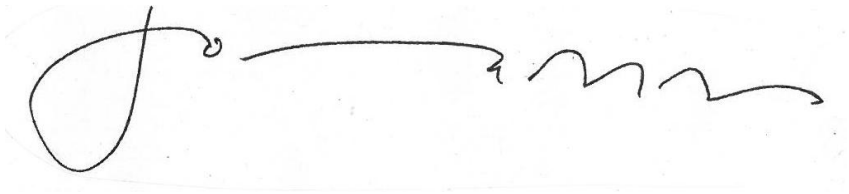
Summons

To all Members of
Essex County Council

You are hereby summoned to attend the meeting of the County Council to be held in the Council Chamber at County Hall, Chelmsford at 10:00 on Tuesday, 12 February 2013 to deal with the business set out in the following Agenda

The meeting is scheduled to end by 1:30 pm.



Joanna Killian
Chief Executive

Officer Support to the Council: Andy Gribben, Governance Officer
Telephone: 01245 430044
Email: andy.gribben@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

Agenda

Business to be conducted at the meeting on Tuesday, 12 February 2013

The meeting will be preceded by Prayers led by Mr John Hull of the Salvation Army.

		Page
1	**Apologies for Absence**	
2	**Declarations of Interest** To note any declarations of interest to be made by Members	
3	**Confirmation of the minutes of the meeting held on 11 December 2012**	**5 - 28**
4	**Chairman's Announcements and Communications**	
5	**Receipt of petitions and deputations (if any)**	
6	**Executive Statements (if any)**	
7	**The Budget 2013/2014. Report to follow** • Report including The Medium Term Resources Strategy • Revenue and Capital Budgets 2013/2014 • Treasury Management Strategy • The Pay Policy Statement. To consider approving the Budget 2013/14. Motions unrelated to the Budget are prohibited (Standing Order 16.10.6). There is therefore no separate agenda item relating to motions.	

8	**To receive a report on the Health and Wellbeing Board Terms of Reference**	**29 - 36**
9	**To receive a report of Council Issues including** The business of the Essex Police and Crime Panel.	**37 - 38**
10	**To receive a report of Cabinet Issues from the meeting of 22 January 2013**	**39 - 42**

11 Questions (Standing Order 16.11)

a) Oral questions of the Leader, Cabinet Members or the chairman of a committee upon any matter relevant to the business of the Council

b) Written questions (Standing Order 16.11.3)

c) Oral questions of the representative of the Essex Fire Authority on any matter relevant to the business of that Authority.

d) Oral questions of the representative of the Police and Crime Panel on any matter relevant to the business of that Panel.

Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 11 December 2012

Present

Chairman: Councillor K Twitchen

Vice-Chairman: Councillor N Hume

Councillors:

J F Aldridge	M Garnett	S Mayzes
B Aspinell	R G Gooding	L Mead
Mrs S Barker	C Griffiths	Mrs V Metcalfe
L Barton	I Grundy	Mrs M A Miller
R L Bass	Mrs E M Hart	A Naylor
K Bentley	A M Hedley	M J Page
R G Boyce	Mrs T M A Higgins	J W Pike
A Brown	Mrs S Hillier	C C Pond
G Butland	R C Howard	Mrs I Pummell
R Callender	E C Johnson	Mrs J M Reeves
S Candy	J G Jowers	J Roberts
S C Castle	D J Kendall	D C F Robinson
R P Chambers	J Knapman	S Robinson
P Channer	M C M Lager	Mrs A Turrell
Mrs T M Chapman	D Louis	S M Walsh
J A Deakin	J R Lucas	R G Walters
W J C Dick	G W McEwen	Mrs E A Webster
N D C Edey	M Mackrory	Mrs J H Whitehouse
D Finch	R A Madden	B Wood
M D Fisher	P J Martin	J A Young

1. Apologies for Absence

Apologies for absence were received on behalf of Councillors J Baugh, T Durcan, A J Jackson, G Mitchinson, D Morris, C G Riley, J M Schofield, M Skeels and Mrs M J Webster.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the meeting held on 16 October 2012

Resolved:

That the minutes of the meeting held on 16 October 2012 be approved as a correct record and signed by the Chairman.

4. Recent Death

The Chairman informed the Council of the death of the County Councillor for Rochford (South) Mr Roy Pearson and sent condolences to his family.

Mr Pearson had represented Rochford (South) from June 2001 and served on many committees including the Children and Young People Policy and Scrutiny Committee, The Essex Education Admission Forum and the Development and Regulation Committee. He had represented Essex County Council on the Essex Fire Authority, The Thames Regional Flood Committee and the Southend Community Health Council. He was also Chairman of Rochford District Council from 1988 to 1989.

Members stood in his memory.

5. Local Government Chronicle Annual Awards

The Chairman informed members that Essex County Council had been shortlisted for the following awards in the Local Government Chronicle Awards:

1. Central Services team of the year – for Procurement Delivering Change.
2. Public/Private partnership award for ECC and MITIE, Integrated Property and Facilities Partnership.
3. Public Sector Partnerships Award for Essex Countywide Traveller Unit.
4. Corporate Governance (recognising the improvements the Council has made in recent years) and
5. Council of the Year.

6. Equalities Framework for Local Government

The Chairman received on behalf of the Council from the Leader Councillor Peter Martin a certificate that recognised the achievement of an 'excellent' rating. He paid tribute to the crucial contributions of Yvonne Howard, Head of Diversity and Equality and Councillor Joe Pike. He stated that Essex County Council was only the second Council to achieve an 'excellent' rating.

7. Royal Society of Public Health Promotion Award

The Chairman received on behalf of the Council the award from the Cabinet Member for Health and Wellbeing, Councillor Ann Naylor. She stated that this was a very prestigious national award and Essex County Council was the first higher-tier Authority in the country to receive it. The Council had also been awarded it for the maximum three years, the highest classification.

8. Local Government Challenge 2013

The Chairman congratulated Justin Phillips, Service Manager, Social Work Systems and Development, who had been shortlisted to be one of the final 10 contestants to take part in the Local Government Challenge 2013.

9. The Mackmurdo Medal

The Chairman congratulated Councillor John Jowers who had been presented with the Mackmurdo Medal by the Essex Association of Local Councils for his personal commitment to the Association and the parish sector in Essex.

10. Executive Statement

The Leader of the Council delivered a statement regarding Lord Hanningfield.

In accordance with the agreed procedure, Councillor Mackrory responded as the Leader of the Opposition. The Leader of the Council replied to the matters raised by Councillor Mackrory and then, subsequently, to questions put by other members of the Council.

The statement was received.

