
ESSEX COUNTY COUNCIL MEETING

11 October 2016

Answers to Written Questions (standing order 16.12.1)

Agenda Item 12 (a)

1. By Councillor Pike of the Leader of the Council

'The Portway Footbridge in Halstead is a vital part of Halstead Footway travel. Three years ago it was discovered that there were problems with the bridge. It was also discovered that the bridge belonged to the Crown Solicitor and they were not intending to carry out any repairs.

During December of last year, the bridge inspection team from the County Council, without notifying the District and Town Councils, or myself as the sitting Member, decided to close the footbridge.

I have been trying to get the bridge reopened.

Will you please instruct somebody to carry out the necessary repairs?'

Reply

'I share the Member's frustration that the Portway Footbridge remains unopened. As you have rightly pointed out, the footbridge belongs to the Crown Estate who has the responsibility to maintain the footbridge to safe standards.

As the Cabinet Member for Highways and Transport has already informed you, any further actions relating to the bridge, such as purchasing the bridge or getting permission from the Crown Estate to repair the bridge are currently being undertaken by Braintree District Council as they own the land adjacent to the bridge. As such, they are the authority to whom the member should direct any further questions at this time.

I am happy to confirm that any proposal from Braintree District Council to Essex County Council on contributing to a cost of replacing the bridge would of course always be carefully considered, once the permissions and ownership have been resolved.'

2. Councillor Buckley of the Cabinet Member for Infrastructure

‘Will the Cabinet Member confirm that the necessary works at the Nevendon Road/A127 junction are being completed on schedule and on budget?’

Reply

‘Yes. These works are currently on schedule (estimated completion end December) and within budget (of £1.8M)’

3. Councillor Wood of the Cabinet Member for Environment and Waste

‘Is the Cabinet Member aware of the extent of illegal encampments by Travellers across the County, and could he advise what role the Gypsy and Traveller Unit undertake in dealing with these incursions?’

Reply

‘There has been a notable year on year increase in the number of unauthorised encampments recorded in Essex in each of the last three years. Whereas previously there was a recognised “travelling season” between Easter and late September with a peak during the school summer holidays, we are now experiencing encampments throughout the year.

The Essex Countywide Traveller Unit (ECTU) is made up of the majority of Local Authorities across Essex and manages unauthorised encampments on all partner-owned land. The ECTU have two powers available to repossess land in these cases: a power under the Criminal Justice and Public Order Act offering a relatively quick and cost effective option to move vehicles and belongings from a piece of land and a general possession power under Civil Procedure Rules which provides greater short term protection against further encampments, but has a much longer lead in time to get court hearing. Additionally, the Police have emergency powers to request an encampment to move in a short timeframe without redress to the courts. However, this does not apply to highways land. It is important to note that these powers are only used against Travellers who break the law and not the Traveller community as a whole.

Essex County Council is working with partner authorities and the police to investigate other options that can be pursued in conjunction with the above repossession powers including where appropriate, Injunctions, Public Space Protection Orders and increasing provision of permanent and transit accommodation. A recent round-table meeting convened by Essex's Police and Crime Commissioner bringing together the police, local authorities and MPs to discuss unauthorised encampments in the County was very positive with all attendees recognising the need to continue to act jointly, commit further resources and consider new approaches to tackling problematic unauthorised encampments.'

4. By Councillor Danvers of the Leader of the Council

'Would the Leader look again at zero hours contracts and consider a plan to give minimum hours to those who have been employed for at least two years on such terms.'

Reply

'The number of zero hour contracts has substantially reduced over the past few years, and their use helps the County Council to continue to provide services in a changing world. These contracts are of mutual benefit to both the Council itself and the individuals concerned.'

5. By Councillor Whitehouse of the Leader of the Council

'According to the 2015/16 statement of accounts, at the end of March 2016 Essex County Council had £17.208m of properties held for sale, with sales expected to take place in 2016/17, and a further £35.587m of surplus assets where disposal was anticipated, but the timeframe for completion of the sales less certain.

