resolved:

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

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

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

13. The Leader's Report of Cabinet Issues

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

The report of Cabinet Issues was received and adopted.

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

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

Supplementary questions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Cabinet Member agreed to this.

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

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

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

The Deputy Cabinet Member confirmed that they would.

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

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

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

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

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

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

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

There were no questions of the Panel's representative.

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

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

There were no questions of the Authority's representative.

The meeting closed at 15:59.

Chairman
14 October 2014

Motions under Standing Order

16.11.2

1. Community Transport

Moved by Councillor D Kendall and seconded by Councillor S Robinson

‘This Council appreciates the very important role that Community Transport plays in providing a vital lifeline for many vulnerable residents living across Essex.

Whilst this Council has no statutory duty to provide funding to Community Transport schemes, Members call for the following:

1. A firm commitment from the Cabinet Member that this Council will continue to provide existing levels of Community Transport funding for the next financial year.
2. Any new funding agreements to be put in place for at least three years to give Community Transport providers sufficient time to develop solid business plans and ensure continuity of services.
3. A full review of the existing funding criteria to ensure that funds are allocated to Community Transport providers as fairly as possible.’

2. Fuel Poverty

Moved by Councillor J Young and seconded by Councillor I Henderson

‘That this Council;

- notes that fuel poverty is a significant public health issue in Essex which contributes to long-term illness and to excess winter deaths which totalled 31,100 in England and Wales for 12/13.
- further notes that latest figures show the average fuel poverty gap for households in Essex is £451.
- recognises the concerns of the tens of thousands of households that are worst affected in Essex, households with one or more dependent child and residents aged over 60 who face an average fuel poverty gap of more than £500.
- is appalled that 1000 elderly users of Meals on Wheels in Essex, will now face further financial pressure this winter due to a price increase by the administration to their nutritious meals.
- acknowledges recent publication of the Green Deal Report, which branded Government’s flagship policy to improve some of the key drivers behind fuel poverty, as having ‘failed to live up to expectation: its planning flawed, its funding inefficiently delivered and its implementation poor’.
- further acknowledges National Energy Action’s assessment of Government cuts to the Energy Company Obligation which will now assist under 7% of fuel poor households nationally.
- believes the administration should be doing much more to tackle fuel poverty in Essex.

Council therefore resolves to;

1. Seek partnership opportunities with social enterprise such as Warm Zone, to build sustainable area-based capacity for low-income households, maximising free home insulation, energy advice and income opportunities, following similar successful delivery of zones in London, the Midlands and the North East.
2. Explore opportunities to support Credit Unions in providing financial assistance such as energy saving low-interest loans to households.
3. Explore opportunities to redevelop and expand capital funding to the Community Initiatives Fund to incentivise the delivery of community micro-energy generation projects.

3. A Fair Deal For Essex

Moved by Councillor D Finch and seconded by Councillor M Buckley

‘This council welcomes the result of the Scottish Independence Referendum and the decision of the people of Scotland to remain as part of the United Kingdom.

This Council also welcomes calls across the majority of the political spectrum for a fairer settlement for the people of England.

In particular, this Council calls upon the Government to deliver:

1. Fairer representation at Westminster for Essex MPs.
2. Devolution of powers to Essex Local Authorities.
3. Fair and consistent funding of public services for the residents of Essex.’

4. Review of Member Dining Facilities

Moved by Councillor J Abbott and seconded by Councillor M Hoy

‘This Council notes that there is continued downward pressure on local government finances which due to Government policy is likely to remain in place for some years.

Council further notes that the authority (Essex County Council) is having to review its services to find significant year on year savings and that this is impacting on its residents in a number of ways, such as the provision and cost of school transport.

In this context Council agrees that it is not appropriate that Members of the authority should continue to benefit from "free meals", which are a cost to the authority and hence to taxpayers.

Council agrees that a review of the provision will be conducted with the aims of retaining the service to Members but with a fairer and more appropriate mechanism for meeting the cost of meals.’

5. Support of Infrastructure to New Housing Developments Countywide

Moved by Councillor N Le Gresley and seconded by Councillor A Erskine

‘Given the tens of thousands of new homes that the Coalition Government is imposing on towns and villages throughout the County; and given the grave concern of Essex County residents that existing social, physical and highways infrastructure cannot cope with current housing development plans, let alone future development strategies, this Council will make the following firm pledges:

1. It will oppose any new housing development plans prepared by City, District and Borough Councils unless adequate financing and other resources are made available from developers, local councils and/or Government grants to enable highways to be improved, bypasses to be built, new primary and secondary schools to be provided, primary and secondary medical care to be significantly enhanced, antisocial parking to be addressed and utilities, especially sewage and drainage, to be fundamentally upgraded, as deemed needed by the residents of each affected community.
2. Where such ECC opposition is insufficient to prevent Government Inspectors from rejecting development strategies that have been adjusted to take account of such physical, social and highways infrastructure limitations, this Council will fully fund any shortfall in the financial resources needed to implement such infrastructure enhancements.’

Agenda item 9

Council Issues

1. Changes to the Membership of Committees and Outside Bodies

The following changes to memberships have been made in accordance with the notification given by the Leader of the Group:

UKIP Group

- Councillor Alan Bayley has replaced Councillor Gordon Helm as a member of the Essex County Council and Essex Fire Authority Joint Standards Committee.

Conservative Group

- Councillor Ann Naylor has replaced Councillor Eddie Johnson as a member of the Health Overview and Scrutiny Committee
- Councillor John Jowers has replaced John Spence as a member of the Essex Fire Authority

Changes to the Constitution

1. Terms of Reference and Membership of the Essex Health and Wellbeing Board

The Health and Social Care Act 2012 established health and wellbeing boards as a forum where key leaders from the health and care system work together to improve the health and wellbeing of their local population and reduce health inequalities.