11. Motion 1: Boosting Economic Recovery in Essex

It was moved by Councillor K Bentley and seconded by Councillor D Finch that

'This Council recognises the disastrous state in which the last Labour Government left the economy and welcomes news that the policies of the Conservative-led coalition mean the UK economy will grow faster than other countries in the EU. It also recognises that growth will still be slow and therefore calls on ministers to do more to reduce red tape to boost recovery in Essex by:

1. speeding up its BDUK Broadband roll-out programme to allow Essex County Council to bring faster download speeds to businesses and residents,

2. approving our Deal for Growth bid and allowing all partners across the County the opportunity to work closer together to reduce costs to the taxpayer and increase the potential for private sector jobs and

3. reducing costs to businesses and allowing SME start-ups 'holidays' for National Insurance and Corporation Tax to ensure their survival in the crucial first year.'

It was moved by Councillor D J Kendall and seconded by Councillor A Turrell that the Motion be amended to read as follows:

'This Council recognises the disastrous state in which the last Labour Government left the economy and welcomes news that the policies of the Conservative-led coalition mean the UK economy will grow faster than other countries in the EU. It also recognises that growth will still be slow and therefore calls on ministers to do more to reduce red tape to boost recovery in Essex by:

1. speeding up its BDUK Broadband roll-out programme to allow Essex County Council to bring faster download speeds to businesses and residents,

2. approving our Deal for Growth bid and allowing all partners across the County the opportunity to work closer together to reduce costs to the taxpayer and increase the potential for private sector jobs,

3. reducing costs to businesses and allowing SME start-ups 'holidays' for National Insurance and Corporation Tax to ensure their survival in the crucial first year and

4. introducing further schemes that would give financial support in the first year to the thousands of single owner operator small businesses

across Essex who want to employ someone for the first time to help grow and develop their business.'

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

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

Motion 2: Lord Hanningfield's Credit Card Claims 2005 – 2010

It was moved by Councillor M Mackrory and seconded by Councillor T Higgins that

'This Council, whilst recognising the changes to its governance and member expenses procedures since the Audit Commission's report of September 2010, nevertheless still has serious concerns about how Lord Hanningfield, the former Leader of this Council, was able to spend £287,000 of council taxpayers' money on expensive hotels, restaurants, bars and visits to 24 countries from 2005-2010. In particular, how this was allowed to happen without any action being taken by senior members of the Conservative administration, or the Senior Management Team.

Council therefore:

1. considers that the residents of Essex deserve a full explanation about
   how this lack of accountability was allowed to occur for at least six years before any action was taken by:
   a) those responsible for the political administration of the County Council,
   b) Senior Officers of the Council and that disciplinary action be taken, if appropriate;

2. Immediately begins proceedings in the Civil Court to recover the misspent council taxpayers' money from Lord Hanningfield.'

It was moved by The Leader, Councillor P Martin and seconded by Councillor D Finch that the Motion be amended to read as follows:

'This Council recognises the changes made to its governance and member expenses procedures by the Conservative Administration since the current Leader was appointed in February 2010; recognises the public's concerns about the level of expenditure incurred on the credit card held by Lord Hanningfield, the former Leader of this Council, amounting to £287,000 of council taxpayers' money from 2005-2010; and notes the actions taken by statutory officers to expose this matter and curb this expenditure as well as the decisive action taken by senior

members of the Conservative administration when they were advised of the extent of the expenditure in January 2010.

Council therefore:

a. considers that the residents of Essex have been given a full explanation, chronology and details of the action taken by the Council's Leadership, set out in the Monitoring Officer Report of 14th November 2012, and that all the relevant information was published on the Council's website on 14 November 2012;
b. notes that the Council will take the appropriate action, including proceedings in the Civil Court if necessary to recover any mis-spent council taxpayers' money from Lord Hanningfield, and notes that the Leader of the Council announced at Full Council in July 2011 that such measures would take place.'

Upon being put to the meeting the amendment was declared to be carried and so became the substantive Motion.

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

Motion 3: Energy co-operatives

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

'Council:

1. notes the allegations that energy companies are operating a price-fixing cartel;

2. notes that people in energy poverty often pay the highest prices;

3. notes the success of council-led consumer co-operatives to buy cheaper energy in places like South Lakeland and Peterborough;

4. instructs officers to prepare a report on;
   a) how Essex County Council could facilitate the creation of energy co-operatives in Essex,
   b) whether it would be appropriate to join the multi-council energy co-op www.readytoswitch.co.uk to benefit the residents of Essex and
   c) how the benefits of such a scheme could be shared around the districts of Essex.'

It was moved by Councillor J Lucas and seconded by Councillor S Hillier that the Motion be amended to read as follows:

'Essex County Council:

1. notes the allegations that energy companies are operating a price-fixing cartel;

2. notes that people in energy poverty often pay the highest prices;

3. notes the success of council-led consumer co-operatives to buy cheaper energy in places like South Lakeland and Peterborough;

4. notes that green taxes, heavily promoted by the Liberal Democrat Party, have led to an increase of everyone's fuel bill by approximately £170 per annum;

5. requests officers to prepare a report on
   a) whether it would be appropriate to join the multi-council energy co-op www.readytoswitch.co.uk to benefit the residents of Essex and
   b) how the benefits of such a scheme could be shared around the districts of Essex; and

6. lobbies the Government to provide funds to reduce energy poverty by increasing Cold Weather payments for those in fuel poverty.'

Upon being put to the meeting the amendment was declared to be carried and so became the substantive Motion.

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

Motion 4: Essex Education

It was moved by Councillor S Castle and seconded by Councillor J Lucas that

'This Council supports Michael Gove's policy on the creation of Academies and is pleased to note that Essex has now seen its 100th academy established. Standards in Essex Schools have improved significantly in recent years; however Council recognises that there is still more to do, and it calls upon the coalition government to acknowledge the local authority's key role in holding all publicly funded schools accountable for driving up education standards in the county.'

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

12. Statement of Community Involvement

Councillor J Jowers, Cabinet Member for Communities and Planning, presented a report on the Statement of Community Involvement.

The outcome of Cabinet's consideration of this matter was reported in the Report of Cabinet issues on 7 December 2012.

Resolved:

That the amended Statement of Community Involvement for Minerals and Waste Planning attached to the report be adopted.

13. Essex Minerals Local Plan

Councillor J Jowers, Cabinet Member for Communities and Planning, presented a report on the Essex Minerals Local Plan.

The outcome of Cabinet's consideration of this matter was reported in the Report of Cabinet issues on 7 December 2012.

Resolved:

1) That the Essex Minerals Local Plan Proposed Submission Document attached to the report be approved so as to enable:

- representations to be sought during the consultation period January through to March 2013; and
- subsequently, the formal submission of the Plan to the Secretary of State after consideration of the representations, in readiness for the formal Examination in Public in late Summer 2013.

2) That authority be delegated to the Cabinet Member for Communities and Planning to make any appropriate minor amendments during the process of the Plan to deal with responses to the next consultation and any further legislative or procedural changes that do not materially affect the content of the Plan.

