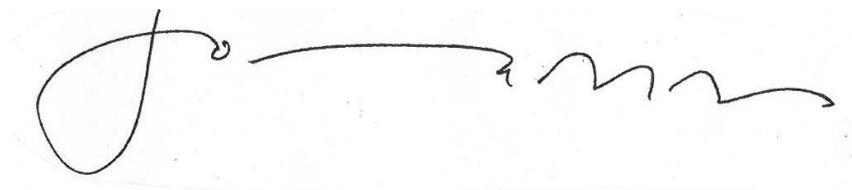


# Summons

To all Members of  
Essex County Council

You are hereby summoned to attend the meeting of the County Council to be held as shown below to deal with the business set out in the Agenda.

<b>10:00</b>	<b>Tuesday, 12 May 2015</b>	<b>Council Chamber, County Hall, Chelmsford, Essex</b>
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**Joanna Killian**  
Chief Executive

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**Officer Support to the Council:** Andy Gribben, Council and Member Support Officer

**Telephone:** 03330134565

**Email:** [GovernanceTeam@essex.gov.uk](mailto:GovernanceTeam@essex.gov.uk)

This meeting is open to the public and the press.

The agenda is available on the Essex County Council website, [www.essex.gov.uk](http://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.



**Prayers** The meeting will be preceded by Prayers led by The Reverend David Tudor, Rector of Canvey Island and Rural Dean of Hadleigh.

**Public Questions** A period of up to 30 minutes will be allowed for members of the public to ask questions on any business of the Council (Standing Order 16.12.10). No question shall be longer than three minutes and speakers must have registered with the clerk no later than 7 calendar days before the date of the meeting. On arrival, and before the start of the meeting, registered speakers must identify themselves to staff in order to be seated.

	<b>Pages</b>
<b>1 Election of Chairman</b>	
<b>2 Appointment of Vice-Chairman</b>	
<b>3 Apologies for Absence</b>	
<b>4 Return of Members Elected and Political Proportionality</b>	<b>7 - 8</b>
<b>5 Declarations of Interest</b> To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
<b>6 Confirmation of the Minutes of the meeting held on 10 February 2015</b>	<b>9 - 26</b>
<b>7 Chairman's Announcements and Communications</b>	
<b>8 Interim arrangements pending the recruitment of a new Chief Executive</b>	<b>27 - 28</b>
<b>9 Receipt of petitions and deputations</b>	
<b>10 Executive Statement</b>	

<b>11</b>	<b>Motions</b>	<b>29 - 30</b>
<b>12</b>	<b>Changes to appointments of Cabinet Members and Deputies - if necessary</b>	
<b>13</b>	<b>Membership of Committees</b>	<b>31 - 34</b>
<b>14</b>	<b>Election of Chairmen of Committees</b>	<b>35 - 36</b>
<b>15</b>	<b>Appointments to the Health and Wellbeing Board</b>	<b>37 - 38</b>
<b>16</b>	<b>Appointment to the Essex Police and Crime Panel</b>	<b>39 - 40</b>
<b>17</b>	<b>Appointment to the Essex Pension Fund Advisory Board</b>	<b>41 - 42</b>
<b>18</b>	<b>Appointments to the Essex Fire Authority</b>	<b>43 - 44</b>
<b>19</b>	<b>Constitution Changes</b>	<b>45 - 70</b>
<b>20</b>	<b>Independent Remuneration Panel</b>	<b>71 - 76</b>
<b>21</b>	<b>Cabinet Issues</b>	<b>77 - 82</b>
<b>22</b>	<b>Dates of Future Meetings</b>	<b>83 - 84</b>

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**Questions (Standing Order 16.12)**

a) Written questions

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

c) Oral questions of the representative of the Essex Police and Crime Panel on any matter of that Panel

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

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**Essex Fire Authority Report to Constituent Authorities**

**85 - 90**



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

## Bocking By-Election Return of Members Elected

### Political Proportionality

Stephen Canning has been returned as the Member for the Bocking Division at the By-Election held on 9 October 2014 triggered by the death of Gordon Helm. Councillor Finch, the Leader of the Conservative Group, has given notice that Councillor Canning will be a member of the Conservative Group on the Council. This triggers a review of the political balance of the Council's committees and other bodies.

### Review of Political Proportionality

The political composition of the Council is now as follows:

Group	Number of members
Conservative	44
Labour	9
Liberal Democrat	9
UKIP	6
Non-aligned group	4
Green	2
Independent	1

The review of political proportionality has been undertaken in accordance with the statutory political balance rules as the law requires the Council to allocate committee seats to registered political groups in accordance with those rules. The rules are as follows:

1. The majority party must have a majority of seats on every committee. Where there are co-opted voting members this is a majority of all seats, not just those held by councillors.
2. The total number of ordinary committee seats must be proportionate. So where the Conservative Group has 58% of Council seats it should have 58% of the

ordinary committee seats. Overview and Scrutiny Committees and Joint Committees do not count as “ordinary committees”.

3. Each individual committee must be as proportionate as possible. A group with 58% of Council seats should have 58% of the seats on each committee.

These rules can sometimes conflict, depending on the number and size of the political groups. If this happens the first rule is the most important, then the second and then the third.

The political balance rules do not always completely determine the balance of each committee. Sometimes the Council unavoidably has some discretion as to how to apply those rules. For example, if there are committees of the same size which have to be balanced differently under the rules, there is discretion as to which committee those should be applied to. Any discretion is exercised by full Council.

In summary, the Conservative Group has increased by one and the UKIP Group has reduced by one. In addition, the Council will now appoint seven members to the Investment Steering Committee, meaning that there are 31 seats on ordinary committees. Members should note:

- a. The Conservative Group is entitled to an extra seat. This will be on the Investment Steering Committee (this is a new seat).
- b. The UKIP Group is entitled to one fewer seat on ordinary committees. It must lose a seat either on the Audit Committee or on the Investment Steering Committee. The Council decides which seat is vacated. The proposal is that the seat on the Audit Committee be vacated.
- c. The seat vacated by UKIP will be taken by the non-aligned group which has one ordinary committee seat but is entitled to 1.6 seats.
- d. There are no changes to the membership of Overview and Scrutiny Committees or to the Standards Committee or the Essex Fire Authority.