Please will the portfolio holder list:

- Properties sold so far in 2016/17 and the capital receipt received for each property.
- Properties expected to be sold during the rest of 2016/17, and the asset value of each property
- Properties held for sale not expected to be sold during 2016/17, and the asset value of each property and anticipated year of sale

What was the revenue cost in 2015/16 of holding these properties for sale?'

Reply

The properties sold so far in 2016/17 and the capital receipt received for each property are:

Property name	Capital receipt received £
79A Holliwell Close (aka 79A New Farm Road) Colchester	250,000
Former Castle View School, Meppel Ave, Canvey Island	1,750,000
Fairycroft House, Audley Road, Saffron Walden.	320,000
Esthwaite, former staff house, School Road, Langham	310,000
Lyndhurst, former staff house, School Road, Langham	301,750
Roding Valley High School, disused tennis courts, Epping Forest	5,500,000
Moot House, The Stow, Harlow	87,500
Land at Hodings Road, Harlow	188,000
Merrymeade Access, Brentwood (transferred to Brentwood BC)	nil

The properties expected to be sold during the rest of 2016/17, and the asset value of each property are:

Property name	Asset value £
Twyford Court Offices, Gt Dunmow	520,000
Former Register Office, Seven Arches Road, Brentwood	290,000
Former Beis Shammai School, Chigwell	4,500,000
Former Epping Junior School and ACL/Youth Centre	8,850,000
Olaf's Cottage, former staff house, Marsh Farm, South Woodham Ferrers	65,000
Brooklands Cottage, Felsted	288,000
Land at Cuton Hall Lane, Chelmsford Business Park	Not available (part only)

The properties held for sale not expected to be sold during 2016/17, and the asset value of each property and anticipated year of sale are:

Property name	Asset value £	Year
New Bridge House Offices, Chelmsford	2,735,000	2017/18
Former Takeley Youth Centre, Brewer's End, Takeley	50,000	2017/18
Writtlewick Family Centre, Chignall Road, Chelmsford	600,000	2017/18
White Colne Goods Yard, Bures Road, White Colne	375,000	2017/18
Longmedes Community Centre, Writtle	948,000	2017/18
Primrose Meadows, Maldon	1,800,000	2017/18
Northbrooks House former ACL, Harlow	1,250,000	2017/18
Sewardstone Village Hall, Epping Forest	51,000	2017/18
Shire Hall, Chelmsford	1	2017/18
Part former St Peter's College, Fox Crescent, Chelmsford	Not available (part only)	2017/18
Land at Scrub Lane, Hadleigh	3,120,000	2018/19

- Some properties have been identified for or are being considered for alternative use (i.e. reuse by schools and are not included).
- Asset value is a valuation for accounting purposes and does not represent the open market value which a property will be marketed / sold at.
- The revenue cost in 2015/16 of holding vacant properties, including those for sale was £1,866,324. This sum includes the cost of works to the buildings, such as boarding up and winterising, grounds maintenance including clearance following vandalism or traveller occupation, utilities, rates and security, ranging from ad hoc mobile patrols to 24 hour man-guarding and live-in guardians depending on the size and vulnerability of the premises.'

6. By Councillor Higgins of the Cabinet Member for Adults and Children

‘What is the financial cost to Essex County Council of the collapse of 4Children?’

Reply

‘When we heard that 4Children were intending to close on 31 August, immediate action was taken to transfer all their contracts to Action for Children. Transfer was achieved with no gap in service delivery.

Action for Children have taken over the services on the same terms that applied to 4Children. Since Action for Children have stepped in at very short notice, the Council has agreed to pay any unavoidable costs they incur to mobilise resources. We do not yet know what the costs will be.’

7. By Councillor Deakin of the Cabinet Member for Highways and Transport

‘The continued use of Glyphosate by this Council is a real concern.

More forward thinking councils around Great Britain have stopped using Glyphosate as there are growing concerns about this herbicide.

Restrictions of its use can be found not only in the UK but also across Europe, Canada, USA and in Latin America.

What provision is this council making to join those forward thinking councils and stop the use of Glyphosates to control weeds; to promote the use of more natural ways of controlling weeds in our parks, verges and other areas owned by this council?’