3) That, subject to the decision of the Council in respect of 2 above, authority be delegated to the Head of Planning, Environment and Economic Growth to agree modifications to the Plan for consideration by the Independent Inspector at the Examination in Public which do not materially affect the content of the Plan.

14. Adjournment of the meeting.

On the recommendation of the Chairman at 13:00 the meeting was adjourned to reconvene at 13:50.

15. Variation in the Order of Business

In order to enable the Deputy Leader and Cabinet Member for Finance and Transformation Programme to attend another meeting, with the approval of Council those items in the Cabinet Issues reports which concerned the Cabinet Member were taken as the next items of business.

16. Cabinet Issues

The reports of Cabinet Issues from the meetings of 30 October and 7 December were received in so far as they related to the following items: 2012-13 Financial Review as at the Half Year Stage; Corporate Plan Progress as at the Second Quarter Stage; Information Systems Modernisation Programme Procurement – Next Generation Network; Financial Strategy 2013/14 and Beyond; and local Council Tax Support Scheme Update.

17. The Joint Health and Wellbeing Strategy

The Leader, Councillor P Martin presented the report on the Joint Health and Wellbeing Strategy.

The outcome of Cabinet's consideration of this matter was reported in the report of Cabinet Issues on 7 December 2012.

Resolved:

That the Joint Health and Wellbeing Strategy be approved and endorsed.

18. The Corporate Parenting Annual Report

The Cabinet Member for Children's Services, Councillor R Gooding presented the Corporate Parenting Annual Report.

The report was adopted.

19. Cabinet Issues

The remainder of the report of Cabinet Issues from the meeting of 30 October 2012 was received and adopted. The recommendations relating to item 1: the Statement of Community Involvement and item 2: the Essex Minerals Local Plan had previously been approved. (Minutes 12 and 13 refer)

The recommendation relating to item 3: Essex Joint Health and Wellbeing Strategy had previously been approved. (Minute 17 refers)

20. Overview and Scrutiny Issues

The Leader, Councillor P Martin, informed Council the membership of the Scrutiny Board will be amended with immediate effect to be as follows: Councillors R L Bass, G Butland, T Chapman, W Dick (Chairman), M Mackrory, J Reeves and S Walsh.

The Overview and Scrutiny Issues report was received and adopted.

21. Questions to the Leader of the Council, Cabinet Members and Committee Chairmen

Members responded to questions as follows:

(i) On the timescale for completing the works to the bridge on Roding Lane, Chigwell (Councillor V Metcalf of the Cabinet Member for Highways and Transportation)

The Cabinet Member replied that in response to concerns raised by local residents, work had commenced in October and the anticipated completion date which had originally been December 2013 was now summer 2013.

(ii) On the recent difficulties on the roads due to snow (Councillor W Dick of the Cabinet Member for Highways and Transportation)

The Cabinet Member apologised to the people of Essex who had been inconvenienced by the disruption caused by the snowy roads but that, in fairness, snow had not been forecast and there had been residual salt on the roads. He pointed out that the major disruption had been on the A12, the A120 and the M11 that are the responsibility of the Highways Agency He paid tribute to the Essex duty engineer who had acted quickly and diligently to make a difficult situation better on the roads of Essex.

(iii) Could officers progress the Loughton High Road Improvements Scheme to a 'shovel-ready project' such that if grants become available there could be a rapid start made (Councillor C Pond of the Cabinet Member for Highways and Transportation)

The Cabinet Member replied that if funds do become available they are usually for new schemes and not for maintenance.

(iv) Regarding concerns raised regarding the proliferation of street signs raised previously by Councillor Higgins and a request was made then by

the Cabinet Member for details. Has this happened? (Councillor I Pummell of the Cabinet Member for Highways and Transportation)

The Cabinet Member replied that he regretted that the answer was 'no'.

(v) On the alleged charge of £25 to the blind and partially-sighted residents of Colchester for a key-fob to access travel information at the new Colchester bus station and if there had been an Equality Impact Assessment? (Councillor A Brown of the Cabinet Member for Highways and Transportation)

The Cabinet Member replied that the reported charge to which she refers is being made by Colchester Borough Council and so any Equality Impact Assessment would be for that Local Authority to undertake. However, similar key-fobs to be supplied by Essex County Council, when it rolls out the new Countywide travel information system will be provided free of charge.

With the agreement of the Chairman Councillor L Barton clarified the position in Colchester and stated that there were on-going negotiations with various access groups and no final decision has been made about charging.

(vi) At the last Full Council when comments were made about the Liberal Democrat's 'disgraceful campaign tactics' Councillor Aspinell had claimed that the Cabinet Member's comments originated from a 'Tory website' and could he please clarify where the information actually came from? (Councillor M Garnett of the Cabinet Member for Highways and Transportation)

The Cabinet Member replied that it came from the Guardian On-line.

(vii) On the poor state of pavements within the Division of Brentwood North, to enquire if emergency signage could be provided to warn pedestrians and if the cost of such work was coming from the Local Highways Budgets (Councillor B Aspinell of the Cabinet Member for Highways and Transportation)

The Chairman proposed that a request for such action should be directed to the Cabinet Member in an email.

(viii) On the availability of funding to pay for the repair of pavements within the Division of Brentwood North as monies had been released recently from reserves to pay for the repair of potholes (Councillor B Aspinell of the Leader - in the absence of the Cabinet Member for Finance and Transformation Programme)

The Leader agreed to pass the request on to the Cabinet Member.

(ix) To highlight a recurring error referring to ‘Epping’ instead of ‘Epping Forest’ (Councillor J Knapman of the Cabinet Member for Highways and Transportation)

The Cabinet Member noted the comment.

22. Written Questions (Standing Order 16.11.3)

1. By Councillor M Lager of the Cabinet Member for Economic Growth, Waste and Recycling

‘Is the Cabinet Member happy that, in spite of a fully evidenced case for early investment in faster broadband in Essex, especially in rural areas such as the Braintree District, we are ranked 31 out of 35 project areas, and is he prepared to take every step to secure earlier funding for Essex?

Will he report back to the Council any success he achieves?’

Reply

Background
We have worked hard to secure investment totalling almost £26million through the BDUK model for this project; comprehensively mapping just what Broadband capacity we have across the county and really understanding where BDUK can help bridge the gaps; established a strong project team ready to go; engaged with all our local government colleagues across Essex to support this; and raised the level of understanding amongst our residents around what this could mean for them.

Essex County Council invested a great deal of time from the outset to ensure this investment represented good value for our residents and businesses, and as a result our Broadband Delivery Plan was very comprehensive when submitted in March this year. Unfortunately Government ranked the submissions based on when they were received and not the content.

Action
Since the spring, we have been working hard to better our position in the following ways:

- talking to the Department for Culture, Media and Sports, our local MPs and others in government to ensure the quality of our plan and the importance of Essex is recognised in economic, location and population terms.
- stimulating demand and helping our residents understand the benefits of Superfast Broadband in Essex through publicity campaigns; and
- mobilising our project team so that we were ready when we needed to be.

