
ESSEX COUNTY COUNCIL MEETING 11 February 2014

Answers to Written Questions (Standing Order 16.12)

10(a)

1. **By Councillor M McEwen of the Cabinet Member for Education and Lifelong Learning**

Consultation Regarding Free School Transport

'It is my belief that most of the parents in Chipping Ongar and surrounding villages whose children are in the lower classes of their primary school (and who will be affected by the Cabinet decision to provide free transport to the nearest school only) were not aware of the consultation when it took place. Hitherto they have had a choice of free transport to at least 3 or 4 schools. I know of at least one primary school that did not pass the consultation information on to the affected parents. Can I please have details of the measures being taken to ensure that the notices sent to the relevant schools are passed on to the parents?'

Reply

In response to your question, communications were carried out with schools across the County.

1. Direct emails were sent to Headteachers and Administration staff. These were sent on:
 - 13/8/13 – letter from Tim Coulson regarding intention and
 - 11/9/13 – emailed consultation link
2. The consultation was publicised in Education Essex (weekly newsletter to schools) which is emailed direct to schools and school colleagues, as well as, uploaded to Essex Schools Infolink:
 - item placed in issues sent on 18/9/13, 8/10/13 and 22/10/13
3. Direct link to the consultation information was placed on the homepage of Essex Schools Infolink throughout the consultation

Furthermore:

- we made it very clear in all correspondence and within the consultation documents that residents in Five Parishes and Ongar would be affected significantly by the proposed changes related in particular to the proposals around changing the use of catchment area to determine transport award,
- we met with Local Members in August to raise this with them and offered to attend Parish Council meetings to discuss these issues – no invites to those meetings were received,
- we requested in our correspondence to schools for them to pass information onto the families who have children attending the school. We cannot police this and heavily rely on schools getting the message out to those families,
- there was a significant amount of press on this issue and in particular the proposed changes to the use of catchment area to determine transport award that appeared in the Brentwood Gazette during the consultation period and
- we are happy to continue to advise primary schools and parents concerned in regards to this when they make their selection of secondary schools over the coming years.

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

‘The Jet Patcher Pothole Repair System

Many of the potholes that have been repaired in Brentwood over the last eighteen months using the “Jet Patcher” system have opened up and we now have roads littered with potholes across our Borough awaiting another repair. Would the Cabinet Member please respond to the following points:

- Is the Jet Patcher system fit for purpose to repair potholes across Essex to a high quality standard, or is it time we said ‘enough is enough’ and consider using another system?
- How many potholes have been repaired using the Jet Patcher system across Essex since it was first used?
- What audit work has been undertaken to measure the success of the Jet Patcher system on repairing the County’s potholes and could Members be given a copy of the results for their

County Divisions?’

Reply

Patching is innately a temporary repair pending a more definitive programmed solution but the Jet Patcher is capable of effecting a definitive repair when used in the right environment. It is a treatment used by many other authorities including Kent, Hertfordshire, Hampshire and Buckinghamshire, for example, and there is a 12 month warranty with the product.

During 2012/13, we used the Jet Patcher for the first time and fixed some 35,000 defects and gained a lot of experience as to its effectiveness. In the current year, 2013/14, we have refined our approach and generally only use it to repair deep defects on rural roads and in dry conditions. The number of such defects fixed in the current year to date is substantially lower at just over 5000.

There is currently no formal audit specific to the Jet Patcher but informal feedback from technicians and inspectors is that it works very well when used as we have done in the current year. There is routinely a random audit of 5% of all works carried out including the Jet Patcher and there are currently no issues arising from that report.

I am keen to continue to encourage the use of innovative techniques to try to improve our service but I have recognised the concerns expressed to me by Members over some aspects of the Jet Patcher service and it is an area where perhaps the Scrutiny Committee could make a study of the effectiveness of comparative techniques.

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

‘Maintenance Repairs

Many of my residents are getting very angry and frustrated over the lack of action by the Highways Department on basic maintenance issues in my County Division. When I report casework issues such as footpath repairs and potholes the standard reply is often that the matter has been "robustly risk assessed and was not deemed by the inspector to be hazardous or a safety concern and therefore does not meet our criteria for immediate repair". This response normally draws an incredulous reaction from my residents who, along with other Brentwood residents, paid £33 million of Council Tax to Essex County Council last year and feel they are seeing precious little of it reinvested back in the Borough.

Would you please give me some answers to the following points:

- If a casework issue does not meet the criteria for an immediate repair, how long should I be telling my residents they will have to wait for the repair to be done?
- How many people are the County Council currently employing to undertake maintenance repairs and how have these numbers changed over the last four years?
- Please could all members be sent a copy of the criteria for maintenance repairs?
- How much has the County Council spent over the last four financial years on maintenance repairs and can I have a breakdown for each year?