Reply

The Cabinet Member for Environment and Waste, Councillor Walsh has provided the reply.

‘Any herbicide used by Essex County Council complies with relevant UK and EU guidance and legislation. We will of course react to any updates in these as required.

I can confirm that we adopt an organic first approach to vegetation control across our country parks. Grazing by goats, sheep and cattle is used extensively and where this is not possible alternative solutions such as cutting, rolling (Bracken) and hand removal are used.

Our herbicide use has been minimal and is a last resort where other methods are not appropriate. We have used Glyphosate in the past in instances where strictly necessary with any applications complying with authorised conditions of use,

concentrated on specific plants and following consultation with Natural England where necessary. We are reviewing our use of herbicides across the service and considering alternatives for the future.'

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

'What are the correct procedures in place to ensure a safe and local education is provided for children with disabilities, especially when first entering the education system at Reception?'

Reply

'It is the legal duty of health authorities to notify the local authority of any preschool child who is likely to have special educational needs at statutory school age (Section 23, Children & Families Act, 2014). National protocols for deaf and blind babies are in place for notification to education specialists within days of diagnosis. Essex has well-established specialist support and outreach services for children with disabilities 0-5 years, including early intervention programmes for children with autism and Down syndrome.

Essex provides an extensive range of inclusive and specialist preschool provision so that children with disabilities are enabled to access their full nursery entitlement from the age of three. All early years settings have a trained SENCO who is required to follow the requirements of the SEND Code of Practice in relation to children with disabilities. Early years settings can access advice, training and support from specialist education services, and will work in partnership with health professionals. The local authority provides discretionary top-up funding to early years settings (via an SEN Premium or Inclusion Grant) to ensure full access to local provision with an appropriate level of support. Children's progress is monitored by local authority officers, and early involvement of specialist staff ensures transition planning is in place in readiness for school entry. This includes consideration of a statutory assessment of needs.

The Council, in partnership with schools has recently approved an £85m capital investment in special school places across the county. This investment will create an additional 400 new places, of which 100 will be boarding for children with autistic spectrum condition and those with social, emotional and mental health needs. The funding will also upgrade provision in the county for pupils excluded from school. This is an unprecedented level of investment in today's times and gives an opportunity in Essex to ensure our most vulnerable young people are supported to the highest level and from the earliest identification of need.'

9. By Councillor Kendall of the Cabinet Member for Highways and Transport

‘Please could you give the specific reasons why Local Highways Panel meetings are not open to the public? Does this policy have the full support of the Conservative administration running Essex County Council?’

Reply

‘As the member has already asked me this question, I am pleased that I have the opportunity once again to put this in writing to him. Local Highways Panels are not legally defined public meetings. However, at the discretion of the chairman, members of the public can be invited to meetings as appropriate. By giving panels this flexibility, it gives them scope to hold a range of complex and difficult discussions in the most appropriate manner. Minutes of all meetings are always published online.

A new terms of reference for Local Highways Panels, which the member has seen in his role as member of the Place, Services and Economic Growth Scrutiny Committee, will be published shortly.’

10. By Councillor Abbott of the Cabinet Member for Highways and Transport

‘A Parish Council in the Division I represent has been reporting to Essex County Council over a prolonged period that many of its traditional rural junction directional pointer signs are damaged, in poor repair or simply missing. I submitted a full list of these signs including details of location, type and state of repair to Member Enquiries (ME), as they requested me to do on taking up the case for the parish council. I also relayed to ME the offer that the parish council would be prepared to assist with funding the work. ME's response was to reject any work being done to rectify the situation via them and instead referred to the Local Highways Panel Officer. The Local Highways Panel Officer said it was a maintenance issue and referred me to ME. So just how do we go about reinstating these signs?’

Reply

‘I welcome the opportunity to discuss any offer the Parish Council may wish to make. More broadly, I am pleased to say that a piece of work looking at the repair of fingerpost signs has recently been started. We have begun to gather information on fingerpost signs across the county where defects are recorded. This will enable Essex Highways to allocate resources to cleansing, repairing and, where necessary, replacing the rural wooden style finger posts.’

