

# ESSEX COUNTY COUNCIL MEETING

## 8 July 2014

### Answers to Written Questions (standing order 16.12.1)

#### Agenda Item

13(a)

1. **By Councillor G Butland of the Leader of the Council**

'In his budget speech on 12th February 2013 your predecessor, Cllr Peter Martin, stated that

"We will continue to explore areas where we can save money and protect front-line services and become more efficient. This must also include elected members too.

We are proposing that the independent Boundary Commission undertakes an electoral review of the council to see if we can save money by having fewer members while retaining strong and vibrant local democracy."

What progress has been made on this proposal?

#### **Reply**

While I welcome the opportunity to remind members once again that this administration is focused on providing the best possible value for Essex residents and am open to any and all ideas to save money, I do not see an electoral review at this stage as a priority. Electoral reviews decide not only how many councillors represent a council, but also the division boundaries that they represent. Their primary function is to ensure electoral equality – where each councillor represents around the same number of electors – and to provide for effective and convenient local government.

Given the last electoral review of this Council only ended in 2004 and set an appropriate council size and provided for electoral equality, and given that a new review might take up to two years to complete and may indeed decide that we need fewer, the same or even more councillors, I do not think it would be appropriate to take forward a request to the Local Government Boundary Commission for England to carry out such a review at this time. We will keep our full focus on

delivering quality services for residents against a backdrop of the Care Act, health integration, increasing demand on services and reduced budgets from Government, but will continue to keep an open mind on whether to seek a review at a future point.

## 2. **By Councillor D Kendall of the Leader of the Council**

‘ISO 14000 Environmental Management:

The ISO 14000 family addresses various aspects of environmental management.

Would the Leader please tell me which departments within Essex County Council operate under the ISO 14000 Environmental Management system?’

### **Reply**

Given the diverse nature of ECC services it would be impractical to have overarching ISO 14001 accreditation. Equally it is not always the best measure of a service where some services have their own industry standards.

ECC is however committed to ensuring a better quality of life by conserving, developing and promoting a healthy, safe, diverse, clean and attractive environment. We have developed an Environmental Statement for exactly this reason (please see below), which we believe is a more appropriate option for a large and diverse organisation but still sets a clear vision and expectation for our services to follow.

ECC also uses a pre-qualification requirement in our procurement process to ask if suppliers of goods and services are ISO 14001 accredited, or similar. Contractors such as Ringway Jacobs and Mitie are for example compliant.

#### *Essex County Council’s Environmental Statement*

##### *Our Vision*

*We recognise that our operations and statutory duties have an impact on the environment and as an organisation we have a responsibility to manage and these impacts where possible. In working towards a more sustainable future we are committed to minimising our adverse impacts and maximising the positive impacts on our environment, both within the organisation, with our partners and the wider community.*

*To ensure we move closer to fulfilling our vision we will aim to:*

- *Manage the impacts of climate change and reduce our contribution to the causes;*

- *Use our own resources efficiently, reducing wasted materials and energy and therefore money;*
- *Minimise the adverse environmental impact of the goods and services we procure and maximise the positive opportunities;*
- *Continually improve our environmental performance by:*
  - *assessing the environmental risks of our decisions;*
  - *carrying out reviews of Council policies and actions;*
  - *complying with, or exceeding, environmental legislation and regulations;*
- *Promote sustainable management, planning, design, construction and drainage;*
- *Ensure all staff, Members and Contractors understand the environmental impact of their actions and decisions, through awareness and education, policy reviews and encouraging them to lead by example by taking action to mitigate their environmental impacts and to share best practice. Encourage other public sector partners, community groups and businesses in local environmental projects.*

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

‘Many of my residents are very concerned about the poor quality of pothole repairs in my County Division and across Brentwood as a whole. I understand that there is routinely a random audit of 5% of all pothole repairs carried out including the Jet Patcher. If that is the case, would it be possible for Members to be provided with a copy of this audit report each time it is completed so that we can give our residents some assurances over the standard and quality of any work completed in our areas?’

Would you also please provide the following information:

- How often are pothole audits completed?
- Who undertakes the pothole audits?
- Why has the audit information not been shared with Members?
- If Members are concerned about the quality of a pothole repair, who should they report it to?’