Reply

The preamble to this question shows a very simplistic understanding of local government finance and I am sure that residents of the Borough of Brentwood are far better informed about the budget of Essex than the Member credits them with. Dealing with the points which are the subject of the question seriatim:

1. No Highway authority could give an explicit answer to this question. It depends on the significance of the road, the severity or speed of deterioration of the defect and it depends on the timing of an orderly programme of planned works.
2. Essex Highways as a whole employs a total of 440 staff of which some (but a variable number from day to day) are engaged in maintenance. It is therefore not possible to state the exact numbers engaged in maintenance for the current year let alone the previous four years. There are also changes from day to day in the way the service is delivered through sub-contractors so meaningful comparisons are simply not possible.
3. The criteria for maintenance repairs is available to all Members on the Council's website and changes to maintenance priorities were the subject of a Cabinet Member Action in August 2013 which is also posted on the website. Opportunities were given to all Members to attend briefing sessions to explain these policies and changes in priorities so it is unclear to me why this question has been asked.
4. 2010/11 £25.9M; 2011/12. £34.5M; 2012/13. £38.9M ; 2013/14.

Estimated £40.9M. Furthermore, for the next financial year, 2014/15, this is budgeted to rise to between £50M and £55M depending on finalising our programme after today's budget.

4. By Councillor G Butland of the Leader of the Council

'Better Care Fund

Appearing before the House of Commons Health Select Committee Sir Bruce Keogh, NHS England's Medical Director, expressed concern that the Better Care Fund will be wrongly used by councils for "filling in potholes and other significant things".

Will the Leader of the Council give an assurance that Essex County Council will not allow Better Care Funding to be used in this manner?'

Reply

The use of the Better Care Fund is being carefully and openly planned with the five Clinical Commissioning Groups (CCG's) in Essex and with NHS England. The spend will be committed to specific schemes between health and social care and subject to a section 75 pooled budget scheme. This means that resources being committed from Essex County Council and our NHS partners will be closely monitored by the Council and through the Health and Wellbeing Board

Essex County Council has been consistently clear in our responses to the consultations on the Care Bill (which is currently going through Parliament), that we believe that the cost of these reforms has been significantly under-estimated by the Government. We will continue to press this case with local government colleagues.

Papers and minutes recording the Essex Health and Wellbeing Board are published online, plans are fully transparent and open to scrutiny.

5. By Councillor G Butland of the Cabinet Member for Highways and Transportation

'London Road, Braintree

In December London Road, Braintree was resurfaced. In January the new surface was twice dug up by contractors on behalf of a utility company.

Was the work undertaken by the utility company emergency repair work or planned work relating to the development taking place on the

site of the former William Julien Courtauld Hospital?

If it was not emergency work why, was it not planned to take place before the new road surface was laid?’

Reply

Notices were submitted to us in January by Anglian Water to undertake works relating to a new water main which probably related to new connections required for the development of the William Julien Courtauld Hospital site. We were able to dissuade them from undertaking the works in December over the Christmas period.

ECC can impose a Section 58 restriction on a route which means that no utility can open the highway for a defined period - up to 3 years.

This does not, however, prevent a utility from undertaking emergency works or works to provide connections to users. Such a Section 58 restriction was not pursued in this instance and would not have prevented the works.

These notices were first received by us after the works of resurfacing had already been completed. We do hold meetings with the utilities every three months and share work plans in an effort to avoid clashes of this nature which are very irritating when they occur.

6. By Councillor J Reeves of the Cabinet Member for Education and Lifelong Learning

‘The Deanes School

At the recent meeting held by the Schools Adjudicator to examine the Council's case for closing the Deanes School in my Division disturbing comments about the pressure on facilities at King John School were made by a parent of that school.

In addition I am aware that some parents seeking a school for their children are being directed to schools in Basildon.

Would the Cabinet Member make a statement on the position?’

Reply

These comments do not support the contention made at the meeting that Ofsted had raised concerns about over-crowding. The main school building was built in 1949 and the corridors are narrow by modern standards. It was to have been rebuilt under Building Schools for the Future (BSF), however this national programme was

cancelled by the Secretary of State in June 2010. Since then the school has used all its capital funding to improve the buildings. Pupils walk on the left and as Ofsted observed there are no problems with movement around the school.

All the toilet facilities were upgraded 18 months ago, and since that time no concerns about provision have been raised by the Student Council.