It should be noted that, historically, the Labour Group had 2 seats on HOSC and 1 on Place Scrutiny and the Liberal Democrat Group had 2 seats on Place Scrutiny and 1 on HOSC meaning that, overall, they both had the same number of seats across committees. However, for the last seven months, following the Brightlingsea By-election, the Labour Group has had an additional seat on the Place Scrutiny Committee, meaning that overall it has one more seat on Council committees than the Liberal Democrat Group. Full Council may allocate this seat to either Group or to an independent councillor.

**Recommended:**

That the revised political balance of the Council be noted.

# Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 10 February 2015

## Present

Chairman: Councillor N Hume

Vice-Chairman: Councillor J F Aldridge

### Councillors:

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

## Prayers

The meeting was preceded by prayers led by The Reverend Canon Carol Smith, Vicar of Moulsham St John's & Moulsham St Luke's, Chelmsford; Chaplain to Chairman of the Council & Workplace Chaplain, Essex County Hall.

### 1. Apologies for Absence

Apologies for absence were received on behalf of Councillors W Archibald, P Channer, J Deakin, M McGeorge and J W Pike.

### 2. Declarations of Interest

The Chairman reminded Members of the advice they had been given by the Monitoring Officer concerning arrears of Council Tax outstanding for two months or more. He also drew attention to the note prepared by the Monitoring Officer and circulated in the Chamber concerning declarations of interest appropriate to the budget debate.

Councillor Young declared a personal interest in relation to agenda item 6 as a trustee of Greenstead Community Association.

Councillor Walters declared a personal interest in relation to agenda item 6 as a non-executive director of Essex Cares Ltd.

Councillor Louis declared a personal interest in relation to agenda item 6 as a director of a company operating in the same market as Essex Cares Ltd.

### 3. Minutes of the meeting held on 9 December 2014

#### Resolved:

That the minutes of the meeting held on 9 December 2014 be approved as a correct record and signed by the Chairman.

### 4. Chairman's Announcements

#### Recent Deaths

The Chairman informed Council of the death of Councillor Gordon Helm.

Councillor Helm had been elected to the Council in May 2013 to represent the Division of Bocking and served on the Corporate Scrutiny Committee, Essex Fire Authority, the Essex County Council and Essex Fire Authority Joint Standards Committee as well as the Corporate Parenting Panel and the Braintree Locality Board.

The Chairman informed Council that he had attended the funeral on 13 January.

At the invitation of the Chairman, Councillor Huntman, Leader of the UKIP Group, spoke in tribute to the late Councillor Helm.

The Chairman also informed Council that former County Councillor Baroness Beryl Platt had recently died.

She had been elected to Chelmsford Rural District Council in 1959 and to the County Council in 1965 to represent the Division of Broomfield and Writtle until 1985. She was the Chairman of the Education Committee from 1973 to 1980 and was created a life peer in 1981 whilst serving as Vice-Chairman of the Council.

As well as being a member of many council committees she was the first woman to serve as President of the Essex Association of Local Councils and was also appointed in 1983 as Chairman of the Equal Opportunities Commission.

The Chairman informed Council that he would attend her funeral on 11 February and that there would be a Memorial Service on 7 March.

Members stood in remembrance.

### **Member Development Charter Plus Award**

The Chairman reminded members that the Council had been awarded the prestigious Member Development Charter Plus for constant commitment and improvement to Councillors' learning and development needs.

The Chairman invited Councillor Tony Jackson, Chairman of the East of England LGA, to present the award and speak of the achievement.

The Chairman invited Councillor Aldridge, Vice-Chairman of the Council, to respond and he congratulated Joanna Boaler, Head of Democratic Services as well as all members of the Member Development Steering Group.

### **Best Enterprise Mobility Project Award**

The Chairman informed members that the Council had won the Best Enterprise Mobility Project Award for outstanding work on the IS modernisation programme, End-User Computing refresh programme and Next Generation Network (NGN) implementation.

The Chairman invited Councillor Louis, the Cabinet Member for Transformation and Corporate and Traded Services, to speak and present the Award to the Chairman.

### **Certificate of Recognition**

The Chairman informed members that the Council was in receipt of a Certificate of Recognition, signed by the Chief Coastguard, in appreciation of co-operative working between Her Majesty's Coastguard and Essex Highways Service.

The Chairman invited Councillor Howard to present the Certificate on behalf of Her Majesty's Coastguard and in response Councillor Bass, the Cabinet Member for Highways and Transportation, paid tribute to the staff of the Essex Highways Service.

### **SABRE Award**

The Chairman informed Council that he had been pleased to accept a Silver Award from SABRE (Supporting Britain's Reservists and Employers) in recognition of the support the Council provides to the armed forces. He passed the award to Councillor Louis, the Cabinet Member for Transformation and Corporate & Traded Services.

The Chairman also informed Council that whilst at the ceremony he had noted that Councillor Aspinell had received an award on behalf of Brentwood Borough Council.

### **Association of Directors of Children's Services**

The Chairman informed Council that Mr Dave Hill has been elected as Vice-President of The Association of Directors of Children's Services (ADCS). He will take up the post with effect from April 2015 and become President of the Association in April 2016.

### **ID/Smart Cards**

The Chairman informed Council that the new access control system was being installed across County Hall and he urged members to ensure that they carried both the current 'swipe' card and the newer 'proximity' card until further notice.

## **5. Presentation of Petitions**

The Chairman received petitions:

- to request that the street lights be turned on in Harlow, from Councillor Danvers and
- regarding congestion at North Station Junction and Turner Rise Retail Park, Colchester, from Councillor Turrell.

The Chairman passed both petitions to Councillor Bass, the Cabinet Member for Highways and Transportation.

## 6. The Budget Report 2015/2016

The Council received the report on the Budget 2015/16, the addendum to the report setting out replacement recommendations 2.1 and 2.2 and the substitution for Appendix A to the Pay Policy Statement.

The recommendations as set out in the report as amended by the 'Addendum Budget Book recommendations' and the substituted Appendix A to the Pay Policy Statement were moved by Councillor Finch, the Leader of the Council, and seconded by Councillor Spence, the Cabinet Member for Finance.

It was moved by Councillor Mackrory and seconded by Councillor Whitehouse that the motion be amended as follows:

'Supporting Essex's young people

- £1.9m being drawn down from the Transformation Reserve to return Youth Service funding to the 2013/2014 level for 2015/16 only.
- £750,000 being diverted from the emergency contingency in 2015/16 to Families and Children to fund Post 16 school transport to enable young people from low income families to continue in education, and to be added to the MTRS on an on-going basis.