11. By Councillor Abbott of the Cabinet Member for Highways and Transport

‘Why was the Braintree District Local Highways Panel scheme to extend the 30mph limit northwards along Church Road, Rivenhall, rejected by the Cabinet Member on a single vague police objection where the apparently anonymous officer admitted that he/she did not know why the scheme had been submitted. When the Cabinet Member rejected the scheme, was he specifically made aware of the reason for the scheme, the overwhelming community backing for the scheme and was he supplied with the Council’s average speed monitoring data taken from near the local primary school.’

Reply

‘Thank you for giving me the opportunity to clarify the reasons for my decision not to proceed with this scheme. As Cabinet Member I was presented with the full details and was aware of the local support for the scheme, as detailed in the CMA which was subsequently published online. My understanding was that the police objection relates to the inappropriateness of the proposed speed limit for the road in question. Ultimately, the decision not to proceed with the 30 mph extension was based on the current speed limits complying with Essex County Council policy, which is consistently applied across Essex, and that the speed surveys demonstrated that drivers currently conform with the speed limits.’

12. By Councillor Mackrory of the Cabinet Member for Environment and Waste

‘Can the Cabinet Member confirm that the Automatic Number Plate Recognition (ANPR) systems at Recycling Centres are active and effective during all working hours?’

Reply

‘I can confirm that Automatic Number Plate Recognition (ANPR) systems have been installed, and are operating, at all twenty-one Recycling Centres for Household Waste during working hours. These systems consist of fixed cameras at the entrance to sites with LED light boards, recording and displaying number plates of vehicles entering the site. This hardware is linked to remote servers capturing and collating the data from all sites for operational management and policy enforcement purposes.

A small number of sites have experienced intermittent issues with SMS text alerts from the remote servers to site staff. The purpose of this is to provide real time alerts to site staff when vehicles enter the sites that have hit visit frequency trigger points. This intermittent issue is currently being investigated by our contractor with the system supplier and is expected to be resolved ahead of the implementation of recently agreed policy changes.’

13. By Councillor Mackrory of the Leader of the Council

‘In the light of the £2.3m fine and the severe reprimand for failing to uphold high auditing standards imposed on Price Waterhouse Coopers by the Financial Reporting Council, will PwC be excluded from bidding for any future contracts with this Council?’

Reply

‘Essex County Council is required to comply with the Public Contract Regulations for all tenders where the value of work exceeds £164,176 (for services and supplies). These Regulations only allow the exclusion of suppliers from bidding in very limited situations. Given the recent sanction imposed on PwC it might be possible to exclude them from bidding for audit activity. However, if PwC are able to demonstrate that they have taken appropriate steps to correct the problems which led to this sanction the Council would be obliged to let them bid. More generally, the Council would not be able to prevent PwC bidding for non-audit work.

Ernst Young are our appointed auditor for two more years (2016/17 and 2017/18). After that, we may ask Public Sector Audit Appointments to appoint a new auditor for us, rather than go out to procedure an auditor ourselves. The Audit Committee will determine.’

14. By Councillor Young of the Cabinet Member for Adults and Children

‘Following the shock departure of 4Children as a children's centre provider, what assurances can the Cabinet Member give Council about the 0-19 model that was advocated by 4Children? Was 4Children's departure based a lack of resources available to run services?’

Reply

‘4Children's departure was caused by a decision taken by its National Board to close the organisation and appoint an administrator.

The financial position of 4Children is not related to the model for children's centres within Essex.

The Pre-Birth to 19 Health Wellbeing and Family Support model has been designed as a result of two years of intensive work undertaken by Essex County Council and partners across Essex during the Early Years review. Whilst our current Children's Centre providers, including 4Children at this time, were part of this review the final design is not as a result of the model advocated by 4Children but based on the needs of families across Essex.’

15. By Councillor Durcan of the Leader of the Council

‘Clarity is important, especially when comes to educating our young people. With the announcement that Theresa May’s government intends to construct more grammar schools, can the Leader provide Members with assurances that both he, and his Cabinet, will reject any proposals that might leave young people across Essex excluded at age 11?’