There are tables and chairs in the Dining Room, which is unusual in being dedicated solely to dining rather than also being used for teaching. There are also tables and chairs outside which many students choose to use. Students have the option of dining at lunchtime, or morning break, and can use the same computerised system to purchase food whether as free school meals or paid meals. Large numbers of pupils engage in lunchtime activities: the school has achieved the Artsmark Gold and Sportsmark Gold standards. The new sixth form accommodation will include dedicated dining facilities for sixth formers.

The Student Council has not raised any concerns about a lack of dining space.

The school commissioned an externally conducted parent and student survey. The parent and student survey was conducted by Kirkland Rowell (an independent market research company) in May 2013. (1600 students completed it and 656 parents completed it) and there was no mention of toilets in this nor did it raise over-crowding, or a shortage of dining facilities as an issue.

Essex County Council Officers dealing with school admission enquiries have been fully briefed about the situation relating to admissions to The Deanes School. Mid-year admissions to secondary schools are now dealt with directly by schools in the first instance, hence the normal response to an enquiry about applying for a place mid-year would be to direct the enquirer to the relevant school. The situation relating to Year 7 admissions for September 2014 has been widely publicised and the Council is satisfied that suitable arrangements are in place for children in the area to secure a local place.

Admissions officers have previously looked into similar allegations and in each case, upon investigation, the suggestions of inappropriate advice have been proven to be unfounded. There is no known example of any officer of the Council 'directing' parents in the area to schools in Basildon. Therefore, in the absence of any firm information to the contrary, there is no reason to believe, or evidence to

substantiate the assertion made.

7. By Councillor K Smith of the Cabinet Member for Transformation and Corporate Services

‘Land Assets

Why is Essex County Council still sitting on land assets in the unitary authorities of Southend-on-Sea and Thurrock?

What is the last known or current value of these land assets?

Between now and May 2017, will Essex County Council sell any of these land assets on the open market?’

Reply

Thank you for your questions.

At the time of Local Government reorganisation that saw the establishment of Southend-on-Sea and Thurrock Borough Councils, certain classes of land were retained by Essex County Council. Since that time, elements of these legacy land assets have been disposed of when it has been beneficial for Essex County Council (ECC) to do so, leaving a number of assets still owned by ECC.

The value of the assets still retained by ECC is approximately £1m

The majority of these legacy land assets are already in the process of being disposed or transferred as part of the Property Transformation Programme. Those remaining will be considered for disposal or transfer as and when it becomes beneficial for ECC to do so.

8. By Councillor K Smith of the Cabinet Member for Education and Lifelong Learning

‘Woodlands School, Basildon

Following the recent sad drop in educational standards at Woodlands School, Basildon, what measures are being taken to help turn this school around?’

Reply

Since the unsatisfactory inspection of Woodlands School in October the Council's Standards and Excellence team have secured alternative strong leadership following the retirement of the Headteacher. With the school being placed in Special measures on the 17th October the LA used its powers and applied successfully to the Secretary of State for an Interim Executive Board (IEB) to replace the governing body. The local authority has appointed selected experienced, educational professionals to the IEB.

The Council secured the services of the Headteacher of Appleton School to be the executive headteacher at Woodlands. Appleton School was judged in 2013 to be outstanding. An experienced retired headteacher is directing the day to day work of the leadership of the school. A Special Needs expert has been appointed to address concerns highlighted in the October inspection report. The executive headteacher is providing weekly monitoring and progress reports to the Council.

At the end of January, Ofsted carried out their first monitoring visit to the school since the inspection. They were satisfied with both the statement of action produced by the local authority and the detailed plan of weekly actions agreed with the IEB which is swiftly bringing about a wide range of improvements across the school. Discussions are currently taking place to secure the longer term future of the school as a sponsored academy; negotiations are at an advanced stage. In addition the IEB is both advertising for a new permanent headteacher and ensuring the planning for a smooth transition to the new building next week.

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

Shire Hall

'I first raised the question of the future of the Shire Hall in October 2011; I was told then that options for its future use were being considered.

I asked for an update at the October 2013 Council and was told that the Shire Hall Reference Group would report by the end of December 2013.

As we are now half way through February 2014, and nearly two and a half years since I first asked the question, and it is nearly two years since the Magistrates' Courts vacated the building, when will those of

us who are greatly concerned about this fine historic building, be told what its future holds?’

Reply

Thank you for your question.

As you will be aware from my response to your previous question on the future of Shire Hall, there has been extensive public consultation on the future use of Shire Hall led by Cllr Dick Madden and the Shire Hall Reference Group.