Progress

Following this I am delighted to be able to announce to Members that Essex has now been approved as ready to procure. Due to our preparation and hard work we are now expecting to award contract in late July, a marked improvement from our earlier target of late August/September. This means that we could potentially start works in the summer period, when conditions would be optimal for these types of utilities-based activities.

We will continue to push as hard as we can to ensure we get the best and fairest deal for Essex and will keep you updated as to progress. We all recognise how vital it is for the people, businesses and the economy in Essex to have high speed, good quality broadband. I am confident that this good news will play an important part in supporting economic growth and investment in our businesses.

2. By Councillor L Barton of the Leader

'The BBC claims that many local councils are filling posts through limited companies and, as such, employees can avoid paying PAYE if they so choose. They can opt to pay themselves in dividends which are taxed at a lower rate; they can also pay National Insurance at a lower rate. This is, in effect, a tax avoidance scheme.

Would the Leader of the Council confirm how many Essex County Council employees are paid through limited companies?'

Reply (provided by the Cabinet Member for Finance and Transformation Programme)

The vast majority of Essex County Council employees are paid through our payroll system and as such do not have any company status. We are not aware of any ECC employees that are paid through limited companies. The County Council has a number of safeguards in place to ensure that this does not happen, in particular; where we are being invoiced for services by individuals, for the first time, the team in Essex County Council requiring their services is asked to complete a self-questionnaire (based on

HMRC guidance) on their 'worker' or 'self-employed' status which is reviewed prior to payment and challenged accordingly.

Essex County Council engages its temporary/agency (contingent) workforce through the contract in place with Capita (Working for Essex). No worker who is on site in any of the Council locations, via this arrangement, are employees of the County Council.

These individuals work via a "Contract for Services" with either Capita or Capita's negotiated supply chain. It is for Capita to determine how they choose to engage the individual, be that via PAYE or a Limited Company.

The Temporary agency workforce is currently broken down as:

PAYE:	414
Ltd Company:	304

The vast majority of individuals who are engaged, via a Limited Company, work as experts in their particular field. These types of workers benefit our organisation as we are able to engage them to deliver work for specified periods of time, without entering into a more long-term, binding arrangement.

These individuals operate as "their own business" and move from assignment to assignment across organisations. Whilst they do not get the benefit of permanent PAYE employment (annual leave, pension contributions, etc), this is their choice and to not engage them, would mean putting the County Council at a significant disadvantage, particularly during this period of change, when other organisations are also attempting to attract experts from the same pool.

3. By Councillor D Kendall of the Cabinet Member for Finance and Transformation Programme

'What practical support is the County Council going to be giving to the City, District and Borough Councils across Essex to help them deliver the Coalition Government's Welfare Reform agenda at a local level?'

Reply

The County Council has actively worked in partnership with Borough, District and City Councils in the Essex area in order to achieve workable solutions and the best possible outcomes for the citizens of Essex. Three projects in particular have been a focus of attention for officer and member collaboration.

Localisation of Council Tax Support (LCTS):
From April 2013 council tax relief will no longer be provided with central government support, meaning that each local authority has to ensure that

a system of appropriate support is put in place. There is a central government grant to support the cost, but this has been set at a level around 10% below the previous cost of the centralised system.

County Council officers have been part of a Countywide project team working together to implement the new schemes, with the aim of achieving a consistent model across the County. Whilst each billing authority has had to ensure that they design the scheme in their area to support their own demographic, there are common approaches to the change across the board. County Council officers have provided;

- detailed assistance with understanding and modelling the financial implications of funding cuts and scheme designs.
- financial modelling of the wider implications of LCTS on the collection fund position and understanding the mitigating impact of other changes to council tax discounts
- support and advice on the consultation with the County Council and other major preceptors; and
- support on the billing authorities, consultations with the public, whereby Essex County Council hosted a central consultation survey and provided analysis of the results.

The County Council has also agreed to provide joint funding for additional investment on council tax collection activities and provision of a hardship fund to support the implementation of the new schemes.

Social Fund Emergency support

Again, from April 2013, responsibility for emergency welfare support transfers to the local authorities (ECC) from the Department of Work & Pensions (DWP). In the past, this support has taken the form of emergency cash benefit payments or loans to support individuals through times of immediate and extreme hardship. Whilst this is an ECC responsibility, it is understood that this issue cannot be seen in isolation and therefore the work in establishing the replacement system has been conducted in partnership with the billing authorities in Essex. Specific activities undertaken in support of this project are:

- engaging with districts from September on potential pan Essex approaches to emergency welfare;
- hosting a workshop of upper tier authorities to explore what others are planning and sharing ideas;
- presentation to All Essex Chief Executives group in November on proposals for the SLA and pan Essex funding;
- liaising with CABs and CVS representatives across Essex on delivery options;
- liaising with DWP and other local authorities on data sharing and communication issues; also
- liaising with Thurrock and Southend on a communications strategy to ensure districts are ready for the change.

General Welfare Reform preparation

In addition to the specific work on the projects listed above, County Council

officers have embarked on a project in partnership with Borough, District and City Council colleagues. This project will focus on the impact of welfare reforms on the citizens of Essex and explore potential solutions to support individuals in difficulty. This project will pay particular attention to the potentially unforeseen impacts of the changes on demand for council services. Work has begun on scoping the project and project management resource has been provided by the County Council in support of this initiative.

4. By Councillor L Barton of the Cabinet Member for Highways and Transportation

'The latest Lifelines report shows the quality of road markings on the UK's roads is in decline. In my division the road markings on Pownall Crescent in Berechurch are now almost invisible, meaning that markings for speed bumps and a "no entry" sign can no longer be clearly seen. I reported this at least 6 months ago.

Would the Cabinet Member for Highways and Transportation give some assurances that, in view of the safety implications, the Department has a timescale for these repairs and that there is a planned maintenance scheme in place?'

Reply

I take road safety extremely seriously and have read the Road Safety Markings Association 'Lifelines' report mentioned by Councillor Barton and I note that the focus of this report is the Highways Agency.

Given that Councillor Barton raised the issue of safety with regard to the road markings on Pownall Crescent in her question I am surprised that she has left this to the Full Council in December rather than contact me directly or raise it with me personally on the occasions I have met with her to discuss Highways issues in Colchester.

However, having been made aware of this issue on Tuesday 4 December this work was completed on 8 December.

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

'I understand that there were 31,365 pothole repairs completed across Essex between June 1st and October 26th 2012 using the Jet Patcher. Would the Cabinet Member please clarify the following points:

1) What is the projected life span of a pothole repair using the Jet Patcher, set against other methods used to repair potholes?
2) What ongoing monitoring is being done on the pothole repairs that have

been completed using the Jet Patcher to ensure that they are providing a long-term cost effective solution to maintaining the County's roads?
3) If this monitoring has been taking place please could Members be sent details of the results?'