Investing in our infrastructure and keeping Essex safe

- £2.0m being diverted from the emergency contingency in 2015/16 to Highways and Transportation to fund additional footway and highways repairs, prioritising urban local roads and to be added to the MTRS on an on-going basis.
- £330,000 diverted from the emergency contingency in 2015/16 to fund six additional Highways Engineers to progress the work of Local Highways Panels and to be added to the MTRS on an on-going basis.
- £360,000 diverted from the emergency contingency in 2015/16 to Highways and Transportation to reinstate all night street lighting in those areas that wish it, for example, Colchester, Brentwood and Harlow, who have passed resolutions to that effect and to be added to the MTRS on an on-going basis.
- £60,000 being drawn down from the Consultation Reserve to fund a consultation of Essex residents, for 2015/16 only, in other council areas which have not yet determined if they wish the street lights to be left on at night.

Supporting learning in Essex

- £75,000 being drawn down from the Transformation Reserve in 2015/16 only, to address shortcomings raised in the "requires improvement" Adult Community Learning Ofsted report and develop new curriculum areas to support future income generation.

### Capital

- Bring the 'starts approval' for the LED Street Lighting scheme (£2.5m) forward from 2016/17 and into 2015/16, and to finance the increase in the capital payments guideline for 2015/16 by a withdrawal from the Reserve for Future Capital Funding (on the basis that this Reserve will be replenished by reducing the planned withdrawal in 2016/17 by £2.5m).'

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

1. Additional £156,000 to pay Essex County Council employees a living wage subject to increasing the relevant portfolios affected on an on-going basis in the MTRS.

To be funded by reducing the Special Responsibility Allowances budget by £34,072 and Communications budget by £121,928, thus reducing the overall Leader portfolio budget by £156,000 on an on-going basis in the MTRS.

2. Additional £170,000 to pay Essex Cares employees a living wage subject to increasing the Adult Social Care budget on an on-going basis in the MTRS.

To be funded by reducing the Communications budget by £170,000 thus reducing the Leader portfolio budget by £170,000 on an on-going basis in the MTRS.

3. Additional £650,000 for footpaths maintenance subject to increasing the Highways and Transportation portfolio by £650,000 for 2015/16 only.

To be funded by reducing the budget for Collection Reserve by £650,000.

4. Additional £321,000 for local roads maintenance subject to increasing the Highways and Transportation portfolio by £321,000 on an on-going basis in the MTRS.

To be funded by reducing the Collection Reserve by £321,000 one off funding. Further items will need to be identified in the MTRS to maintain this level of investment.

5. Additional £1,400,000 to reverse the part-night lighting policy by keeping the street lights on at night subject to increasing the Highways and Transportation portfolio by £1,400,000 on an on-going basis in the MTRS.

To be funded by reducing Collection Reserve by £1,000,000 and by reducing the budget for Innovation Fund by £400,000 both of which are one off funds. Further items will need to be identified in the MTRS to maintain this level of investment.

6. Additional £500,000 for delayed discharge subject to increasing the Adult Social Care portfolio by £500,000 on an on-going basis in the MTRS.

To be funded by reducing the Consultation Reserve by £500,000 as a one off item in 2015/16. Further items will need to be identified in the MTRS to maintain this level of investment.

7. Additional £250,000 to tackle fuel poverty subject to increasing the Communities and Healthy Living portfolio by £250,000 on an on-going basis in the MTRS.

To be funded by reducing the Consultation Reserve by £250,000 as a one off item in 2015/16. Further items will need to be identified in the MTRS to maintain this level of investment.

8. Additional £66,000 to reverse the recent increase in cost to meals on wheels users by increasing the Adult Social Care portfolio by £66,000 on an on-going basis in the MTRS.

To be funded by reducing the budget for Members Catering by £35,900 and by reducing the budget for Communications by £30,100, thus reducing the overall Leader portfolio budget by £66,000 on an on-going basis in the MTRS.

9. Additional £500,000 for face-to-face careers and skills support subject to increasing the Economic Growth, Infrastructure, Waste and Recycling budget by £500,000 on an on-going basis in the MTRS.

To be funded by reducing the budget for Essex Initiatives by £500,000, thus reducing the Leader portfolio budget by £500,000 on an on-going basis in the MTRS.

10. Additional £538,000 to increase apprenticeship incentives offered to employers subject to increasing the Economic Growth, Infrastructure, Waste and Recycling budget by £538,000 for 2015/16 only.

To be funded by reducing the Innovation Fund by £100,000 and the Consultation Reserve by £438,000.

Upon being put to the meeting the amendment moved by Councillor Mackrory and seconded by Councillor Whitehouse was declared to be lost.

Upon being put to the meeting the amendment moved by Councillor Young and seconded by Councillor Henderson was declared to be lost.

In accordance with Standing Order 16.18 (Voting on budget decisions) the Motion was put to a division by name and carried by 52 votes for, 16 against and 1 abstention.

Those voting for the Motion were Councillors:

J F Aldridge	R J Gooding	R A Madden
S Barker	I Grundy	M Maddocks
R L Bass	C Guglielmi	M McEwen
A Bayley	A M Hedley	V Metcalfe
K Bentley	R Hirst	A Naylor
D Blackwell	P Honeywood	Lady Newton
R G Boyce	R C Howard	P Oxley
A Brown	N Hume	M J Page
M Buckley	J Huntman	C Pond
G Butland	A J Jackson	J M Reeves
J Chandler	E C Johnson	C Seagers
T Cutmore	J G Jowers	K Smith
M Ellis	J Knapman	J Spence
A Erskine	N Le Gresley	K Twitchen
D Finch	S Lissimore	S Walsh
R Gadsby	J Lodge	R G Walters
K Gibbs	D Louis	A Wood
A Goggin		

Those voting against the Motion were Councillors:

B Aspinell	D Harris	M Mackrory
K Bobbin	I Henderson	S Robinson
K Clempner	T M A Higgins	A Turrell
M Danvers	M Hoy	J Whitehouse
T Durcan	D J Kendall	J A Young
M D Fisher		

Councillor J Abbott abstained.