The Essex Health and Wellbeing Board was established by the Council in February 2013. The Board has a minimum statutory membership but the Council or the Board may appoint additional members. In May 2014 the Board decided to appoint the following additional members:

- two representatives from the Essex acute hospital trusts; and
- two representatives from the mental health and non-acute providers such representatives to be appointed by the Board on the nomination of the relevant trust(s). In making their nominations the trusts were invited to have regard to:
 - achieving an appropriate balance between managers and clinicians
 - the arrangements needed to ensure other trusts/major providers are represented effectively.

The Acute Hospital Trusts nominated the following representatives to be members of the Board:

Members

- Paul Forden, Chief Executive, Mid Essex Hospital Services NHS Trust
- Clare Panniker, Chief Executive, Basildon and Thurrock University Hospitals NHS Foundation Trust

Substitute Member

- Lucy Moore, Chief Executive, Colchester Hospital University NHS Foundation Trust

The Non-Acute Providers nominated the following representatives to be members of the Health and Wellbeing Board:

Members

- Liz Chidgey, Managing Director, Essex Cares Ltd
- Andrew Geldard, Chief Executive, North East Partnership Foundation Trust

Substitute Members

- Sally Morris, Chief Executive, South Essex Partnership Trust
- Lynne Woodcock, Managing Director, Anglian Community Enterprise

Additional members of the Board fall within the statutory definition of co-opted members of the Council. As such they will be subject to the Council's Code of Conduct and statutory requirements resulting from the Localism Act 2011, relating to the disclosure and registration of interests.

In addition to the proposed changes to the membership agreed by the Board the opportunity has been taken to update the terms of reference to recognise the different classes of membership and to bring the arrangements for substitute members in line with the Council's current arrangements.

Recommended:

That the Council approve the amendments to the membership of the Essex Health and Wellbeing Board and its terms of reference as set out in Annex "A" to this report for inclusion in Article 8 (Council Committees) of the Constitution.

2. Changes to the Chief Officer Delegations

Cabinet approved the Council's new organisational structure in June 2013 and the Corporate Management Board (CMB) was created to reflect the new operating model. Changes to the membership of CMB since then have provided the opportunity to review the strategic and functional accountabilities of senior leader roles to ensure the maintenance of the right balance to achieve the aspirations set out in the commissioning strategies.

As a result, Cabinet on 23 September endorsed changes proposed by the Chief Executive which in particular have an impact on Adult Operations, Customer Operations and the Deputy Chief Executive functions, which have all been operating under temporary reporting arrangements for several months. The new structure is shown in the table at Annex "B" to this report.

Recommended:

That the Monitoring Officer be authorised to amend Article 4 (Officers) and the Officer Scheme of Delegation in Part 3 of the Constitution in line with the changes to the Corporate Management Board approved by Council on 23 September 2014.

Membership and Terms of Reference of the Essex Health and Wellbeing Board

(Additional wording shown underlined)

8.1.8 Health and Wellbeing Board

The Board is established in accordance with Section 194 of the Health and Social Care Act 2012 and constituted to meet local requirements.

Quorum

The Quorum for the Health & Wellbeing Board will be one quarter of the voting membership and will include:

- at least one Essex County Council Elected Member
- at least one Clinical Commissioning Group Representative
- Essex County Council *either* Director for Adult Social Care, Director for Children’s Services or Director for Public Health

Membership

<u>Voting Members</u>	
Statutory Members	How Nominated or Appointed
3 x County Councillors*	As nominated by County Council Leader
Essex County Council Director for Adult Social Care (DASS)	By appointment to post
Essex County Council Director for Children’s Services (DCS)	By appointment to post
Essex County Council Director for Public Health (DPH)	By appointment to post
Representative of Health Watch Essex	Appointed by Health Watch Essex
Representative of North East Essex CCG	Appointed by North East Essex CCG
Representative of Mid Essex CCG	Appointed by Mid Essex CCG
Representative of West Essex CCG	Appointed by West Essex CCG
Representative of Basildon & Brentwood CCG	Appointed by Basildon & Brentwood CCG
Representative of Castle Point & Rochford CCG	Appointed by Castle Point and Rochford CCG
Other Members	How Nominated or Appointed
Chief Executive of Essex County Council	By appointment to post

4 Borough/City/District Council Representatives	Appointed by the Board on the nomination of the Borough/City/District Council Leaders and Chief Executives Group
Voluntary Sector representative	Appointed by the Board on the nomination of EACVS
NHS Commissioning Board Essex LAT Director	By appointment to post
<u>2 Representatives of Essex Acute Hospital Trusts</u>	<u>Appointed by the Board on the nomination of the Trusts</u>
<u>2 Representatives from Essex mental health and non-acute providers</u>	<u>Appointed by the Board on the nomination of the Trusts</u>
<u>Non-Voting Members</u>	
<u>Essex Police and Crime Commissioner</u>	<u>By election to post</u>
<u>Independent Chair of the Essex Safeguarding Children's and Adults Boards</u>	<u>By appointment to posts</u>

*statutory requirement for at least one County Council elected member

Where two or more of the statutory director appointments are held by one person he/she may appoint another officer of the Council to represent one of the statutory roles

Substitute Members

Appointing and nominating bodies may appoint or nominate substitute members to attend meetings which their appointed member cannot attend.