### **Reply**

The Scrutiny Committee and/or Audit Committee are the appropriate Member structures to examine the standard and quality of work carried out on the highway. I, as Cabinet Member, am ultimately responsible to Members, regularly attend the Scrutiny Committee to

respond to Members' questions and make myself available to Members at weekly surgeries of which Cllr Kendall availed himself only last week.

**4. By Councillor T Higgins of the Cabinet Member for Education and Lifelong Learning**

'What are Cabinet Members doing to ensure our young people with complex needs are having their education and other needs met by Essex Schools?

How many are being placed out of county because our specialist schools claim they cannot help?'

**Reply**

There is currently a lack of specialist places within Essex Schools for pupils with autism (ASD) and for pupils with emotional, social and mental health difficulties. This is the main reason for pupils being placed out of authority independent schools.

In response to this gap the Special Educational Needs & Disability Strategy 2014-19 proposes the establishment of additional specialist provision to enable all Essex children to receive a high quality education within Essex. This additional provision is being developed in partnership with the Essex Special School Education Trust (ESSET), utilising the expertise of this strong and largely outstanding special school sector.

There will be 4 new enhanced provisions for autism (ASD) attached to mainstream schools established in 2015 and a further 4 in 2016, supported by local special schools specialising in ASD.

The County Council has secured the support of the Essex School Forum to undertake investment of up to £42M to create some 370 new places in specialist provision in the County for September 2016 and 2017. The detail is being developed with ESSET but it is likely that two new special schools supporting pupils with severe ASD will be established by September 2016 with some residential component. In addition two outstanding Essex special schools will be expanded and rebuilt (one in 2015 and one in 2016) to include specific ASD provision.

It is likely that further provision for pupils with emotional, social and mental health difficulties will also be established including a residential component. These new provisions will utilise County Council owned land to maximise the effectiveness of the County's

estate. The County Council is also supporting the possible development of appropriate special Free schools in Essex as a complementary resource.

‘How many are being placed out of county because our specialist schools claim they cannot help?’

At 27 June 2014 there were 286 children placed at independent schools at a total cost of almost £23M a year. Of these, 131 are day placements, 95 are weekly or termly placements and 60 are 42 or 52 week placements. The independent school placements led by education happen in the main for the following reasons:

- No suitable provision in the County at the time of the placement;
- No places available in specialist provision at the time of need;
- A breakdown of the placement in either the mainstream or special school, often coupled with the above.

Some placements, particularly the 42 – 52 week ones are led by Social Care. This will include children who are in the care of the local authority. Where children are in care their progress and welfare, including the appropriateness of the educational provision, is monitored closely by the social worker, the Independent Reviewing Officer and by the Virtual Head for looked after children.

## **5. By Councillor M Ellis of the Cabinet Member for Highways and Transportation**

‘Will the Member for Highways and Transportation consider reviewing the agreement/contract between the LHP and the bus companies with regard to the endless requests for upgrades and improvements?’

This requires a large amount of LHP funds that are ideally required elsewhere within the LHP; the bus companies do not contribute to the works but remain profit making organisations.

To remedy this situation will the Cabinet Member also consider approaching the bus companies with a view to sourcing funding?’

### **Reply**

There is no contract as such between bus operators and the LHP in place. Where bus operators highlight a missing or desired element of public transport infrastructure, this is considered by the relevant officers and if felt to be a suitable request then this can be considered

by the LHP assuming that it has appropriate Member support. I could certainly explore the idea of the bus operators themselves contributing to infrastructure in a more systematic way

**6. By Councillor M Mackrory of the Cabinet Member for Education and Lifelong Learning**

'Will the Cabinet Member use his best endeavours to persuade those responsible for school buildings to lift their objections to the installation of solar panels on school roofs?'

**Reply**

ECC supports the use of renewable energy, including solar energy; however these schemes need to be carefully considered to address the technical and legal points raised as well as ensuring the best deal is achieved.

A guide document on this issue was drafted in July 2013 and distributed to all schools in Essex.