As a follow on to that consultation, I received the expected report on their findings prior to Christmas and Essex County Council is now in discussions with a number of interested parties. When these discussions have reached an appropriate point, a communication on the way forward will be made.

10. By Councillor M Mackrory of the Leader of the Council

Compensation for Damage to Vehicles

‘In view of recent publicity concerning members of the public whose vehicles have been damaged by pot holes and, in particular, the case where the Judge ordered the County Council to pay damages it had previously refused to pay even though it was liable, what actions have been taken to make sure that:

- i. Residents do not have to resort to Court action to receive due compensation where the County Council is clearly liable?
- ii. Adequate resources are provided to deal with the backlog of cases going back in some cases, many years?’

Reply

Road users who have suffered damage as a result of defects on the highway may be able to claim compensation from the Council and their claims are dealt with as quickly as possible. Where the cause of the damage is proven to be due to a dangerous defect in the highway which should not reasonably have been present at the time then ECC may be liable and the claims are settled. In most cases, there should be no need for any claimant to resort to court action. Only a small percentage of claims received each year are escalated by claimants through the courts.

The bad weather in winters over the last few years has led to more

damage to the highway surfaces and this has led to an increase in claims against the Council. In the year 2012/13 the Council experienced an increase in the number of claims being made and as a result additional resources were deployed. A review of our claims handling process is currently underway to ensure that claims are dealt with effectively and efficiently so as to improve the experience of claimants in dealing with the Council.

11. By Councillor J Deakin of the Cabinet Member for Education and Lifelong Learning

Schools Selected for The Risky Behaviours Pilot

'What 10 schools across Essex have been selected for The Risky Behaviours Pilot?

What criteria were used for selecting these schools?'

Reply

The schools selected are;

- Thurstable School Sports College and Sixth Form Centre (NE)
- Colchester County High School For Girls (NE)
- St John Payne Catholic School (Mid)
- The Sandon School (Mid)
- Greensward Academy (SE)
- The Deanes School (SE)
- Basildon Lower Academy (SW)
- The James Hornsby School (SW)
- St Martin's School (SW)
- Newport Free Grammar School (W)

The risk behaviours pilot has been aligned with The Essex Healthy Schools Enhanced Programme which follows a needs-led outcome focussed model requiring schools to identify and work towards both universal and targeted outcomes. Risk Behaviours is set as the targeted outcome for all secondary schools embarking on the enhanced programme.

The Risk Behaviours stakeholder group offered all secondary schools moving on to the Enhanced Healthy Schools Programme the opportunity to participate in the pilot programme - Risk Avert. An awareness raising event was held to promote the opportunity. The aim was to spread the offer across each quadrant and include a diverse range of schools. All schools signing up to the pilot were

accepted. Eight of the schools have now completed phase one of the pilot with very positive post programme evaluations, however further evaluations will be completed at three and six months post intervention.

Plans are in place to roll out the project to another twelve secondary schools in the near future.

12. By Councillor T Higgins of the Cabinet Member for Adults Social Care

Vulnerable Adults and Contract Monitoring

‘It was recently necessary for Essex County Council to publicly apologise for its handling of an incident regarding a vulnerable adult.

In addition, there have been other occasions, reported in the press, which suggested a failure by Essex Social Services to react to the needs of vulnerable clients and their families.

Would the Cabinet Member please advise:

- What actions will Essex County Council take to improve procedures for vulnerable adults?
- How will Essex County Council ensure that adequate monitoring of commissioned contracts takes place?’

Reply

It is important to recognise that the case in question was not a recent one and there has been a subsequent review of the pan-Essex safeguarding guidelines. The revised guidelines have been out for wide consultation and are due to be launched in March 2014. It is, however, recognised that LGO reports are always a good opportunity to review service delivery and identify areas for improvement.

Another key area of change has been the development of a pan-Essex approach to the Mental Capacity Act Deprivation of Liberty Safeguards which involves colleagues in Health to ensure a consistent approach for these vulnerable people.

Safeguarding Essex works hard to make sure that the voice of the vulnerable adult is heard in all safeguarding enquiries. Where this is not possible then they would be represented by an advocate. The adoption of this more open and transparent approach has been welcomed by service users and their families.

Monitoring is conducted in the main by the Quality Assurance Team which works in partnership with care providers, health & social care colleagues to provide advice, consultancy and support to the care market. Quality Assurance, which is fully aligned with Adult Safeguards and works with contract management to address quality and contractual compliance ensuring Quality Outcomes for people who use care services in Essex.