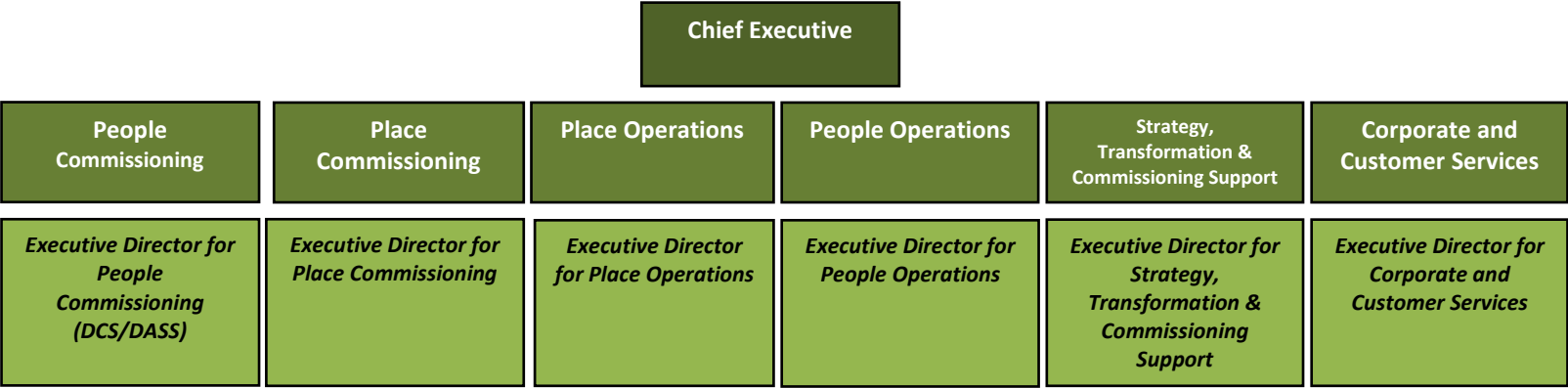
Statutory director members, the Chief Executive of Essex County Council, the NHS England Essex Local Area Team Director and the Non-Voting members may also nominate a substitute to attend meetings which they cannot attend.

In such circumstances the member shall give the Secretary to the Board written notice not later than 5 pm on the working day prior to the meeting that the substitute named in the notice will attend in their place.

The effect of a substitution notice shall be that the member named in the notice shall cease to be a member of the Board for the duration of that meeting and that the substitute member shall be a member of the Board for the same period.

A substitution notice may be revoked at any time preceding the deadline for the giving of such notice.

Organisational structure agreed by Cabinet on 23 September 2014



Cabinet Members and Portfolios

1. Changes to the Cabinet Membership and Portfolios

Background

The Localism Act 2011 says that the Leader must appoint the cabinet.

The Act also divides the Council's functions into Executive Functions, where decisions are made by the Leader, members of the Cabinet or delegated to Council employees and non-executive functions where decisions are taken by the Council itself, by committees or by individual council employees.

The Leader has made a decision effective from 1 September for appointing members of the Cabinet and also on who is authorised to make decisions about Executive Functions. The changes to the Portfolios need to be reflected in the Constitution. The appointments and delegations have been designed to ensure that the Council can operate efficiently and effectively and so that decisions can be taken at the right level. These changes are designed to help the Council respond to the challenges it is facing while continuing to provide effective services and value for money for Essex residents and businesses.

The fact that a decision is delegated does not mean that the Member or Officer has to make the decision. There may be occasions when a particular decision should be taken at a higher level in the constitution because the decision is particularly significant or has cross cutting implications.

The Leader has made the following appointments to Cabinet. Also shown are the appointments of Deputies. Councillor Anthony Jackson is Deputy to the Leader.

All appointments to the Cabinet will continue until the start of the annual meeting following the next ordinary election of the County Council unless they cease to be a Councillor or they are removed from office by the Leader or as otherwise set out in the Constitution.

Name	Portfolio
Kevin Bentley	Deputy Leader and Cabinet Member for Economic Growth, Infrastructure, Waste and Recycling
Deputies	Penny Channer and Malcolm Buckley
John Spence	Finance
Deputy	Valerie Metcalfe
Rodney Bass	Highways and Transportation
Eddie Johnson	Highways Maintenance and Small Scheme Delivery
Deputy to both	Ray Howard
Derrick Louis	Transformation, Corporate Services and Traded

	Services
Anne Brown	Adult Social Care, Public Health and Wellbeing
Deputies	Terry Cutmore and Malcolm Maddocks
Ray Gooding	Education and Lifelong Learning
Deputy	Sue Lissimore
Dick Madden	Children and Families
Deputy	Ricki Gadsby
Roger Hirst	Libraries, Communities and Planning
Deputies	Mick Page and Kay Twitchen

Recommended:

That the Portfolios agreed by the Chairman and as set out in the Annex to this report be substituted for the Portfolios currently shown in Part 3 of the Constitution.

Portfolios of Individual Cabinet Members

14.6.1 Leader

- The overall strategic direction, policies and priorities of the Cabinet and of Council, including the overall corporate revenue and capital budget strategy of the Authority
- Strategic housing development and investment
- To act as the Chairman or Council representative on key external bodies such as the Health and Wellbeing Board, the South East Local Enterprise Partnership, the Essex Partnership Board
- Community Leadership and Community Strategy
- Public Service Reform
- Equalities and Diversity
- Policy, Strategy and Communications
- Democratic engagement and representation
- Governance and assurance
- Organisational Intelligence and Commissioning Delivery
- Liaison with HM Government, Essex MPs and district, city, borough, parish and town councils
- Essex companies and other legal entities
- Matters of strategic, regional or countywide significance in relation to Aviation
- The functions of other portfolio holders in their absence or in an emergency or in any other circumstances where the Leader thinks it is desirable to act on any matter