The objective of this guide is to provide technical, commercial and legal guidance to schools regarding the installation of solar panels.

I will send Cllr Mackrory a copy of the guide.

**7. By Councillor S Robinson of the Cabinet Member for Highways and Transportation**

'Will the Cabinet Member please thank those who inspect highway defects and do give helpful answers, for example, "The pavement defect at X has been assessed and we are carrying out further investigations. This enquiry will be updated within 20 working days of 26/06/2014"'

However, will he please remind ALL staff that - once an assessment has been conducted - their reports must include an indication of action planned and some kind of timescale, or say "no action to be taken".

For example, "Problem X has been inspected and assessed" is not an acceptable answer [e.g. case 2330912] and neither is: "To be repaired" [cases 2333039, 2334824 and six other cases in Trent Road].

If Trent Road, Chelmsford is not going to be resurfaced this year, will it at least be patched?

## **Reply**

Yes - and wherever possible a timescale will be given. The new reporting module also enables progress to be tracked.

Trent Road, Chelmsford is a local road and was last inspected on 28 May where concerns were detected with the linings and defects on the road and the intention was to resurface Trent Road and reconstruct the footway during the summer school holiday period.

However, with major redevelopment works at Lawford Mead school commencing in August, it is sensible to postpone this until the next financial year and instead carry a raft of carriageway preparation works in late July. We will write to residents of Trent Road to explain this.

## **8. By Councillor S Robinson of the Cabinet Member for Education and Lifelong Learning**

‘Does the Cabinet Member agree that courses paid for by the Adult Community Learning budget (e.g. basic English, Maths and English Spoken as a Second Language [ESOL] ) are helpful in finding people employment, and that ESOL courses can help integrate communities?’

How is the budget deployed to achieve that objective?’

## **Reply**

I do agree that many courses supported through Adult Community Learning (ACL) help people to find employment, or at least move them nearer to the job market. Every academic year, ACL receives an Adult Skills Budget funding allocation from the Skills Funding Agency (SFA) to deliver qualifications to the people of Essex. In the 2013-14 academic year, the allocation was £3.9m.

The Adult Skills Budget is used for the following:

- Courses to support people to gain employment or improve employment prospects (including maths, English and ESOL)
- Workplace Learning
- Apprenticeships and Traineeships

In 2013-14, Adult Community Learning has supported the following numbers of learners across Essex.

Maths	1396 learners
English	1166 learners
ESOL	762 learners

The Adult Skills budget for 2014-2015, allocated to ACL by the SFA, is £3.3 m of which £1.3 m has been deployed for the delivery of maths, English and ESOL.

Every learner is offered the opportunity to have a one-to-one advice session with a qualified and independent IAG (Information, Advice and Guidance) advisor. The advisors work with individual learners to find the most suitable future pathways. This will include employment opportunities, further training as well as informing the learners of local support groups within the community. Progression data (including job outcomes) is collected at the end of the academic year.

In addition, many of ACL's non-accredited learning courses funded by the SFA's Community Learning budget and learner fees often help people into self-employment, with examples in jewellery making, silversmithing and cake decoration.

**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.

**10. By Councillor R Lord of the Cabinet Member for Highways and Transportation**

'Could the Cabinet Member for Highways explain the system for prioritising resurfacing work, particularly in some isolated rural areas?'

It appears that some perfectly good stretches of road are being resurfaced whilst others with denser housing, in dire need of repair, admittedly to the untrained eye, are persistently ignored.'

## **Reply**

The prioritisation of resurfacing work and the type of resurfacing treatment is recommended by officers to the Cabinet Member based objectively on assessed condition. It is always better where possible to seal the surface of any road before defects begin to appear. Isolated rural roads should be patched and then surface dressing will be the typical type of treatment

### **11. By Councillor J Abbott of the Cabinet Member for Waste and Recycling**

'The Cabinet Member has stated in writing that there are "no plans" to close any recycling centres in Essex. Can he specifically confirm that due to its strategic importance, the Witham Recycling Centre in Perry Road will remain open at least for the duration of the current ECC administration and will not be subject to any closure options during the forthcoming review?'