Reply

Thank you for your question.

1) The longevity of a Jet Patcher repair is dependent on a number of factors external to the actual repair such as its position within the carriageway and the volume and type of traffic using the road.

2) Formal monitoring of the repairs is undertaken by Highways Inspectors in accordance with our normal cyclic, routine inspections or where a defect is reported.

3) We will be formally reviewing the impact of the pothole recovery programme on road condition and results will be shared with Members once available.

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

'How many Highways officers were employed by Essex County Council at 1 December 2009, 1 December 2010, 1 December 2011 and 1 December 2012 and how many of these were involved in designing the types of highway schemes that are within the Local Highways Panels' remit?

I have been advised that Essex County Council will soon no longer directly employ officers that design these schemes. At present these officers come on site visits with members to discuss problem highway sites and advise on solutions. Under the Ringway Jacobs contract, what will the future arrangements be for such visits and advice?'

Reply

Thank you for your question.

1. The following information shows the headcount for Highways staff on the following dates:

   01/04/2012 – 718
   01/04/2011 – 711
   01/04/2010 – 884
   01/04/2009 – 906

2. Scheme design is not undertaken by ECC Highways Officers.

3. At present there are 4 Highways Liaison Officers and 4 Principal Transport Planners that support the work of the Local Highways Panels. There are no plans to reduce this level of resource.

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

'1.How many metres of footpaths alongside the highway have been resurfaced in each district in the financial years 2009-10, 2010-11, 2011-12, 2012-13, and how much has this cost?

2.Which footpaths in Epping Forest are being resurfaced in this 2012-13 financial year and which footpaths are on the list for 2013-14?'

Reply

1. Footway 2012/13 programmed treatments by metre

Area	**Metres of footway works**
Braintree	6620
Chelmsford	8744
Maldon	400
Colchester	6190
Tendring	1800
Uttlesford	2435
Harlow	3100
Epping	650
Brentwood	1320
Basildon	4200
Rochford	1050
Castle Point	1035
A127	6385
Total	**43529**

Footway 2011/12 treatments by metre

Area	**Metres of footway works**
Braintree	3250
Chelmsford	10394
Maldon	1350
Colchester	3970
Tendring	3080
Uttlesford	3200
Harlow	3400
Epping	4450
Brentwood	1400
Basildon	5591
Rochford	1270
Castle Point	650

A127	800
Total	**42805**

Footway 2010/11 treatments by metre

Area	**Metres of footway works**
Braintree	23150
Chelmsford	4175
Maldon	600
Colchester	5690
Tendring	5620
Uttlesford	1800
Harlow	1980
Epping	3700
Brentwood	1400
Basildon	5000
Rochford	760
Castle Point	2000
A127	400
Total	**56275**

Footway 2009/10 treatments by metre (please note during this period information is only available via Area Office rather than District)

Area	**Metres of programmed footway works**
West Area	19550
Mid Area	15264
East Area	13045
South Area	8350
A127 Area	570
Total	**56779**

Footpath spend

Spend (£m)	2009/10	2010/11	2011/12	2012/13
Capital	4.655	2.073	3.658	2.026 *
Revenue	3.382	2.942	2.662	2.762
TOTAL	8.037	5.015	6.320	4.782

*£0.828 spend to end of October

The Footway Programme in Epping Forest for the current financial year (2012/13) comprises;
Sewardstone Road (Leading to Beachfield Walk
Queens Road (High Road to No 88)
Hornbeam Road (from Loughton Lane for 150 Metres)
Stanwyck Drive (Manor Road West for 100 Metres)

2. With regard to which footpaths are on the list for 2013-2014;
footpath resurfacing forms part of the Highways Capital Programme within the overall Council Budget. As these will not be presented to Full Council until February 2013, I am currently unable to answer this part of the question.

8. By Councillor T Higgins of the Cabinet Member for Highways and Transportation

'A-Boards:

Colchester made national headlines with its cluttered streets.

When will the Cabinet Member ratify the decision made by the Economic Development, Environment and Highways Policy Scrutiny Committee?

When will Essex devolve the Highways enforcement powers to districts, borough and city councils, so that they can deal with this "growing menace"?'

Reply

If Cllr Higgins can clarify which recommendation (noting that Policy and Scrutiny Committees do not have the power to make decisions) she is referring to I would be happy to answer her question.

9. Councillor M Fisher of the Cabinet Member for Education, Lifelong Learning & the 2012 Games

'Following on from my question at the Council meeting on 16 October, would the Cabinet Member please tell me how many responses were gathered by the survey on attitudes to the Olympic Legacy and what was learned from them?

Secondly, what is the budget for Sportivate, which seems like a positive initiative and has it already started?'

Reply

For the 'Taking the Olympic Pulse of Essex' survey, 1100 phone interviews were completed across a representative sample of residents across Essex. We also carried out a further 100 to boost specifically for those in Hadleigh, to allow further analysis of the data gathered from those in closer proximity to the Hadleigh Farm Olympic Mountain Bike Venue.

It was important for us to ask questions around attitudes to sport, the Olympics and what impact people felt this had on them. Some of the results showed significant increase in areas since last year, examples include:

1. Respondents were asked how interested they were in a number of

activities with answers given on a scale of 1 to 5, where one was *'not interested'* and 5 was *'very interested'*. The % below shows the proportion of respondents who said they were *'interested'* in each activity by giving a score of 4 or 5.

a. Being Active up from 65% in 2010 to 74% in 2012

b. Taking part in sporting activities up from 39% in 2010 to 50% in 2012

c. Volunteering up from 35% in 2010 to 40% in 2012.

This is fantastic news for the Council as this shows that not only are people feeling more inspired and active since the summer of sport but areas such as volunteering are also on the increase after the highly successful Essex Ambassadors Scheme and something that we can now utilise as part of the Good For Essex initiative.

2. Levels of interest in these activities increased significantly between 2010 and 2012 and this was particularly true amongst those with a disability when talking about *'being active'*, where the proportion indicating that they were *'interested'* almost doubled (2012: 59% vs. 2010: 32%).

Once again this information is something we can use moving forward. The 'open weekends' where residents were able to try out all different kinds of sports, coupled with the wonderful Flames Festival we had with the Lions Club and appearances from our Paralympic Team Essex Ambassadors, Dan Bentley, Hannah Stodel and Emma Hollis have encouraged more of our disabled residents to be active. This is something we can now look to develop through further schemes.

Such data gathered from the survey enables us to understand how the works the Legacy and Comms team has done around the 2012 Games was received and how it affected people's attitudes. It will also inform our future work as it allows us to identify areas where fewer respondents felt touched by the Games, such as Tendring, and also identified areas where we can ride on and build on the current enthusiasm in other areas. Residents who feel that the Games will have a positive impact on them increased from 53% in 2010 to 69% in 2012.