**Resolved:**

- a) That the net revenue budget requirement be set at £870.3m for 2015/16.
- b) That the net cost of services be set at £926.6m for 2015/16 and in consequence the Budget Book appended to the report be adopted as amended in paragraphs 3.4 - 3.7 of the 'Addendum Budget Book recommendations'.
- c) That the total council tax requirement be set at £539.1m for 2015/16.
- d) That the council tax freeze grant be accepted and therefore council tax rates will not change and the Essex County Council element of the council tax charge for a Band D property in 2015/16 will remain at £1,086.75. A full list of bands is as follows:

<b>Council Tax Band</b>	<b>2014/15</b>	<b>2015/16</b>
	£	£
<b>Band A</b>	724.50	724.50
<b>Band B</b>	845.25	845.25
<b>Band C</b>	966.00	966.00
<b>Band D</b>	<b>1,086.75</b>	<b>1,086.75</b>
<b>Band E</b>	1,328.25	1,328.25
<b>Band F</b>	1,569.75	1,569.75
<b>Band G</b>	1,811.25	1,811.25
<b>Band H</b>	2,173.50	2,173.50

- e) That Council approve the council tax for each category of dwelling and the precepts on each of the council tax billing authorities for 2015/16, together with the final tax base, as set out in the table below:

	<b>2015/16</b>	<b>2015/16</b>
	<b>Final Tax Base</b>	<b>Gross</b>
	<b>Band D Equivalent</b>	<b>Precept</b>
		<b>£000's</b>
Basildon	57,381	62,359
Braintree	49,742	54,057
Brentwood	31,156	33,858
Castle Point	29,314	31,857
Chelmsford	62,382	67,793
Colchester	59,547	64,713
Epping Forest	51,196	55,637
Harlow	24,286	26,392
Maldon	23,042	25,041
Rochford	30,226	32,848
Tendring	44,290	48,132
Uttlesford	33,540	36,449
<b>Total For ECC</b>	<b>496,101</b>	<b>539,138</b>

- f) That Council agree to the proposed total schools budget of £563.1m for 2015/16 as set out in Appendix C of the Budget Book which will be funded by the Dedicated Schools Grant.
- g) That the General Balance be set at £57.9m as at 1 April 2015 prior to the proposed drawdown of £3.5m and the Executive Director for Corporate and Customer Services' (Section 151 Officer) statement on the robustness of the estimates and reserves be noted.

- h) That the capital payments guideline be set at £272.0m for 2015/16 and the Executive Director for Corporate and Customer Services, in consultation with the Cabinet Member for Finance, be authorised to make adjustments to the phasing of payments between years (should that be necessary) as the capital programme is finalised, and to report any impact on the Prudential Indicators at the subsequent quarterly review to Cabinet in July 2015.
- i) That Council approve the 2015/16 - 2017/18 Prudential Indicators and limits, together with updated limits for 2015/16 (as shown in Appendices F and G of the Budget Book).
- j) That Council approve the Treasury Management Strategy for 2015/16 (as shown in Appendix H of the Budget Book).
- k) That Council approve the policy for making a prudent level of revenue provision for the repayment of debt (the Minimum Revenue Provision policy as shown in Appendix F of the Budget Book).
- l) That Council approve the Pay Policy Statement for 2015/16 as shown in Appendix J to the Budget Book and as amended by the substituted Appendix A.

## **7. Financial Regulations and Scheme of Delegation for Financial Management**

Councillor Spence, The Cabinet Member for Finance, presented a report concerning Financial Regulations and the Scheme of Delegation for Financial Management.

Upon being put to the meeting the recommendation was agreed and it was

### **Resolved:**

That the revised Financial Regulations and Scheme of Delegation for Financial Management, as set out in Annex A to the report be approved.

## **8. Adjournment**

With the agreement of Council the Chairman adjourned the meeting for luncheon at 13:00.

The meeting reconvened at 14:00.

**9. To consider a report to create a Local Pension Advisory Board for Essex**

Councillor Bass, the Chairman of the Essex Pension Fund Board, presented a report proposing the establishment of a Local Pension Advisory Board.

Upon being put to the meeting the recommendations were agreed and it was

**Resolved:**

1. That the Constitution be amended with effect from the date of the annual meeting of the Council in May 2015 as follows:

- a. to replace the existing 'Essex Pension Fund Board' with 'Essex Pension Fund Strategy Board' wherever it appears;
- b. to change the size of the Essex Pension Fund Strategy Board to 11 members and the size of the Investment Steering Committee to 7 members;
- c. to insert the following text at the end of paragraph 8.1 of the Constitution:  
"The Essex Pension Fund Advisory Board is included as a statutory body created by the full Council."
- d. to include appendix 2 as paragraph 8.1.8 of the Constitution
- e. to amend paragraph 8.1.6 of the Constitution (which defines the membership of the Essex Pension Fund Board) to say:

*Membership: 11 members consisting of seven Members of the Council, one member representing Borough, City and District Councils in Essex, one member representing Southend-on-Sea and Thurrock Unitary Councils, one member representing other Employing Bodies nominated by the Employer Forum and one member representing Scheme Members nominated by Unison.*

2. That the Essex Pension Fund Advisory Board (PAB) be created as the Council's Local Pension Advisory Board with the membership, terms of reference and procedural rules as set out at Appendix 2. Furthermore the PAB's interim Chairman will be the Head of the Norfolk Pension Fund in line with the reciprocal arrangement that requires the Director for Essex Pension Fund to be the Chairman of the Norfolk Local Pension Advisory Board.
3. That the existing Essex Pension Fund Board be authorised
  - a. to approve the manner of appointment of Employer and Member representatives members of the PAB
  - b. to agree the appointment of members of the PAB in accordance with the arrangements set out in Appendix 2 or as approved by the Board.
4. That the Monitoring Officer be authorised to make the necessary changes to the Constitution in consequence of these changes.

**10. To consider a report of matters reserved to the Council**

The report of Council Issues was received.

**11. Written questions to the Leader of the Council and Cabinet Members**

The published answers to the 15 written questions submitted in accordance with Standing Order 16.12.1 were noted.

The following supplementary questions were asked as a result of having received a written reply and responses given:

- (2) Councillor Kendall thanked Councillor Bass, the Cabinet Member for Highways and Transportation, for his reply regarding the financing of the Public Realm Works at Brentwood and Shenfield stations and asked when might the County Council commit to funding a proportion of the expenditure?

The Cabinet Member replied that it was very important that the Public Realm issues at Brentwood and Shenfield stations were addressed and the County Council was interested in working with all willing partners to put together a funding package. The timetable was dependent upon discussions with partners including, of course, the Borough Council. He noted that it was possible for smaller improvements to be funded through the Local Highways Panel, of which Councillor Kendall was Chairman.

- (3) Councillor Smith thanked Councillor Finch, the Leader of the Council, for his reply but suggested that in Basildon there was a lack of appropriate secondary schools and the proposed new developments included plans for only primary schools. He asked what provisions would be made for secondary education and also requested that the second part of his question regarding the planning application for the Dunton Garden Suburb traveller site be answered.