## **Reply**

*With the express consent of the Chairman, and on an exceptional basis, an oral response will be given by the Cabinet Member at the meeting.*

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

'Is the Cabinet Member aware that the Department for Transport (DfT) has a national policy which encourages local authorities to consider implementing 20mph speed limits in residential areas "to ensure greater safety for pedestrians and cyclists"? Is he further aware that 11.7 million people already live in areas that are implementing widespread 20mph speed limits and a further 1.8 million people live in local authority areas where there is a commitment to introduce them? When will Essex join the growing list of authorities committed to 20mph limits?'

## **Reply**

Yes. ECC will consider the introduction of 20 mph limits in appropriate locations and is thereby committed to the principle. Such limits can be judged and progressed by each Local Highways Panel provided they comply with approved policy guidelines

**13. By Councillor D Harris of the Cabinet Member for Highways and Transportation**

‘Could the portfolio holder confirm how many KPIs are in place for the Ringway Jacobs contract; how many of those KPIs are directly linked with levels of customer satisfaction and response times to potholes; and finally what is the threshold, which would generate an option not to renew the contract if a certain number of KPIs were not reached?’

**Reply**

Currently 112 of which 10 are linked to customer satisfaction and 4 to response times for defects. These need, in my view, a degree of rationalisation. If the threshold level for a performance measure is not achieved for 24 consecutive months then, the Authority may, at its discretion, terminate the relevant service element of the contract.

**14. By Councillor D Harris of the Cabinet Member for Highways and Transportation**

‘Would the portfolio holder consider in the interest of greater transparency and accountability of the Ringway Jacobs contract, that members of Place Services and Economic Growth Scrutiny Committee be provided with reports such as quarterly performance reviews from ECCs Strategic Partnership Board with Ringway Jacobs (subject to appropriate governance arrangements), to ensure adequate strategic overview and direction of the service offered to residents in Essex?’

**Reply**

I am content for the Scrutiny Committee to examine any aspect of the Ringway Jacobs contract as that Committee thinks fit. Executive responsibility for the strategic overview and direction of the service rests, however, with me as Cabinet Member.

**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.

### **16. By Councillor J Young of the Cabinet Member for Education and Lifelong Learning**

‘Would the portfolio holder honour his commitment made to the People and Families Scrutiny committee on the 4th February 2014 to work with the community to find a financial resolution to support parents in Wivenhoe access school transport to The Colne their community school? Furthermore, would he accept a meeting with parents from Wivenhoe to work through the issue?’

## **Reply**

To be clear, the policy makes provision for ECC to fund transport for children to their nearest school, where the relevant distance criteria are met. This is entirely consistent with the law on school transport, established and honoured by successive Parliaments. We will also continue to provide transport to those children with special education needs and those from low income families where this is a statutory entitlement.

As you are aware, I have already met with you and the Headteacher of The Colne School to discuss this issue. I have explained how the Council can facilitate transport to school for those children who, under the new policy, will not be entitled to receive this for free from the Council with effect from September 2015.

The Council has already put in place arrangements, via a ticket agreement, to ensure there will be enough seats available for entitled and non-entitled children. The Council will pay for seats (tickets) for those entitled children and a combination of the school, parents and the Town Council could pay for those seats required for non-entitled children under the new policy. Thus, bus provision will still be

available for those from Wivenhoe wishing to attend The Colne. We are keen to work on the detail of this with the school and would welcome the school embracing this in support of Wivenhoe parents who wish for their children to attend the school.

The scrutiny committee asked me to 'meet local community groups to explore alternative funding options'. This is what I have been doing since that meeting and I am happy to arrange further meetings at County Hall with a representative from parents, the Town Council and the School.

The aim of such a meeting will be to explore how the school and the local community could work together to fund the seats for children who will not be entitled to free transport, but it must be made clear that the County Council cannot fund those seats. Nor can we passport any monies in lieu of entitlement to Colchester Academy; this I have explained clearly to the school and parents/community representatives who have contacted me about this.

**17. By Councillor D Henderson of the Cabinet Member for Highways and Transportation**

'Could the portfolio holder confirm the total figure that the Council had to borrow to cover the shortfall in funding for the £6.5m investment in a Central Management System to enable part-night lighting in Essex?'