Reply

The Leader, Councillor Finch has requested that the Cabinet Member for Education and Lifelong Learning, Councillor Gooding reply.

‘Essex County Council has championed the outcome that every school will be judged at least good by 2018 and we have made significant progress towards this target with over 90% of all schools now judged to be good or outstanding by Ofsted. However, there are still some areas across the education system where we need to make improvements and although progress is being made, the outcome for disadvantaged pupils is one of those areas.

School improvement is an area where we now encourage schools to work together in clusters to support each other to achieve the best outcome for children and this has in part contributed to the improvements we have achieved. In this regard we welcome the opportunity the Governments Green Paper provides for independent schools, universities and grammar schools to do more to support other schools and contribute to this process in aiding social mobility for more pupils from deprived backgrounds.

We champion an education system in Essex that works for everyone and would want to apply the opportunities that the Green Paper affords to ensure that we reach the highest possible outcomes for all children whilst ensuring that education in Essex is both diverse and sustainable.

Accordingly, if we are to bring this to reality, we trust that Councillor Durcan and the Labour Group will support the Conservative motion before Council today.’

16. By Councillor Durcan of the Leader of the Council

‘With the triggering of article 50 now set for March 2017, what steps has this authority taken to mitigate the negative impact of Brexit on Essex residents?’

Reply

‘The Prime Minister has indicated that Article 50 will be triggered by the end of March 2017 – invoking up to two years of negotiations with the European Union. The

Government is making a pragmatic response to Brexit by introducing what has been termed the Great Repeal Bill to ensure continuity for UK businesses and citizens.

We are working to understand the detail, which will become clearer as the negotiations develop. Essex residents offered a clear mandate with 62% (or 510,624) voting to leave the EU.

We will work with the government, particularly through the LGA, to ensure that all Essex residents get the best possible deal.'

17. By Councillor Henderson of the Cabinet Member for Adults and Children

'When they took over young people's Emotional Wellbeing and Mental Health Services (EWMHS) in November 2015, NELFT declared that their aim would be to *"respond earlier to children's needs to help prevent, reduce or delay the need for more specialist interventions"*. With this in mind, can the Cabinet Member explain why waiting times for even the most severe of cases are still unacceptable, and the overall service less cohesive and collaborative than before?'

Reply

In the absence of the Cabinet Member for Health, Councillor Butland, to whom the question should have been directed, the Leader, Councillor Finch has provided the reply.

'The new Emotional Wellbeing and Mental Health Service commenced in November 2015. Since then we have seen a significant increase in demand with NELFT managing a case load which is double that which transferred.

During the first half of the contract we had good performance whilst absorbing the increased caseload. In recent months the performance on waiting time has decreased. An action plan on waiting times is in place with weekly monitoring of performance, in recent weeks we have seen a significant improvement.

The increase in demand is acknowledged as a national issue, with services across the county also seeing an increase in waiting times. NHS England has recently announced additional funding to support this and we are currently developing our submission.

As part of the new contract with NELFT, we have also made significant improvements in data recording; we have established new standards around what constitutes a wait and we have exposed previously hidden waits. As a consequence it is not possible to make a comparison across current and past performance.

The new service brings together the services previously offered by the three Local

Authorities (Southend, Essex and Thurrock) and our Health partners; this offers a more cohesive and integrated solution. We are also working collaboratively with NELFT and a range of partners on our Local Transformation plan 'Open Up, Reach Out'. As part of 'Open Up, Reach Out' NELFT are working with our Education team and we are about to pilot a training and support offer to schools and new digital tools are being acquired to support young people.

Commissioners have a positive and constructive relationship with NELFT and partners within the system have reported improvements from the new approach.'

18. By Councillor Bobbin of the Cabinet Member for Highways and Transport

'Can the Cabinet Member tell me when the results of the Harlow Taxi consultation will be shared with members?'