14.6.2 Deputy Leader and Cabinet Member for Economic Growth, Infrastructure, Waste and Recycling

- Matters of strategic, regional or countywide significance in relation to integrated spatial development and economic growth
- Economic development and regeneration
- Enterprise, international trade and inward investment
- Skills and apprenticeships (including the Essex Employment and Skills Board)
- Liaison with business community and sub-regional partnerships (Thames Gateway, West Essex, Haven Gateway and Heart of Essex)
- Tourism
- Superfast Essex broadband programme
- Waste minimisation, disposal and recycling
- Energy
- Emissions reduction

14.6.3 Finance

- Responsibility for financial administration and management including preparation and management of the revenue and capital budgets, precepts, levies and borrowing
- Implementation and delivery of the Capital Programme
- Internal audit
- Risk and insurance

14.6.4 Highways and Transportation Highways Maintenance and Small Schemes Delivery

The Commissioning, Delivery and Budget management of the Council's Integrated Highways and Transportation Service with lead roles (each deputised by the other) as follows:

14.6.4.1 Highways and Transportation

- Larger schemes/integrated transport and Capital bids
- Transport Boards for Planning Quadrants
- Local Transport Plan
- Concessionary Fares
- Parking Partnership Strategy
- Ports (with the exception of economic growth related functions)
- Rail Strategy
- Street Light Commissioning
- Traffic Regulation Orders
- Public Rights of Way (bridleways, footpaths and byways)
- Park & Ride
- Road Safety, Essex Casualty Reduction Board and Essex Safety Camera Partnership

14.6.4.2 Highways Maintenance and Small Schemes Delivery

- Roads Maintenance
- Footway Maintenance
- Kerbing and Gulleys
- Bridges
- Streetlights Maintenance
- School Crossing patrols
- Cycling
- Passenger/Public transport (excluding Park & Ride)

- Local Highways Partnerships and small schemes
- North Essex Parking Partnership
- South Essex Parking Partnership

14.6.5 Transformation, Corporate Services and Traded Services

- Essex County Council Transformation Programme
- Procurement and commercial services
- Property and Facilities Management
- Legal Services, Human Resources, Information Services and Technology, Business Support
- Traded services, other than companies and other legal entities
- Lead member for armed forces liaison and engagement (military covenant)

14.6.6 Adults Social Care, Public Health and Wellbeing

- Adult social care, including the support of and assistance of people with learning or physical disabilities or sensory impairment and older people and the homeless
- Health system reform, integration and partnerships
- Safeguarding vulnerable adults
- Support to carers
- Joint commissioning and joint contracting
- Public Health and Community wellbeing
- Mental health services

14.6.7 Education and Lifelong Learning

- Mainstream schools and education including: diversity, organisation, planning and admissions; standards and achievement; attendance; 14-19 provision; transport for educational purposes; behaviour and education welfare services
- Early Years and pre-school
- Special Schools

- Special Education Needs provision, including specialist and complex services in mainstream schools
- School improvement
- Raising the Participation Age
- Youth services and careers advice
- Adult Community Learning
- Sport and physical activity including Active Essex

14.6.8 Children and Families

- Children's social care, including , but not limited to: the safeguarding of children; looked after children; services to vulnerable children and young people and their families; and adoption and fostering
- Statutory member for Children's Services
- Preventative services, including early intervention and the development of services for families with complex needs
- Corporate Parenting
- Children's Centres
- Youth offending
- Domestic Violence
- Child and Adolescent Mental Health Services (CAMHS)
- Drug and Alcohol Action Team
- Child health-related matters

14.6.9 Libraries, Communities and Planning

- Strategic and local planning
- Customer services, including Contact Centre and Member Enquiries
- Registration services

- Coroners
- Waste and mineral planning
- Flood Management
- Heritage, Culture and the Arts
- Libraries
- Built Environment; and Historic Environment
- Natural Environment
- Country Parks and other green assets
- Community engagement, community resilience and voluntary sector relationships
- Rural affairs
- Gypsies and travellers
- Sustainable development
- Community Safety
- Emergency Planning
- Trading Standards

The Leader's Report of Cabinet Issues

1. 2013/14 Year End Corporate Plan Progress Report and 2013/14 Annual Report

Cabinet received a progress report on the 2013/14 Corporate Plan, which provided detail of the available year-end data for each of the indicators in the former 2012/17 Corporate Plan. Further context was provided where appropriate, particularly for those indicators where aims had not been achieved.

The Cabinet also received the 2013/14 Annual Report, a public-facing summary of progress against the former 2012/17 Corporate Plan. The purpose of the Report is to demonstrate to Essex residents where the Council's money has been spent, and highlight what has been achieved over the last 12 months (in line with former success measures). This would be the fourth and final Annual Report produced against the Council's former Corporate Plan.

The Cabinet noted both of the reports, which were then due to be presented to the Corporate Scrutiny Committee and, subsequently, published on the Council's website.

2. Broadband Extension Programme

Cabinet has approved the allocation of funds for an extension of the Superfast Essex broadband infrastructure programme. The current programme represents an investment of £24.6m. In conjunction with commercial deployments this will enable 87.4% of premises in Essex to connect to Superfast Broadband by summer 2016. Through anticipated financial contributions the proposed Broadband Extension programme seeks to invest an additional £20.5m to extend the overall superfast coverage to reach 95% of addresses in the County by 2017. The Council has applied for Department for Culture, Media and Sport grant and so needs to make this commitment to the scheme.