**Reply**

There was no shortfall in funding for the £6.5M investment referred to. It was a decision taken some while ago after investigation by the Scrutiny Committee and an appropriate business case. The Council's individual investment decisions do not result in matched borrowing. The borrowing needs of the Council are assessed by the Finance function taking into account the overall capital position of the Authority and all relevant funding and investment needs and anticipated disposals.

**18. By Councillor K Bobbin of the Cabinet Member for Highways and Transportation**

'Could the portfolio holder confirm how many petitions Essex County Council have received in total relating to the part-night lighting policy along with the total number of signatures from those petitions and the total number of groups/organisations that also signed?'

**Reply**

12 petitions with a total of 5307 signatures.

**19. By Councillor K Clempner of the Cabinet Member for Adults Social Care**

‘The Disabled Facilities Grant enables disabled and elderly people to have the adaptations they need to make it easier to live at home, reducing the need to access health and social services. Could the portfolio holder provide a statement on what plans do Essex County Council have to continue this grant beyond the current year, and if it is to be discontinued, what assessment has been made on the impact to individuals and other services?’

**Reply**

I can confirm this Fund will continue beyond the current year. The Disabled Facilities Grant is a statutory responsibility that lies with the local housing authority of the District, Borough and City councils in Essex.

From April 2015 the Disabled Facilities Grant funds will be devolved annually directly to the Districts and Boroughs and City councils so that they may continue to discharge their responsibility to invest the Disabled Facilities Grant. This will come from the Better Care Fund.

This was confirmed in the Essex Better Care Fund Plan, approved by the Essex Health and Wellbeing Board on 27th March 2014, and submitted to NHS England on 4th April 2014.

**20. By Councillor K Clempner of the Cabinet Member for Adults Social Care**

‘Essex County Council currently provides Social Care Funding to assist with Supported Housing for those unable to live independently. Could the portfolio holder confirm how many people are supported in this way and what level of funding is currently provided in Harlow, and what plans are there to alter this beyond the current year?’

**Reply**

In Harlow, ECC fund supported housing provision for adults with disabilities, adults with mental health problems, vulnerable young people, women fleeing domestic violence and vulnerable older people. This provides support for:

- 28 adults with a disability in supported living schemes in

Harlow. Through the Increasing Independence programme we intend to develop an additional 240 units of accommodation for this group of service users across Essex over the next three years to enable people to maximise their independence

- 516 vulnerable older people in sheltered or Extra Care schemes
- 40 refuge places for victims of domestic abuse. In addition, a floating support service is provided. ECC is currently working with partners including the Police and Probation to review future provision - this is likely to include a wider choice of alternatives to refuge provision
- 138 vulnerable young people in supported accommodation. The largest single scheme is the Harlow foyer with 116 places
- 36 supported living places for adults with mental health problems. ECC is working with Clinical Commissioning Groups, Mental Health Trusts, Providers and other key stakeholders to find more community based living options.

This is funded partly through the Social Care budget and partly through the Housing Related Support (HRS) budget. This is over £2.7m for Harlow.

**21. By Councillor M McGeorge of the Cabinet Member for Adults Social Care**

‘Could the portfolio holder outline how the Meals on wheels service is currently promoted to potential new service users who might benefit from a nutritious hot meal each day?’

**Reply**

The meals service may be offered to residents who have contacted ECC requesting support to meet their needs. A social worker will discuss the resident’s wellbeing needs and consider a variety of options to help the individual meet these while helping them remain as independent as possible. So for example, if the individual can cook their meals but can’t shop, they would be directed to a shopping service (e.g. Age UK). If it is decided between the social worker and the individual that the meals service is the best way to ensure their wellbeing, then ECC will direct them to it.

Sodexo is the only hot meals service that ECC will arrange as a part of this process. On our website, however, we do provide details of other local providers for individuals who would like to arrange support for themselves for their own personal convenience. This is a private arrangement between provider and service user.

<http://www.essex.gov.uk/Health-Social-Care/Care-for-Adults/Easy-Guide-Services/Pages/Meals.aspx>