The Leader replied that the planning application for the Dunton Garden Suburb traveller site was a matter for the Borough Council to determine in consultation with the County Council on highways issues only. With regard to the need to provide secondary school places, should planning permission be granted, the approval or conditions laid upon the developers is a planning matter for the Borough Council to determine but any need for additional secondary provision would be determined in accordance with existing criteria applied across the County.

- (6) Councillor Mackrory thanked Councillor Bentley, the Cabinet Member for Economic Growth, Infrastructure, Waste and Recycling, for his reply and obtained from him an assurance that in future when such decisions are made the local member is informed directly rather than through the local media.

- (8) Councillor Higgins requested that Councillor Bass, the Cabinet Member for Highways and Transportation, visit the Deaf Essex Access Forum Planning Group so that the members might explain their particular concerns about part-night lighting.

The Cabinet Member replied that he was always prepared to listen to any group that had particular issues with part-night lighting. He noted that he had addressed such matters on each of the 12 occasions when his decision had been called in but he would consider any new information brought to his attention.

- (9) Councillor Young asked Councillor Madden, the Cabinet Member for Adults and Children, if he would consider re-establishing the collaborative care team that worked across both Health and Social Care.

The Cabinet Member replied that the Council was working very closely with various groups to seek an integrated approach.

- 10) Councillor Danvers asked Councillor Finch, the Leader of the Council, further to comments he had made when presenting the budget about Essex 'leading by example' what particular aspect of his written answer could be considered to be 'leading by example' when he refused to spend £160,000 to pay a living wage to the Council's directly employed staff?

The Leader replied that through five years of council tax freeze the Council had benefitted tax payers in Essex by the sum of £335 each which was a significant contribution to their disposable income. He added that he had no aspirations to move towards the payment of the living wage because of the impact that would have on the supply chain. He reiterated that the cost of such action would be £40.3 million. He added that he was happy to meet and discuss the matter with Councillor Danvers to demonstrate that the figure he quoted was correct.

- 11) Councillor Bobbin asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, if, having failed in the bid to the Youth Engagement Fund, he would consider seeking funding from reserves for the Youth Service?

The Cabinet Member regretted that, as stated in the written answer, the Council had been unsuccessful in its bid to the Youth Engagement Fund but taking money from reserves was not the right course of action.

- (14) Councillor Whitehouse thanked Councillor Johnson, the Cabinet Member for Highways Maintenance and Small Scheme Delivery, for the answer to his question and asked him why only two of the Highways Panel Chairmen had been consulted and would County Councillors have the opportunity to have their views taken into account?

The Cabinet Member replied that at the previous meeting of Council he had stated that there would be a report to Cabinet in March and that remains the position.

- 15) Councillor Whitehouse asked Councillor Johnson, the Cabinet Member for Highways and Small Scheme Delivery, to note that some of the TROs to which he had referred in his written answer have been in the system for years and he enquired what might be done to speed up the process. The Cabinet Member replied that he would investigate and get back to Councillor Whitehouse.

## **12. Oral questions of the Leader of the Council, Cabinet Members and Committee Chairmen**

1. Councillor Pond reminded Councillor Bass, the Cabinet Member for Highways and Transportation, that, following the receipt of the petition last year from the shopkeepers on Loughton High Road, he had undertaken to ensure that the pavements would be repaired and the street lights replaced by the end of this financial year. Could he confirm that it was still his intention that these two projects would be complete by the end of this financial year?

The Cabinet Member replied that he could not be certain that he had promised that the work would be complete by the end of this financial year but he recalled that he did say that every effort would be made. He acknowledged that the work was part of some unfinished business and also acknowledged that Councillor Pond had been very persistent in his questioning.

2. Councillor Abbott asked Councillor Bass, the Cabinet Member for Highways and Transportation, about the ongoing flooding problem in Avenue Road in Witham. He had been informed that neither Anglian Water nor the County Council would accept responsibility and asked the Cabinet Member if he agreed that such 'silo-thinking' was inappropriate and what could he do to resolve the situation.

The Cabinet Member replied that he believed he had always been very assertive in urging all parties to work collaboratively and forcible in his views against silo-thinking. Indeed, as the lead local flood authority the Council had a duty to coordinate and avoid silo-thinking. He added that if, as Councillor Abbott had suggested, this particular problem had been going on for decades then it was unlikely that it could be solved instantly.

3. Councillor Abbott asked Councillor Bass, the Cabinet Member for Highways and Transportation, if he was aware, in the context of the proposals for the improvements on the A12 that, due to the failings of the Department of Transport in the 1960s, crossings either truncate or rely upon surface crossings and footpaths in 88 locations. The A12 public enquiry in 2008 concluded that these problems should be resolved. He asked if the Cabinet Member could inform Council of any progress that had been made.

The Cabinet Member stated that he was aware there were long-standing rights of way across the A12 for pedestrians but he suggested that Councillor Abbott should address his remarks to the Department of Transport who had responsibility for the A12 in terms of safety and the Council would work collaboratively with diversion-orders or closure-orders in the interests of public safety.

4. Councillor Reeves asked Councillor Bass, the Cabinet Member for Highways and Transportation, if he was aware that in January there had been work undertaken by National Grid Gas on the Rayleigh Road the A129, the main road to Rayleigh Weir and the junction of the A127 that had given rise to a considerable number of complaints. Councillor Reeves stated that she had been advised that National Grid Gas and their contractors had ignored instructions that would have mitigated the problems. She asked the Cabinet Member what action could the Council take when a contractor ignored instructions and could there be some financial penalty imposed?

The Cabinet Member replied that in the new financial year the Council would have far greater control as the issuer of licences to the utility companies. This would ensure that companies would need to approach the County for permission to undertake such works and he was certain that in consequence this unacceptable behaviour would become less frequent. He assured Councillor Reeves that the County would use its licencing power and the ability to impose fines to penalise those companies where appropriate.

5. Councillor Mackrory asked Councillor Finch, the Leader of the Council, for an update on the progress on recovering the mis-claimed expenses paid to the former Leader of the Council, Lord Hanningfield.

The Leader stated that all options for recovery had been examined. A report had been presented to Council in 2014 at which time it had been explained that there was not a route by which the money could be recovered.