Sportivate

Sportivate is a Sport England initiative, delivered through the network of County Sports Partnerships, to engage or re-engage more young people 14-25 years of age in more sport and physical activity. Sportivate is part of Sport England and the Government drive to create a legacy from London 2012 and sits within a programme called Places People Play.

Sportivate is based around the concept of making available short 'taster'

courses of different sports and activities, with the participants then being guided in to further opportunities to continue the activity within a community club or facility setting.

Sport England's target group for Sportivate is the so called 'semi-sporty'; those who do some activity already but do not have a major commitment to sport.

The budget for the Sportivate initiative in Essex between April 2011 and March 2015 is £957,400. The level of funding awarded to Essex reflects the County's status of being one the most populous counties in England and represents approximately 30% of the total funding available across the whole East region.

The funding is drawn down six-monthly from Sport England and administered through the Active Essex team based within the directorate of Strategic Services.

The Sportivate project is now 18 months into delivery and has shown significant success. For year one, an investment of £170,000 was made to support 175 projects across the County in a wide range of activities. A total of 3,199 participants were retained within these projects against Sport England's target of 1,792 (178% of target).
('Retained within the project' means participants who attended at least five of the six coaching sessions provided and are therefore judged to be significantly engaged by the activity. Sport England carries-out a survey of participants three months after their course to evaluate the success of retention in activity.)

Year two of Sportivate delivery in Essex has now reached the half-way stage. Against a target of 2,400 retained participants, 1,471 has been achieved in the first six months. Traditionally, the autumn and winter months see a greater uptake of projects and so there is a very high level of confidence that the annual target will again be significantly exceeded.

Active Essex is now looking at ways to take advantage of additional Sportivate funding above the original allocations being made available by Sport England for counties over-achieving on targets. The original time-line of 2011 to 2015 has been provisionally extended by a further two years until March 2017 and would take Sportivate through the next Olympic cycle; an interesting prospect in terms of evaluation.

The long-term commitment to the Sportivate initiative provides an excellent opportunity to make a significant impact to the activity levels of young people in Essex and achieve greater engagement with sport.

23. Questions to the Essex Police Authority Representative

The report of the Authority's meeting held on 22 November 2012 was received. There were no questions.

24. Questions to the Essex Fire Authority Representative

There were no questions of the representative of the Essex Fire Authority.

The meeting closed at 15:29

Chairman

12 February 2013

Essex Health and Wellbeing Board Draft Terms of Reference

Report by Councillor Peter Martin, Leader of the Council

Enquiries to Clare Hardy, Senior Manager – Health and Wellbeing Team, Strategic Services

Purpose of report

To seek Council's approval to the Terms of Reference and Procedure Rules for the Essex Health and Wellbeing Board.

Background

The changes brought about by the Health and Social Care Act 2011 which come into force on 1 April 2013 include the establishment of a new council committee, the Health and Wellbeing Board. The establishment of a Health and Wellbeing Board will be a statutory requirement from 1 April 2013.

The Department of Health has indicated that the Secretary of State will lay regulations before Parliament with the effect of disapplying and amending aspects of current local government legislation. These provisions will extend the new Codes of Member Conduct, adopted by authorities as a result of the Localism Act 2011, to all members of Health and Wellbeing Boards and bring Boards and their members within the current local government standards regime.

It is understood that it is the Government's intention to include provisions in these regulations extending voting rights to all members of the Committee. Without such disapplication of existing provisions those members who are not members of the Council would be unable to vote. Assuming the regulations so provide decisions would be taken by a majority of all members.

This secondary legislation is still awaited but it is necessary to make progress to have arrangements in place for 1 April. In the event that there is any tension between the eventual Regulations and the proposed terms of reference, the Regulations will prevail and any amendments needed to the terms of reference will be picked up at a later date.

The Essex Health and Wellbeing Board

The Essex Health and Wellbeing Board will be established as a committee of the County Council and will form a partnership which promotes democratic accountability in health and wellbeing locally. It will lead on the formation of the County's Health and Wellbeing Strategy and the vision for public health in Essex, support joint commissioning between partners and the joining up of resources and will encourage integrated health and social care service delivery to the people of Essex.

A Health and Wellbeing Board has a duty to encourage integrated working. It must:

- for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner; and

- in particular, provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 (arrangements between NHS bodies and local authorities) in connection with the provision of such services.

The Board's powers are constrained by its terms of reference and any additional powers that may be delegated by the Council to the Board, possibly following agreement with partner authorities. If despite advice, the Board took a decision that went beyond its powers, such a decision would be of no effect.

The Essex Board has been meeting in shadow form since October 2011 with a remit to prepare for the establishment of the full Board in 2013.

During October and November 2012 a team of independent consultants worked with the Shadow Health and Wellbeing Board to increase understanding of partner engagement and to ensure that all partners were comfortable with the direction of travel concerning the remit and the activities of the Board when it went 'live' in April 2013. Terms of Reference were then developed in line with feedback from the Board and the County Council's statutory duties.

The draft Terms of Reference were circulated in December 2012 for input from:

- The Council's Health Overview & Scrutiny Committee
- The Council's Political Leadership Team and Corporate Leadership Team
- The Essex Shadow Health and Wellbeing Board.

The Cabinet has considered the draft Terms of Reference and Procedure Rules for the Essex Health and Wellbeing Board as set out in the Annex to this report and agreed to recommend them to Council for approval.

Recommended:

That the draft Essex Health and Wellbeing Board Terms of Reference and Procedure Rules as set out in the Annex to this report be approved.

Annex

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

Membership

Member	**How Nominated or Appointed**	**Statutory Member?**
3 x Essex County Council Members	As nominated by County Council Leader	Y*
Essex County Council Director for Adult Social Care (DASS)	By appointment to post	Y
Essex County Council Director for Children's Services (DCS)	By appointment to post	Y
Essex County Council Director for Public Health (DPH)	By appointment to post	Y
Healthwatch	Nominated by Healthwatch	Y
North East Essex CCG	Nominated by North East Essex CCG	Y
Mid Essex CCG	Nominated by Mid Essex CCG	Y
West Essex CCG	Nominated by West Essex CCG	Y
Basildon & Brentwood CCG	Nominated by Basildon & Brentwood CCG	Y
Castle Point & Rochford CCG	Nominated by Castle Point and Rochford CCG	Y
Chief Executive of Essex County Council	By appointment to post	
4 Borough/City/District Council Representatives	Nominated by Borough/City/District Council Leaders and Chief Executives Group	
Voluntary Sector representative	Nominated by EACVS	
NHS Commissioning Board Essex LAT Director	By appointment to post	

*statutory requirement for at least one County Council elected member

The Health and Wellbeing Board has the duty to encourage integrated working. It must:

- for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner;
- in particular, provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 (arrangements between NHS bodies and local authorities) in connection with the provision of such services;
- lead the creation, development and publication of the joint health and wellbeing strategy for the Essex health and wellbeing system and recommend to partners;
- approve the publication of the latest version of the Joint Strategic Needs Assessment (JSNA); and
- ensure the development of the JSNA for the County (incorporating the required Pharmaceutical Needs Assessment).