Reply

'I would like to thank to member for Basildon for asking this question. If the member is referring to FP/489/04/16 Turning Experimental Scheme into a Permanent Scheme to allow Licensed Private Hire Vehicles to use Bus Lanes in Harlow, this decision, along with the consultation responses, was published by Executive Decisions on 26 April 2016. After a successful 18 month experimental traffic regulation order, the decision to proceed with the scheme permanently was made earlier this year. I am pleased to confirm that all consultees were informed of the decision, as well as local county councillors.'

19. By Councillor Bobbin of the Cabinet Member for Education and Lifelong Learning

'What assurances are we receiving from district partners that adequate safeguards are in place to ensure that children who use taxi services to get to and from school safely, do so with drivers who have been sufficiently vetted with up to date DBS checks?'

Reply

'Taxi drivers on ECC school contracts must hold a Hackney Carriage or Private Hire driving licence. This is applied for through the District Licencing Officer (DLO) at District & Borough Councils. As part of the licence application they must undergo a check through the Disclosure & Barring Service (DBS). This is so the Council can ensure:

- a. That a person is a fit and proper person.
- b. That a person does not pose a threat to the public.

- c. That the public are safeguarded from dishonest persons.
- d. The safeguarding of children and young persons, and vulnerable adults.

When submitting an application for a licence to drive a hackney carriage or private hire vehicle, applicants are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution. A DBS check is required every 3 years.

For the purposes of considering whether or not an applicant is a 'fit and proper' person to hold a drivers' licence, the Rehabilitation of Offenders Act 1974 does not apply, in that no convictions are considered to be 'spent'.

The Passenger Transport team work closely with DLOs attending county wide meetings specifically on safeguarding issues. We are also advised as and when a 'known' taxi driver is subject to police investigation and work with DLOs to rule out any connection to ECC services.'

20. By Councillor Robinson of the Cabinet Member for Education and Lifelong Learning

'Does the Cabinet Member agree with me that Tanglewood and Woodcroft are Outstanding, Local Authority nursery schools? Does he agree that these small but high quality settings are likely to be relatively expensive? Does he share my concern that Government proposals for pre-school funding could undermine these schools? Has he made or will he make representations to the Government on this?'

Reply

'Tanglewood and Woodcroft Maintained Nursery Schools provide a high quality childcare centred approach, offering the Free Early Education Entitlement (FEEE) for vulnerable 2 year olds and all 3 – 4 year olds. Both Nursery Schools were rated as 'Good' by Ofsted in their last inspections.

'They are based in areas of high need and are pivotal in improving the life chances of children who live there. They have extended their offer beyond traditional sessional education to a more holistic and flexible offer to children and their families.

It is recognised that maintained nursery schools do have higher costs that are over and above other Early Years providers because of their school infrastructure and staffing requirements. ECC recognise this and currently fund nursery schools at a higher rate than other Early Years providers. ECC is currently working with the sector in reviewing how FEEE funding is distributed across the sector and nursery schools are members of this working group, alongside School Forum representatives and the Private, Independent and voluntary sector.

ECC responded to the DfE consultation on an early years national funding formula, which ran from 11th August 2016 - 22nd September 2016. The DfE, through this consultation are proposing to minimise disruption of any funding changes. The Government proposes to provide supplementary funding for maintained nursery schools for at least two years. This additional funding takes account of maintained nursery schools' current costs and will provide much needed stability to the nursery school sector while they explore how to become more sustainable in the longer term.'

21. By Councillor Robinson of the Cabinet Member for Highways and Transport

'Many Members received an email from the Chair of Finchingfield Parish Council about Highway proposals for a new bridge. Does the Cabinet Member feel that the images sent to us are a fair representation of the proposals? Can he please update us on what is proposed?'

Reply

'I would like to thank the member for North Chelmsford for the giving me the opportunity to answer this question. It was clear that a lot of talent and effort went into the creation of the images that were circulated by the Chairman of Finchingfield Parish Council. Sadly, the image was not accurate in many respects including the shape, design and position of the bridge over the pond.

Finchingfield Bridge, like all decisions, will be subject to a Cabinet Member Decision which will be published and therefore publically available. I am hopeful this will be ready as soon as possible so that works can progress. I fully intend that the paper is detailed and thorough, highlighting and explaining the many complexities with this unique scheme.'