6. Councillor Aspinell asked Councillor Hume, the Chairman of the Council, to note that 2015 was the 200<sup>th</sup> anniversary of the Battle of Waterloo and the 800<sup>th</sup> anniversary of the signing of Magna Carta. He asked if there was any way that in Essex the anniversary of the Battle of Waterloo could be marked.

The Chairman replied that there were plans to mark the anniversary of the signing of Magna Carta and he certainly recognised the importance of the other event.

7. Councillor Hoy questioned Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, concerning the Youth Centre in his Division which did not operate in the holiday period and other organisations were prevented from using it as they did not meet the age requirements. He asked if the Cabinet Member agreed that the policy of not letting this and other similar buildings in Essex to other groups needed changing.

The Cabinet Member replied that there were on-going discussions around the particular youth centre. He was aware that the Youth Service believed it would be inappropriate to widen the age range because of the physical constraints within the building but he would reconsider the matter.

8. Councillor Hoy asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, why, when the County was responding to planning applications for development they sought Primary School Provision but not Secondary School.

The Cabinet Member replied that with new housing development the initial requirement was for primary provision.

9. Councillor Young asked Councillor Finch, the Leader of the Council, about progress on devolution discussions for Essex and why opposition members had not been involved. She also asked if there was any connection between this matter and the Council withdrawing from the Thames Gateway Partnership.

The Leader replied that he had written to the Prime Minister and Eric Pickles MP on the subject and has also raised the matter through the LGA and he believed the matter had been discussed by Essex Chief Executives in their monthly meetings.

Plans were at a very early stage and he would consider 'broadening out' the matter.

10. Councillor Young asked Councillor Finch, the Leader of the Council, if the failed bid for £3m from the Youth Engagement Fund would lead to more staff cuts in the Youth Service.

The Leader replied that he was unaware of any need to reduce staffing but he would consider the implications and reply to Councillor Young at a later date.

11. Councillor Howard asked Councillor Bass, the Cabinet Member for Highways and Transportation, if he would seriously consider a scheme, when funds became available, for better access to Canvey Island and the completion of the last phase of Roscommon Way as the daily congestion was becoming unbearable.

The Cabinet Member agreed that there was a need to look at alternatives and measures to improve the access to Canvey Island and he would discuss with Local Authorities their plans and aspirations for alleviating the dependency on a single route.

12. Councillor Smith asked Councillor Bass, the Cabinet Member for Highways and Transportation, what efforts were being made to clear the litter on the A13, A127, and the A130.

The Cabinet Member replied that the removal of litter from the side of the road was a district council responsibility.

13. Councillor Smith asked Councillor Bass, the Cabinet Member for Highways and Transportation, to comment on the report that there had been a reduction by 6% in the number of residential burglaries in Basildon since the introduction of part-night lighting. However, burglaries of non-residential properties including sheds and garages had increased.

The Cabinet Member stated that he would not wish to draw any conclusions from these figures at this time. The police would confirm that the incidence of burglaries occurring between midnight and 5:00am was very low anyway and most crime took place in daylight hours. He suggested that to say otherwise would be to risk increasing the fear of crime. He also noted that 22% of all lights are kept on in Basildon anyway but it was the role of the police to offer advice to the owners of garages and sheds.

14. Councillor Barker asked Councillor Bass, the Cabinet Member for Highways and Transportation, for an update on his proposals for banning HGVs overtaking on the M11.

The Cabinet Member was pleased to note that Councillor Barker was in favour of the introduction of the overtaking ban on the M11 and he believed that the Highways Agency was close to agreeing that it should be introduced.

15. Councillor Barker wished to thank Councillor Bass, the Cabinet Member for Highways and Transportation, and other members of Cabinet, Councillors Hirst and Bentley, for their efforts in securing funding for the improvements to junctions 7 and 8 on the M11 and to request that those efforts continue for further improvements to junctions 8 and 7a.

The Cabinet Member thanked her for her remarks and stated that he attached significant importance to junction 7a which was vital to the future success and prosperity of Harlow. He also agreed that efforts towards making improvements to the junctions would continue.

16. Councillor Blackwell asked Councillor Bass, the Cabinet Member for Highways and Transportation, to note, further to Councillor Howard's earlier question, that 79% of the residents leave Canvey Island every morning and any improvements he could make to ease their journey would be welcome.

The Cabinet Member had nothing further to add to what he had said earlier.

### **13. Oral questions of the representative of the Essex Police and Crime Panel**

1. Councillor Bobbin asked Councillor Jowers, the Representative of the Essex Police and Crime Panel, if it were true that the Police Precept was being raised and yet the Police and Crime Commissioner was contemplating

closing police stations and reducing the numbers of police officers and PSOs.

Councillor Jowers replied that it was true the Commissioner was reviewing use of the Police Estate. However, the plan was to share facilities with other services, such as the Fire Service, to make savings and retain the efficiencies.

2. Councillor Aspinell asked Councillor Jowers if as he was also a representative on the Essex Fire Authority he could provide any insight or reassurance that it was not the intention of the Police and Crime Commissioner to seek to extend his remit to include that of the Fire Authority.

Councillor Jowers replied that he had not seen any evidence to that effect.

3. Councillor Smith asked Councillor Jowers if he would agree that the taxpayer was bearing the cost of policing demonstrations and should not those that demonstrate be required to pay?

Councillor Jowers replied that freedom of speech required that people be permitted to demonstrate peacefully and the policing of those demonstrations was the legitimate price of democracy.

**14. To note the report of the Essex Fire Authority's meeting on 3 December 2014 and to ask questions of the Authority's representative**

Councillor Young asked Councillor Hedley, the Representative of the Essex Fire Authority, if, in relation to item 3 in the Report to the Constituent Authorities of the meeting held on 3 December 2014, it was not overly onerous to require Parish Safety Volunteers to undergo Financial Background checks.

Councillor Hedley replied that checks were made to protect the public but he would look into the appropriateness of Financial Background checks.

The report of the Fire Authority's meeting held on 3 December 2014 was received.

The meeting closed at 14:56

Chairman  
12 May 2015

# Arrangements pending the recruitment of a new Chief Executive

## Interim arrangements and Constitutional Changes Pending the Recruitment of a New Chief Executive

### Introduction

The Chief Executive, Joanna Killian, will be leaving the County Council in May. The Committee on the Terms and Conditions of Employment for Chief and Deputy Chief Officers ('the Chief Officer Panel') met on 21 April to agree the process for recruitment of a permanent replacement. The recruitment process will take some time and the Council will, therefore, be without a permanent Chief Executive until a successor has been appointed and takes up their new role.