The Board's powers are constrained by its terms of reference and any additional powers that may be delegated by the Council to the Board possibly following agreement with partner authorities. If despite advice, the Board took a decision that went beyond its powers, such a decision would be of no effect.

This will achieved by:

- engaging partners and stakeholders in the system to oversee development and delivery, within collective available resources, of:
    - integrated commissioning and care
    - improving population health status
    - reducing health inequalities;
- ensuring that Integrated Plans have regard to the Joint Strategy and JSNA assessments and, where appropriate, Community Budget business cases;
- holding one another accountable as partners & in partnerships for progress on outcomes in the joint strategy;
- securing democratic legitimacy and involvement in planning and delivery of health and wellbeing services;
- receiving assurance through Healthwatch on effective public engagement in commissioning locally;
- approving and monitoring progress on community budget business cases for Health and Wellbeing, Families with Complex Needs, Strengthening Communities and any other relevant business cases that may emerge;
- reviewing current or emergent financial, organisational and service challenges or failures across health and wellbeing services in Essex;
- ensuring system assets are identified and engaged in developing whole system solutions for health and wellbeing;
- developing the framework and system rules to enable partnership working;
- promoting learning and innovation and best practice in partnership working in Essex;

- promoting learning and innovation in person-centred service delivery;
- working collaboratively with neighbouring Health and Wellbeing Boards; and
- encouraging the development of local Health and Wellbeing Board arrangements within Essex.

Essex Health & Wellbeing Board – Procedure Rules

Membership

Full membership of the Essex Health and Wellbeing Board in accordance with the legislative framework and reflecting local arrangements is:

Member	**How Nominated or Appointed**	**Statutory Member?**
3 x Essex County Council Member	As nominated by County Council Leader	Y*
Essex County Council Director for Adult Social Care (DASS)	By appointment to post	Y
Essex County Council Director for Children's Services (DCS)	By appointment to post	Y
Essex County Council Director for Public Health (DPH);	By appointment to post	Y
Healthwatch	Nominated by Healthwatch	Y
North East Essex CCG	Nominated by North East Essex CCG	Y
Mid Essex CCG	Nominated by Mid Essex CCG	Y
West Essex CCG	Nominated by West Essex CCG	Y
Basildon & Brentwood CCG	Nominated by Basildon & Brentwood CCG	Y
Castle Point & Rochford CCG	Nominated by Castle Point and Rochford CCG	Y
Chief Executive of Essex County Council	By appointment to post	
4 Borough/City/District Council Representatives	Nominated by Borough/City/District Council Leaders and Chief Executives Group	
Voluntary Sector representative	Nominated by EACVS	

NHS Commissioning Board Essex LAT Director	By appointment to post	

*requirement to have at least 1 ECC Elected member

This is the membership approved by Essex County Council in February 2013. Thereafter additional members may be appointed by the Board as it thinks appropriate.

The County Council must consult the Board before changing the membership set out above.

Subject to the approval of the proposed regulations decisions will be taken by a majority of those present and voting.

Named substitutes may also be appointed by the nominating bodies. Substitutions must be notified by the member to the Secretary to the meeting in writing not later than 30 minutes before the start of the meeting advising that the member is unable to attend and that the substitute member named in the notice will attend in the member's 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 full 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.

Chairman and Vice-Chairman

As a Committee of Essex County Council the Board will be chaired by the Leader of the County Council or another County Councillor nominated by the Leader.

The Vice-Chairman will be appointed at the Board's first meeting and then every year.

Meetings

There shall be a minimum of six ordinary meetings held in each municipal year. These meetings will be open to the public except where such attendance is excluded by virtue of Part I of Schedule 12A of the Local Government Act 1972. In addition, extraordinary meetings may be called from time to time, as required.
An extraordinary meeting may be called by the Chairman, by a group of five members of the Board or by the Council's Monitoring Officer.

In exceptional circumstances the Chairman may cancel or rearrange a meeting having consulted with the Vice-Chairman.

The Board will be supported by a Business Management Group comprising lead commissioners which will propose policies and strategies and implement its agreed actions. The Business Management Group may from time to time recommend the Chairman to convene additional meetings as and when business needs arise.

The aspiration is that partners can work together and make decisions through consensus of opinion. Where this is not possible recommendations will be put to the vote and each Member of the Health & Wellbeing Board is entitled to vote.

Quorum

The Quorum for the Health & Wellbeing Board will be one quarter of the 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

Code of Conduct

The effectiveness of the Essex Health and Wellbeing Board in delivering depends on the knowledge and engagement of Board Members. The credibility of the Essex Health and Wellbeing Board is directly affected by the manner in which Board members conduct themselves and Board business.

The Department of Health has indicated that the Secretary of State will lay regulations before Parliament with the effect of disapplying and amending aspects of current local government legislation. These provisions will extend the new Codes of Member Conduct, adopted by authorities as a result of the Localism Act 2011, to all members of Health and Wellbeing Boards and bring Boards and their members within the current local government standards regime.

Validity of proceedings

The validity of the proceedings of the Panel is not affected by a vacancy in the membership or a defect in the appointment of a member.

Work Programme

The Board will be responsible for setting its own work programme. In setting the work programme the Board will also take into account the wishes of its members. The work programme must include the functions set out in the Board's terms of reference.

Agenda items

Any member of the Board shall be entitled to give notice to the Secretary to the Board that he or she wishes an item relevant to the functions of the Board to be included on the agenda for the next available meeting.

Attendance by Others

The Board may invite people other than its members to address it, discuss issues of concern and / or answer questions.

Sub-Committees and Task Groups

The Board may from time to time establish sub-committees or time-limited task groups to undertake specific work. The work undertaken in this way will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

Where it is not possible to reach a consensus, attempts will be made to reflect minority views within the report but there is no provision for minority reports.

Sub-Committee and Task Group reports shall be reviewed by the Board which will decide whether to ratify the findings and / or recommendations.

Agenda item 9

Council Issues

1. The Essex Police Authority and the Essex Police and Crime Panel

Purpose of Report

To approve an amendment to the Constitution to enable Council to consider reports / minutes of the Essex Police and Crime Panel.

Background

The Police Reform and Social Responsibility Act 2011 has led to the abolition of Police Authorities and the last report of the Essex Police Authority was made to Council in November 2012. The Act provides instead for the election of a Police and Crime Commissioner responsible for holding the Chief Constable to account, setting priorities and ensuring the efficiency and effectiveness of the Force. The Act also requires local authorities in each Police Force area in England (excluding London) to establish a Police and Crime Panel to scrutinise the work of the Commissioner, exercising the function as a critical friend, in support of the Commissioner.