3. 2014 – 15 Financial Overview as at the First Quarter Stage

Cabinet noted the forecast financial position of the Council for 2014/15, based upon the position at the first quarter, which was for:

- an over spend for the year of £3.9m on the revenue budget, after agreeing specific proposals for technical adjustments, including the appropriation of funds to and from reserves and virements between portfolios, and assuming full expenditure of the Emergency Contingency of £8m - although the overspend would need to be recovered, this represented a 0.5% variation to the approved budget position;
- a projected underspend of £14.7m against the approved capital payments guideline, after agreeing slippage of £30.5m, budget additions of £9.4m, budget reductions of £3.0m and advanced works of £2.4m.

An in-depth review had been undertaken of all schemes and programmes of works and, where appropriate, these had been re-profiled to reflect internal and external risks that could result in delays or an extended duration of works. This had resulted in a more realistic delivery profile for 2014/15.

4. Proposed Update and Re-launch of the East Anglian Rail Prospectus

Once in a generation – A rail prospectus for East Anglia launched in July 2012 was prepared by local MPs and Essex, Suffolk, Norfolk and Cambridgeshire County Councils with support from the rail industry. The prospectus provides a unified call for investment in agreed priorities that support economic growth across East Anglia. The partners are keen that a revised and updated document is prepared to underpin continued calls for rail investment and to articulate the high-level ask of the new Greater Anglia franchise that will come into effect from October 2016.

Cabinet discussed the prospectus and the wider issues facing Essex and the impact these have on the delivery of the Corporate Outcomes Framework and endorsed the process by which the revised prospectus will be endorsed prior to its formal launch. Cabinet reaffirmed the vital role played by rail transport in supporting the Essex economy and the delivery of the Corporate Outcomes Framework. Cabinet authorised the Cabinet Member for Highways and Transportation to endorse the revised prospectus on behalf of the Council before its formal launch.

5. Establishment of a new primary academy / free school in Takeley

Cabinet was informed about the growing demand for primary school places in Takeley, arising from population growth in the area. In the light of this, Cabinet agreed to establish a new 210-place (1 form entry) primary academy/free school on the former site of Takeley Primary School, in Roseacres, Takeley, with effect from September 2015. The Director for Commissioning: Education and Lifelong Learning was authorised to seek proposals to establish the new academy or free school, and Cabinet agreed to publicise this by informing the operators of schools in Essex, and by public notice.

Essex Fire Authority

Report to the Constituent Authorities of the meeting held on 3 September 2014

1. THOBY LANE INCIDENT

On the 18 August 2014, at 07.00hrs Essex Fire Control received a call to a wood pile alight in Thoby Lane, Mountnessing.

On arrival the Officer in Charge found a deep seated fire which was at risk of spreading to adjoining businesses. The huge pile of scrap wood and general refuse was estimated to be approximately half the size of a football pitch and about 15m – 20m high. The wood pile consisted of scrap wood that had been collected from building sites and also other unknown items including general scrap and possibly motor vehicles; disused buildings on the site also had asbestos cement sheeting in place.

During the first day fire appliances were increased to 8 due to the distances involved in acquiring water supplies, this included the laying of over 300m of hose connecting into pressure fed hydrants and obtaining water from local ponds. All fire crews worked extremely hard to secure water supplies quickly and to prevent fire spread to adjacent buildings.

It was clear from the preplanning that had taken place that this fire could not be extinguished easily, and so in conjunction with partner agencies such as the Environment Agency, Brentwood Borough Council and the Police, a strategy of controlled burning was adopted with the following guidance:

- Prevent escalation of the fire
- Protect all surrounding risks
- Reduce the impact on the environment
- Consider the impact on local businesses

Environment

One of the main challenges with this fire is the impact of any water run-off from fire hoses on the environment, including local fish ponds, lakes and streams running into Chelmsford and the negative affect on the biological balance of the local sewage works.

As such, joint operations with the Environment Agency have meant the damming of local water streams and the pumping out ponds and sumps on a daily basis to reduce and mitigate damage.

Community

A key Service priority is to ensure that the local communities are kept informed of the strategy that has been adopted. The Fire Community Safety teams have been active in reassuring local residents and we have delivered in excess of 2000 leaflets explaining the strategy of a controlled burn and also where advice can be obtained if residents have any concerns.

Technical Fire safety

The site had been identified by Operational officers in advance of this fire and, though contact with the business owner was achieved, little progress was made mitigating the risk from fire. Operational and Technical Fire Safety officers developed an operational response plan for the crews of the surrounding stations, to ensure they were aware of the risk and pre planned tactics that could be adopted in the event of a fire. It was however, always realised that in the event of a fire at this site, we would have to adopt a controlled burn strategy due to its location and structure, and limited access.

Other sites within Essex have also been identified and any response plans that had been developed have been amended where necessary as a result of lessons learned by this incident.

Long term strategy

This fire has been burning for just over a month and the resources in place have now been reduced to 2 pumping appliances and 1 Officer on a 24 hour basis. The control of this incident has been passed back to the local operational command and SDO Wahl. The site is also assessed on a daily basis.

Good progress has been made and about 50% of the piles have now burnt down. However huge piles still exist and smoke and flames are still present with deep hot burning present in the piles. It is now much clearer to see that the content of the piles contain wood, soil, metal, general household waste and other items that would be a hazard to crews.

Local businesses are still affected by the smoke from the plies but this does not seem to be travelling far enough to affect local residents.

An assessment will take place later this week to see if it is possible to move some of the remaining piles away from adjacent buildings and to consider if spreading the piles out may accelerate burning. There are however, disadvantages with any action;

- Increased burning will create more smoke affecting local business and possibly the community.
- Cost of hire of mechanical machinery.
- Risk to fire crews and machinery operators.
- Increase of resources and personnel.
- Crews will have to wear BA sets due to the nature of the products burning.
- Any water run-off will have to be controlled to prevent environment damage.
- Any intervention will require agreement with Environment Agency and Brentwood Council.
- Limited access to the site through one entry point.