### Interim Arrangements

The Chief Officer Panel has considered how the Council should be managed during the interim period. The Panel proposed that the Council should not appoint an interim Chief Executive but that the statutory role of 'Head of the Paid Service' should be discharged by the Council's current Executive Directors on a rotating basis as follows:

Period	Head of the Paid Service
From the departure of Joanna Killian until 31 August 2015	Margaret Lee
1 September – 30 November 2015	Dave Hill
1 December 2015 – 29 February 2016	Keir Lynch
1 March – 31 May 2016	Sonia Davidson-Grant

This arrangement requires the approval of full Council.

The Officer who is named next on the rota will act as the deputy Head of Paid Service, authorised to act as the Head of the Paid Service if the Head of the Paid Service is absent or is otherwise unable to act at any time, for example because of a conflict of interest. Margaret Lee will act as the deputy to Sonia Davidson-Grant from 1 March – 31 May 2016.

It should be noted that a new Chief Executive should be in post by the end of this year so these arrangements may not need to run until May 2016. The arrangement will remain in place for so long as it is required i.e. until such time as the new postholder takes up their position.

## Constitutional Changes

The Chief Executive is referred to numerous times in the Constitution. It is proposed that during the interim period, references in the Constitution to the 'Chief Executive' or to 'Chief Executive Officer' should be read as references to the 'Head of the Paid Service'.

### Recommended:

1. That the following people be appointed to act as the Head of the Paid Service during the periods shown in the table, or until such time as a new Chief Executive is appointed Head of the Paid Service by Council and takes up post:

Period	Interim Head of the Paid Service
From the departure of Joanna Killian until 31 August 2015	Margaret Lee
1 September –30 November 2015	Dave Hill
1 December 2015 – 29 February 2016	Keir Lynch
1 March – 31 May 2016	Sonia Davidson-Grant

2. That the Constitution be amended by the Monitoring Officer to make it clear that at any time when there is no Chief Executive in post any references in the Constitution to the Chief Executive or Chief Executive Officer shall be construed as a reference to the Head of the Paid Service.

# Motions under Standing Order

## 16.11.2

### 1. Promoting the interests of Essex Residents

Moved by Councillor David Finch and seconded by Councillor Kevin Bentley

“That this Council acknowledges the result of the recent General Election and pledges that under all circumstances it will continue to promote and protect the interests of the residents of Essex.”

### 2. Devolution

Moved by Councillor Mike Mackrory and seconded by Councillor Stephen Robinson

“The recent devolution of powers from Westminster to the northern city regions is to be welcomed.

This Council believes there is a strong case for the English Counties, together with the second tier authorities, to be granted the same powers.

That this Council, therefore, resolves to call on the new Government to convene meetings with the representatives of Local Government to bring forward proposals for the devolution of powers as a matter of urgency.”

### 3. Home to School Transport

Moved by Councillor Julie Young and seconded by Councillor I Henderson

“Council notes that from September onwards many parents in Essex will face significant travel costs to transport their children to school as a result of changes to the home to school transport policy. Council further notes that in some areas, families will have to find up to £700 a year to pay for their child to travel to school as a result of these changes.

That Council therefore calls on the home to school transport policy to be reviewed, taking account of:

- (a) The cost implications to families.
- (b) Whether children have a safe route to school as a result of the changes.
- (c) Whether parents have been well informed throughout the process.

(d) Whether this policy change will impact negatively on the Council's desire 'to get Essex moving' as more parents will be forced to drive children to school.

Council further calls on the Cabinet Member for Education and Lifelong Learning to consider implementing transitional arrangements to reduce the financial impact on families by awarding discretionary payments to support parents for this coming school year.”

**Membership of Committees** – as set out below

**CORPORATE  
SCRUTINY  
COMMITTEE (14)**

(8 Con : 1 UKIP: 2 Lab: 2  
LD : 1 NA)

Susan Barker  
Malcolm Buckley  
Graham Butland  
Jude Deakin  
Anthony Durcan  
John Knapman  
Jamie Huntman  
Sue Lissimore  
Mike Mackrory  
Malcolm Maddocks  
Joe Pike  
Chris Pond  
Colin Seagers  
Julie Young  
*Conservative Subs:*  
Mick Page  
Jenny Chandler

**PEOPLE AND FAMILIES  
SCRUTINY COMMITTEE  
(18)**

(10 Con :1 UKIP:1 Lab: 1  
LD : 1 NA + 4 Co-opted)

Dave Blackwell  
Robert Boyce  
Jenny Chandler  
Michael Danvers  
Keith Gibbs  
Alan Goggin  
Ian Grundy  
Carlo Guglielmi  
Theresa Higgins  
Paul Honeywood  
Ray Howard  
Anthony Jackson  
Maggie McEwen  
Colin Seagers  
*Conservative Subs:*  
Valerie Metcalfe  
Roger Walters

**PLACE SERVICES AND  
ECONOMIC GROWTH  
SCRUTINY COMMITTEE  
(14)**

(8 Con : 1 UKIP: 2 Lab: :2  
LD: 1 NA)

Keith Bobbin  
Graham Butland  
Terry Cutmore  
Andrew Erskine  
Carlo Guglielmi  
Tony Hedley  
Ivan Henderson  
David Kendall  
Valerie Metcalfe  
Chris Pond  
Stephen Robinson  
Kay Twitchen  
Simon Walsh  
Andy Wood  
*Conservative Subs:*  
Malcolm Maddocks  
Roger Walters

*Labour Sub:*

William Archibald

Michael Danvers

*Liberal Democrat Sub:*

Anne Turrell

*NAG Sub:*

John Lodge

*UKIP Sub:*

Nigel Le Gresley

**HEALTH OVERVIEW &  
SCRUTINY  
COMMITTEE (12)**

(7 Con : 1 UKIP: 2 Lab: 1  
LD: 1 NA)

Dave Blackwell

Keith Bobbin

Stephen Canning

Penny Channer

Margaret Fisher

Ricki Gadsby

Keith Gibbs

Dave Harris

Ray Howard

Ann Naylor

Jillian Reeves

*Labour Sub:*

Julie Young

Keith Bobbin

*Liberal Democrat Sub:*

Jon Whitehouse

*UKIP Sub:*

Andrew Erskine

**ECC AND ESSEX FIRE  
AUTHORITY JOINT  
STANDARDS  
COMMITTEE (9)**

(5 Con : 1 UKIP: 1 Lab: 1  
LD : 1 NA)

(Chairman to be ex officio  
Only one member of the  
Executive may be a member)