In order to enable Council to maintain a link with the work of the Commissioner through the activity of the Panel, it is

Recommended:

> That Paragraph 16.7(xiv) of the Constitution, relating to the order of business at ordinary meetings of the Council, be amended from "to consider reports / minutes of the Essex Police and Essex Fire Authorities" to read "to consider reports / minutes of the Essex Police and Crime Panel and the Essex Fire Authority".

For the purposes of the Agenda for today's meeting it has been assumed that Council will approve this recommendation.

2. Date of Council Meeting February 2014

In view of the need to rearrange this meeting of the Council at short notice it is proposed that the date of the Budget meeting for February 2014 agreed by Council in October 2012 be postponed until the following week. It is therefore

Recommended:

> That the date of the meeting of the Budget Council in February 2014 be postponed from Tuesday, 4 February to Tuesday, 11 February at 10 am.

3. Appointment of Senior Officer

Sally Burton has been appointed to the role of Interim Executive Director of Adult Social Care (DASS).

Agenda item 10

Cabinet Issues

From the meeting of 22 January 2013

1. Financial Overview as at the Third Quarter

The Cabinet received an updated assessment of the financial position of the Council in 2012/13, based upon the position at the third quarter stage.
Members noted that the situation was pleasing, with projected under spends of some £25m (revenue) and £26m (capital) or slightly greater at year end.

The following actions were agreed:

1) That the current revenue outturn forecast, which is a projected under spend for the year of **£25.059m** as detailed in Appendix A (ii) to report FP/987/12/12, be noted**.** Within this projection the Emergency Contingency of **£8m** is currently assumed fully spent, whilst no usage has as yet been proposed or agreed. If this remains the position at year-end, the underspend will therefore be **£33.059m**

2) That a projected under spend of **£28.306m** against the approved capital payments guideline, after proposed adjustments, also be noted.

3) That approval be given to appropriate:
    a. **£408,000** to the Waste Reserve from Health and Well Being Portfolio.
    b. **£55,000** to the Transformation Reserve from Deputy Leader Recharged Support Services (Human Resources) Portfolio.
    c. **£354,000** to the Transformation Reserve from Leader Portfolio.
    d. **£421,000** to the General Balance from Deputy Leader Recharged Support Services (Information Services).
    e. **£899,000** to the A130 PFI Reserve from Highways and Transportation Portfolio.
    f. **£1.360m** to the Future Capital Funding Reserve from Highways and Transportation Portfolio.
    g. **£200,000** to the Transformation Reserve from Highways and Transportation Portfolio.
    h. **£320,000** to the Transformation Reserve from Economic Growth and Waste and Recycling Portfolio.
    i. **£500,000** to the General Balance from Deputy Leader Recharged Support Services (Asset Management) Portfolio.
    j. **£602,000** from the Redundancy Reserve to Deputy Leader Recharged Support Services (Information Services).
    k. **£104,000** to the General Balance from Customer Services, Environment and Culture Portfolio.

l. **£90,000** to the General Balance from Deputy Leader Recharged Support Services (Information Services).
m. **£97,007** from the Insurance Reserve to the Future Capital Funding Reserve within the Other Operating Costs portfolio.

4) That approval be given to create a net nil budget within the Adult Social Care Portfolio in respect of Assessment and Care Management NE projects as shown on page 5 of report FP/987/12/12, to be funded by **£666,000** from North East Essex PCT.

5) That within the Capital Programme approval be given for slippage of **£19.188m**, budget additions of **£9.874m**, budget reductions of **£16.123m** and advanced works of **£1.198m**. These are in addition to the budget changes approved in the 2012/13 Half Year Cabinet Report.

6) That the net revenue under spend of £25m, after proposed actions, be transferred to the general balance, in order to fund the 2013/14 revenue budget. The budget has been drafted on the basis that £25m of this funding is made available on a one-off basis from this source.

2. Corporate Plan Progress Report – Quarter 3

The Cabinet has received an updated assessment of the progress made in delivering the Council's Corporate Plan Priorities in 2012/13. This set out for the third quarter stage (up to November 2012) progress against the measures of success and specified aspirations.

Members were pleased to note successes and also to be informed where work was in progress where necessary to address areas of challenge.

3. Award of Lease for Marsh Farm Visitor Attraction

Marsh Farm is one of nine sites within the County Council's country parks estate. A report on a proposed new operating model for Marsh Farm was considered by the Cabinet in September 2012 when it was agreed to advertise for bids for a commercial lease for it to be run as a family visitor attraction. Subsequently, the opportunity for the lease was advertised in local and national media and a rigorous evaluation process was undertaken to select the preferred tenant, Partyman Company Limited.

The Cabinet has agreed to award the commercial lease for Marsh Farm to the preferred tenant on terms and conditions to be agreed by the Director, Essex Property and Facilities, in consultation with the Deputy Leader and Cabinet Member for Finance and Transformation Programme.

4. Delivery of an Assessment and Award Function within a Localised Social Fund Scheme

From April 2013 the Welfare Reform Act 2012 removes two discretionary elements of the 'Social Fund', Community Care Grants (CCGs) and Crisis Loans (CLs) from the Department for Work and Pensions (DWP) who currently administer them nationally via Job Centre Plus. The DWP has allocated upper tier authorities a non-ring fenced grant to compensate local areas for the end of the national scheme.

The provision of a Social fund scheme incorporates two aspects of delivery; a requirement to assess applicants against defined eligibility criteria and, subsequently, a need to provide the applicant with the award that has been defined in the assessment process. In 2011-12 it is estimated that around 31,000 applications were made for DWP assistance from Essex residents. Approximately 20,340 of these were successful, resulting in £2.8m of expenditure. The average sum payable was around £300-£400 for Community Care Grants and £50-£60 for Crisis Loans

Engagement with other upper tier councils has highlighted a number of approaches for the assessment process. However a common decision is the creation of an in house team to deal with assessment and award within an existing call centre. Further to this, there is a requirement for the Unitary Councils of Southend and Thurrock to provide a localised scheme. Their agreed approach is to develop a partnership arrangement with Southend providing the assessment function on behalf of Thurrock.

Following a consultation and benchmarking exercise, a number of options for delivery of an assessment function in Essex were identified and reviewed for suitability against a number of factors, including a set of key design principles. The proposed solution is to develop an arrangement with Southend Council to provide the assessment and award function on behalf of ECC.

The Cabinet has agreed to adopt this proposal and to delegate authority to Southend on Sea Borough Council to exercise the assessment and award function on behalf of the County Council. It has delegated authority to the Executive Director for Environment, Sustainability and Highways to finalise the arrangements which will underpin the implementation of the scheme including an appropriate delegation agreement and other documentation. It has also agreed that the delegation of functions should be reviewed periodically to ensure that it is delivering high quality services and meeting the Council's requirements.

Peter Martin
Leader of the Council