The alternative will be to employ security guards to monitor the incident releasing fire crews. The cost of this would need to be balanced against the cost of retained crews attending the incident, or we will continue with crews being on site on a 24/7 basis.

Many other sites have been identified in the county and work is taking place with our partner agencies to reduce the size of the wood piles and to put in access routes and reduce the effect on any surrounding risks in the vent of a fire.

SDO Wahl is continuing to engage with local press and interviews have been given to local radio station providing updates and reassurance.

2. HEALTH AND SAFETY ANNUAL REPORT.

The report provided Essex Fire Authority with a summary of the Essex County Fire and Rescue Service's health and safety plans and performance for 2013/14.

During 2013/14 there were 464 safety events reported via the Service's Health and Safety software, OSHENS. These included 'Attacks on Fire Service Personnel'. This was an overall reduction of safety events of 1% compared to 2012/13. Minor accidents increased by 22% in the same period while the percentage of RIDDOR reportable accidents (Report of Injury, Disease or Dangerous Occurrence Regulations) has continued to decline and is now 50% less than it was in 2010.

Due to staff turnover within the department in 2013 both the Risk Assessment Advisor position and 1 Area Advisor position were vacant for much of 2013. These posts were supported by agency staff. However, this has led to the final 2 outstanding actions from the 2010 RoSPA audit action plan being rescheduled for year-end 2014.

Throughout this period the department managed to maintain day to day business whilst also making significant improvements to the Service's Online Safety and Health Notification System (OSHENS) and continually updating the Service health and safety framework. The aim of the department is to integrate health and safety into the heart of the organisation. The Health and Safety advisors work closely with the managers from the East and West Area Commands and provide valuable support to the local health and safety forums.

The Service has reviewed and re-published its Health and Safety Statement of Intent. This statement forms a critical part of the Service's health and safety framework as it clearly states the commitment of both the Authority and the Service to fulfilling their legal, moral and ethical duties to all uniformed and non-uniformed employees and all who are affected by the organisation's working activities.

In 2013 the HSE closed their investigation into the significant dangerous occurrence that occurred at Canvey Island on the 17th September 2012. In relation to this the HSE requested to undertake an audit of the Service's Training framework, namely the TASK system (Technical Assessment Knowledge and Skills). The Health and Safety, and Learning and Development departments worked closely to produce an extensive report and action plan which was presented to the HSE in October and as a result, the HSE closed the matter.

A benchmark exercise was carried between the Service health and safety framework and that of another Fire and Rescue Service. This identified 13 points of commonality in key framework areas and 11 areas for improvement. These included amendments to the Service's health and safety policy and production of additional supporting documents in order to increase the robustness of the Service's health and safety framework.

The Health and Safety department undertook major reviews of safety event classifications and definitions. These were published with supporting guidance and communicated to the Service in order to ensure that all accidents are reported, correctly classified and assigned the correct level of investigation. All safety events undergo a 2 stage review process to ensure that not only are they classified correctly, but also that any remedial or corrective measures are suitable and completed.

Arrangements for FBU health and Safety representatives undertaking safety representative's functions was clarified and agreed. The resultant document ensures that the Service is fully compliant with regulation 4 (2) of the Safety Representatives and Safety Committee regulations 1977.

3. RETAINED DUTY SYSTEM REPORT.

The Authority employs the majority of its Firefighters under two Duty Systems and associated Terms and Conditions. These are the Wholetime Duty System (WTDS) and the Retained Duty System (RDS).

The Service has 50 Fire Stations 34 of which are Retained and employs in the region of 481 RDS Firefighters (382.5 full time equivalent). RDS Firefighters are paid a retainer for providing full cover (120 hours per week) of 10% of the equivalent annual full time basic pay. This can be reduced where an employee can only provide reduced cover, however National Terms and Conditions stipulate that this reduction cannot be less than 75% of the full cover rate (90 hours). When called to respond to the Station the RDS Firefighter is entitled to a disturbance payment and is then paid the hourly pay rate for their role for all hours worked at the incident. These rates are agreed by the National Joint Council (NJC).

The RDS model of employment is also often referred to as 'On-Call'. It is a less costly response model in comparison to the wholetime system, the average crewing cost of an RDS Station in Essex is £130K compared to a wholetime at £1,540k. The RDS model can however present some disadvantages in relation to slower response times and as the report covered, difficulties in recruiting enough staff to provide consistent availability, particularly during the day.

In 2013 the outgoing Chief Fire and Rescue Advisor, Sir Ken Knight was asked by the Government to undertake a review of the Fire and Rescue Service and in June 2013 his report 'Facing the Future' was published. In this report, Sir Ken highlighted the 40% reduction in incidents across the UK Fire and Rescue Services in the last 10 years and noted that a corresponding reduction in resources had not been realised. The report placed much emphasis on the use of the 'On-Call' model and called for UK Fire and Rescue Services to increase the number of on-call firefighters by 10% which according to the report could realise savings of £123 million nationally, a call recently echoed by the Secretary of State, Eric Pickles in his July 2014 Statement to Parliament on the Fire and Rescue Service.

Against this backdrop the Retained Duty System (RDS) Review Project was identified as a work stream under the Service's Workforce Transformation Programme (WTP). The scope of the project was comprehensive and focussed on current policies, procedures and practices regarding the Retained Duty System, primarily related to:

- Recruitment;
- Retention and Support; and
- Training and Operational Assurance.