Essex County Council's Provider Quality Assurance Group oversees intelligence against individual care services, such as complaints, safeguarding and CQC requirements, this information is monitored and support is provided to care services as required.

Occasionally where there is no evidence of improvement, and risk to residents has not been mitigated, we terminate the contract and assess alternative care provision.

13. By Councillor T Higgins of the Leader of the Council

Plain English

'At the last Full Council I asked the Cabinet Member for Adults Social Care if he agreed that all consultations should be produced in 'Plain English' and not, as recently, in three different formats.

Would the Leader agree that there is an urgent need to promote the use of 'Plain English' in all its documents, interviews and presentations?'

Reply

I agree that we should always aim to be as clear, simple and as easy to follow as possible in all of our communications. We aim to use the language that is most appropriate to the audience.

In reference to consultations for users of adult social care, the Council recognises that the customers of Adult Social Care experience a range of impairments and disabilities which can affect their ability to understand written information. In order to fulfil our obligation under the Disabilities Discrimination Act we therefore need to produce documents in the range of formats suitable to the audience. This will mean producing information not only in Plain English but also in simpler text for members of the deaf community who use British Sign Language (BSL) for whom English is not their first language, in easyread (very basic language with images to support the messages) for people with learning disabilities, and in audio formats for people

with visual impairments.

More widely, since the New Year we have established new arrangements to make sure that consultation materials are subject to quality assurance processes to meet our objective of making sure that the language we use in our communications is as simple and clear as possible.

14. By Councillor M Danvers of the Cabinet Member for Highways and Transportation

Consultation on Proposed 7A M11 Junction

‘Arising from a public meeting in Harlow locally organised by the civic society, over the proposed 7A M11 junction, residents protested that the Essex County Council consultation website does not allow a negative answer to supporting the scheme but simply provides three choices of alternative route. Without answering this biased question the residents cannot submit the questionnaire online.

Does the Portfolio Holder acknowledge that the consultation process on line is flawed?

Will he take steps to rectify this by starting the process over again so that local opinion can be genuinely projected on this important issue for Harlow’s future?’

Reply

Yes. I agree that this consultation is technically flawed and I will start the process all over again.

15. By Councillor J Whitehouse of the Cabinet Member for Highways and Transportation

‘Street Lights

Please supply, broken down by borough, city or district:

- (a) the number of County Council-operated street-lights in Essex
- (b) the number currently not working
- (c) the number of lamp columns currently cut down and sealed with tape

and provide details of the average time take to replace a cut-down lamp column.’

Reply

In the limited time available this is a large exercise so I hope the Member will forgive me if I confine this interim response to Epping Forest and Essex as a whole.

- (a) Epping Forest has a total of 9401 street lights compared to 124,349 for Essex as a whole.
- (b) Epping Forest has 256 (2.66%) of its lights not working compared to 2362 (1.88%) for Essex as a whole,
- (c) Epping Forest has 4 columns cut down and sealed with tape compared to 46 across the whole of Essex.

We endeavour to deal with all defects and failures as quickly as possible.

16. **By Councillor J Whitehouse of the Cabinet Member for Highways and Transportation**

‘Liaison with Transport for London

Please supply details of the arrangements that the County Council has for liaison with Transport for London: in particular arrangements for dealing with parking and other traffic management issues arising from the Central Line and regarding strategic transport planning. When was the last meeting between Transport for London and the County Council and what was discussed?’

Reply

Liaison with Transport for London (TFL) is conducted on an informal and needs basis. Regular consultation on bus services and parking restrictions relating to the Central Line is undertaken. We also consult on strategic transport matters such as Crossrail 2 and on joint interests such as the M25. That said, I personally have not had any meetings with TFL since I took this office other than at the launch of the Lower Thames Crossing consultation.

May I also assure the Member that the Mayor of London (who has overall responsibility for TFL) did not consult us before airing his extraordinary views about Airports and nor are they in any way shared by us. We would also oppose any attempt by the Mayor to take over the running of the West Anglia line.

17. **By Councillor J Abbott of the Cabinet Member for Highways and Transportation**

Highways Contract with Ringway Jacobs

'In respect of the highways contract with Ringway Jacobs; does the Cabinet Member believe that the delivery aims expressed in the January 2012 contract announcement by the Council are being met:

"deliver greater value for money and a better local service for Essex residents."

What options does the Council have for terminating the contract and has the Cabinet Member considered that possibility to date?'

Reply

Yes - I believe we are getting there. We are, as originally envisaged, conducting a review of the key performance indicators of the contract. This will examine their continuing relevance, the successful areas and the areas where improvement is needed and I envisage that this will be an on-going dialogue over the next 12 months or so.