Project activity included:

- Review of National and ECFRS related reports;
- ECFRS RDS staff survey;
- Review of other practice within UK Fire & Rescue Services;
- Themed workshops; and

- Stakeholder consultation (including representative bodies)

Many aspects of the review had direct and indirect links to other WTP projects and these are highlighted within the Action Plan.

The project made 36 recommendations, some of which are 'quick wins' and require little resource in both time and money, whereas some others require a change in existing employment contracts and working practices. The Service's Strategic Management Board have considered all of the recommendations within the report and, as can be seen from the Action Plan, accepted the majority of them either fully or in part.

The Action Plan sets out each of the recommendations grouped into five key work streams:

- Employer Engagement;
- Recruitment and Selection;
- Training;
- Contracts & Terms and Conditions; and
- Miscellaneous.

Each of the recommendations and associated activity has been assigned to an existing project or defined activity and therefore will not require significant additional resources to implement.

Summary Findings

The requirement for RDS firefighters to live within five minutes of the Station presents challenges in recruitment and limits the pool of available candidates. Traditionally many people worked locally and therefore there was a pool of people to draw from. Increasingly people travel to work and work in towns and cities away from their home and therefore this pool is diminished. This results in a difficulty to recruit staff to provide day time cover and is demonstrated in the increase in RDS availability seen in the evening and overnight when RDS employees are available having returned home from work. Unfortunately this provides an increase in available resource at a time when it is least needed. To address this issue the Service needs to consider recruiting from a different pool of people who work in the vicinity of stations during the day or do not work during the day, e.g. non-working parents.

Another challenge to recruitment is the traditional recruitment methods employed by the Service; this includes expecting candidates to attend a Station on a drill night where local Station Managers are responsible for initiating the recruitment process. This can be daunting particularly for female candidates and allow for 'word of mouth' recruitment, limiting diversity and creating the potential for discrimination. Leaving recruitment to local management does not allow best use of innovative campaigns or targeted initiatives, as many RDS Managers do not have the time to devote to this activity or the necessary skills and experience. There is also a lack of engagement with local employers to seek to encourage them to release their staff to provide retained cover. Incentivising this and encouraging large local employers to release staff during the day presents significant opportunity to improve recruitment and day time availability.

Another barrier to recruitment is the tests that RDS firefighters were required to meet. These were, within the Service, higher than those set nationally and as a result led to higher failure rates in particular for women who struggled to meet strength tests. This practice once identified, has immediately been addressed and national tests and standards are now in operation.

The final significant barrier to recruitment is the restrictive contract bandings available. The Service has traditionally made use of the national bands described above which require an RDS employee to provide 120 or 90 hours availability per week. This is a significant commitment and can deter interested parties who would be willing to provide fewer hours cover but where needed. Current practice sees the Service struggling to maintain appliance availability during the day and over resourced at night where most people are able to offer hours to meet their banded requirement. This is inefficient and needs to be addressed to offer more flexibility, increase the pool of candidates and provide cover where it is most needed. Alongside recruitment challenges the Service also faces problems in the retention of RDS employees with 52.3% of retained personnel reporting they have considered leaving the Service in the past 12 months. Nationally the Fire and Rescue Service has seen a reduction in the number of incidents attended of 46% in the last 10 years; this decline has been mirrored in Essex and is currently at approximately 50% fewer incidents. This in turn means that RDS employees are being called out less often and as a result their earnings are significantly reduced and the attractiveness of the role has diminished. The Fire Service increasingly has to compete with other employers who are recruiting a flexible workforce, most notably the Army reservists who are running nationwide recruitment campaigns drawing from the same labour pool as the Fire Service. The Service needs to consider innovative ways to expand the role of RDS personnel, maximising earning potential and in turn retention and morale whilst ensuring a value for money service is maintained. At a time of reduced funding for the Authority it is recognised that this will need to be a transfer of work, rather than new, unfunded initiatives.

The reduction of incidents and the resultant reduction in operational experience and exposure for firefighters is a significant issue with regards maintaining competence. The safety of employees is the Service's primary concern and where 'on the job' training is reduced, formal training must increase if we are to maintain competence. Currently RDS employees attend 2 hours training per week supplemented by some annual provision such as the Breathing Apparatus Verification and Development sessions. An additional third hour has been budgeted for but many RDS employees struggle or are reluctant to provide additional availability over and above what is already required of them. The Service must consider what the minimum training requirement is and find ways of delivering that in a flexible and accessible way in order to ensure all RDS employees can access sufficient training and development to do their job safely. This may require an additional contractual requirement such as the reservist Armed Forces who attend a dedicated two weeks of training per annum and is also likely to involve a change to the contracts of our operational training employees to allow the Service to deliver training over evenings and weekends without incurring significant extra cost.

Taken together, the recommendations within the Action Plan will assist the Service in recruiting and retaining more RDS Firefighters, ensuring RDS Firefighter competence and safety, delivering a more flexible RDS service whilst ensuring increased efficiency and availability and ensuring equality in terms and conditions of employment.

4. FIRE CONTROL PROGRESS REPORT.

In June 2011 Essex Fire Authority Members approved a business case for the development of the Kelvedon Park site. This included the centralisation of training facilities and the relocation of the Service's Control facility from the previous Headquarters site at Hutton. Members agreed to progress with the tender later in 2011. After discussion with Lead Members a paper was presented that separated construction of independent training facilities and the delivery of an extension to the existing Headquarters building, including Service Control and Operational Command and Assessment Training (OCAT).

Application for funding from the Department of Communities and Local Government (Control Service Resilience and Efficiency Grant Bid) to support a shared system with Bedfordshire Fire

and Rescue Service was made on 2 Nov 2011. Notification of the success of the bid was officially received on 1 March 2012.

The final business case included a detailed list of procurement and implementation activities and included a date for exit from Hutton of June 2014. In line with the original timeframe the procurement exercise began in early January 2013. Following the initial stage it was clear that a number of factors would result in a delay to the process which would then result in award of contract to the eventual successful bidder towards the latter part of 2013. The revised procurement timeline and award of contract details were presented to Members in 2013. This included a delay in completion as December 2014.

People Workstream (*on time and on budget*)

This workstream includes a review of crewing provision for the new data led (the old system was voice led) system. This includes working practice, operator numbers, numbers of ranks and shift pattern. The review is supported by external partners (Process Evolution) who have delivered a report on existing and potential Control resources matched against operational need. We are currently waiting for a response to the suggested solution from representative bodies. The suggested solution includes a reduction in numbers of Ranks on each Watch and the addition of 2 watches that only work on days (4 days on 4 days off - 12 hours per shift) and a change in shift start and finish times.

This project placed Control staff at risk of redundancy as a result of the change in work place, working practice, shift pattern and the reduction in numbers and ranks. The Service has explored Early Voluntary Retirement, Voluntary Redundancy and Redeployment opportunities with all staff in Control. Decisions already made by some Members of Control mean that we do not currently expect there to be any need for any compulsory redundancies. The Training Plan for the new system is complete. Training content is being developed as part of the normal process of system installation and integration with other Service systems (e.g. systems that support incident command, geographical mapping, mobile data terminals, availability etc.).

The Shared Services Agreement between Bedfordshire and Essex Fire and Rescue Services is in draft and will reflect the new supplier contracts and detail the business as usual state for the relationship. It covers respective responsibilities, cost allocation and obligations.

We are working with the Service Communications team with an agreed Communications Strategy and Stakeholder Management Plan. This ensures key messages are communicated when appropriate, with regular Bulletins issued via e-mail and internet as appropriate.

The new extension at Kelvedon Park is complete and suppliers are currently in the process of installing hardware in the server room and control room. The new Secondary Control will be at Ongar Fire Station and work is progressing on plan there as well.

Systems Workstream (*on time and on budget*)

The procurement exercise is complete and the main suppliers of systems are:

- Remsdaq – Mobilising System;
- Frequentis – The Integrated Command and Control Systems; and
- Airwave – Voice and Data Communications network.

Remsdaq and Frequentis have provided a satisfactory Functional Design Specification, and are matching milestones articulated in the project plan.

Mobilising System:

- Remsdaq have ordered the majority of their equipment ahead of an imminent factory build stage;
- Factory Acceptance Testing dates have been agreed for 11 to 15 August 2014;
- Planned design work around infrastructure design is on-going;
- Remsdaq participated in a 'Resilience' meeting on 11 June where all significant points of failure were discussed to ensure where necessary appropriate resilience had been designed in to the overall solution;
- At the same meeting initial elements of Testing, Training and Transition (go-live strategy) were also discussed;
- The development of interfaces with other systems is on-going; and
- A training schedule which includes both Fire Services rolling out operator training courses is being developed.

ICCS:

- Frequentis attended the Resilience and Transition meetings on 11th June (with Remsdaq as mentioned above);
- System Administrator training course has been brought forward to ensure appropriate staff could then configure the system. (26 to 28 August);
- Factory Acceptance Testing (FAT) planned for July 22 to 24 on track;
- Training schedule which includes both Fire Services operator training on track; and
- System build has commenced in Vienna with pre-FAT testing to be complete before FAT 22-24 July.

Airwave:

- A fleet mapping workshop took place on 26 June with no major issues;
- Two further meetings are being planned to discuss IP Addressing Schema and the test procedures / test scripts;
- Two out of the three Airwave racks are due for imminent delivery;
- Airwave has delayed testing by two weeks, now due 26 August. This has no material effect on the remainder of Project Plan;
- Code of Connection – ICT have been through a rigorous internal review process which included CFOA National Resilience (CNR), and have issued documentation for the

Accreditor as planned on 30 June 2014. Included within this work was a successful Penetration Test of the Service's mobile data terminal; and

- Work is on-going to ensure Airwave can install relevant circuits on the KP site – currently there appears to be a problem with their subcontractor BT Openreach which needs resolution to ensure no further delays to witness testing.

Essex and Bedfordshire Fire and Rescue Systems and Integration:

- Essex availability systems interface (SAP/Clicksoftware Electronic Rota Book) requires some development (on track);
- Infrastructure design – Essex County Fire & Rescue Service presented their design to Remsdaq and Frequentis on 11 June. No adverse Contractor comment. The Service has progressed to detailed design and Firewalls and switches have already been ordered. WAN circuit costs have been received from DUCL with the link to Bedfordshire Fire & Rescue Service (Kempston) proving to be the most costly. Essex County Fire & Rescue Service ICT / DUCL (their WAN service provider) are looking at alternatives to reduce costs through a trial across their existing network (Kelvedon Park to DUCL HQ in Reigate. It is of note that Bedfordshire Fire & Rescue Service operator positions are reliant on the resilience of the WAN;
- Vector (Incident Command) interface – discussions still on-going;
- Incident Recording System Interface – Essex County Fire & Rescue Service Data and Performance team are in discussion with supplier to upgrade the existing system. This may have a cost impact;
- Bedfordshire Fire & Rescue Service interfaces – Head of ICT at Bedfordshire Fire & Rescue Service leading work – currently on track; and
- Design of the Essex County Fire & Rescue Service provided Active Directory Environment (the system that provides geographical locations to the system) for use by Remsdaq and Frequentis is on track.

Councillor Anthony Hedley
Chairman