Alan Bayley

Susan Barker

Terry Cutmore

Anthony Durcan

Carlo Guglielmi

Roger Hirst

Theresa Higgins

Maggie McEwen

Joe Pike

Chris Pond

*Labour Sub:*

Julie Young

Dave Harris

*Liberal Democrat Sub:*

Barry Aspinell

*UKIP Sub:*

Mark Ellis

**DEVELOPMENT AND  
REGULATION  
COMMITTEE (12)**

(7 Con: 1 UKIP: 1 Labour: 1  
LD: 1 NA: 1 Green)

James Abbott

John Aldridge

Keith Bobbin

Bob Boyce

Mark Ellis

Carlo Guglielmi

John Jowers

John Lodge

Mike Mackrory

Lady Newton

Jillian Reeves

Andy Wood

*Conservative Subs:*

Paul Honeywood

Kay Twitchen

*Labour Sub:*

Ivan Henderson

Anthony Durcan

*Liberal Democrat Sub:*

Theresa Higgins

*UKIP Subs:*

Alan Bayley

Nigel Le Gresley

*Labour Sub:*

Julie Young

Simon Walsh

*Conservative Subs:*

Ian Grundy

Colin Seagers

*Labour Sub:*

Mike Danvers

*Liberal Democrat Sub:*

Theresa Higgins

*UKIP Sub:*

Andrew Erskine

**AUDIT COMMITTEE (7)**

(4 Con : 1 Lab: 1 LD: 1 NAG)

(none to be on Cabinet)

**ESSEX PENSION FUND INVESTMENT STEERING COMMITTEE (7)**

(4 Con : 1 UKIP: 1 Lab: 1 LD)

**COMMITTEE TO CONSIDER APPLICATIONS TO UNDERTAKE CERTAIN DUTIES BY MEMBERS AND FOREIGN TRAVEL BY OFFICERS (5)**

(3 Con: 1 Lab: 1 LD)

(to include the Leader and Deputy Leader)

Malcolm Buckley

Karen Clempner

Terry Cutmore

John Jowers

John Knapman

Anne Turrell

John Lodge

*Conservative Subs:*

Tony Hedley

Malcolm Maddocks

*Labour Sub;*

Keith Bobbin

*Liberal Democrat Sub:*

Mike Mackrory

*NAG Sub:*

Nigel Le Gresley

Rodney Bass

Susan Barker

Stephen Canning

Karen Clempner

Norman Hume

Nigel Le Gresley

Jon Whitehouse

*Conservative Sub:*

John Spence

*Labour Sub:*

Keith Bobbin

Bill Archibald

*Liberal Democrat Sub:*

Mike Mackrory

*UKIP Sub:*

Jamie Huntman

Michael Danvers

David Finch

Mike Mackrory

Dick Madden

Simon Walsh

*Conservative Sub:*

Kevin Bentley

*Labour Sub:*

Ivan Henderson

Bill Archibald

*Liberal Democrat Sub:*

Theresa Higgins

Election of Chairmen of Committees

**CORPORATE  
SCRUTINY  
COMMITTEE**

**Chairman:**

Julie Young

**PEOPLE AND FAMILIES  
SCRUTINY COMMITTEE**

**Chairman:**

Ian Grundy

**PLACE SERVICES AND  
ECONOMIC GROWTH  
SCRUTINY COMMITTEE**

**Chairman:**

Simon Walsh

**HEALTH OVERVIEW &  
SCRUTINY  
COMMITTEE**

**Chairman:**

Jillian Reeves

**ECC AND ESSEX FIRE  
AUTHORITY JOINT  
STANDARDS  
COMMITTEE**

**Chairman:**

Joe Pike

**DEVELOPMENT &  
REGULATION  
COMMITTEE**

**Chairman:**

Bob Boyce

**AUDIT COMMITTEE**

**Chairman:**

Terry Cutmore

**SCRUTINY BOARD**

**Chairman:**

Simon Walsh

**COMMITTEE TO  
CONSIDER  
APPLICATIONS TO  
UNDERTAKE CERTAIN  
DUTIES BY MEMBERS  
AND FOREIGN  
TRAVEL BY OFFICERS**

**Chairman:**

David Finch

**ESSEX PENSION FUND  
INVESTMENT STEERING  
COMMITTEE**

**Chairman:**

Rodney Bass



**Appointments to the Health and Wellbeing Board**

Anne Brown, David Finch and Ann Naylor as members with Dick Madden and Ray Gooding as the named Substitutes.

**Appointment to the Essex Police and Crime Panel**

John Jowers as member with Dick Madden as his named Substitute.

**Appointment to the Essex Pension Fund Advisory Board**

Simon Walsh



**Appointments to the Health and Wellbeing Board**

Anne Brown, David Finch and Ann Naylor as members with Dick Madden and Ray Gooding as the named Substitutes.

**Appointment to the Essex Police and Crime Panel**

John Jowers as member with Dick Madden as his named Substitute.

**Appointment to the Essex Pension Fund Advisory Board**

Simon Walsh



**Appointments to the Health and Wellbeing Board**

Anne Brown, David Finch and Ann Naylor as members with Dick Madden and Ray Gooding as the named Substitutes.

**Appointment to the Essex Police and Crime Panel**

John Jowers as member with Dick Madden as his named Substitute.

**Appointment to the Essex Pension Fund Advisory Board**

Simon Walsh



**Appointments to the Essex Fire Authority (20)**

(12 Con: 2 UKIP: 2 Lab: 2 Lib Dem: 1 Non-aligned: 1 Green)

Barry Aspinell

Alan Bayley

Graham Butland

Jenny Chandler

Michael Danvers

Andrew Erskine

Carlo Guglielmi

Tony Hedley (authorised to answer questions at Council on behalf of the Authority)

Ivan Henderson

Paul Honeywood

Michael Hoy

John Jowers

John Knapman

Ann Naylor

Maggie McEwen

Lady Newton

Pierre Oxley

Colin Seagers

Anne Turrell

Andy Wood

*Labour Sub:*

Julie Young

Tony Durcan

Labour Subs:

Julie Young

Anthony Durcan

# Constitutional Changes

## Changes to the Constitution following consultation with the Member Reference Group

### 1.1 Introduction

Article 1.5 of the Constitution provides for the Monitoring Officer to monitor and review the operation of the Constitution and to ensure that appropriate amendments are recommended for the purpose of updating or improving the Constitution. This report deals with some proposed amendments following consultation with the Member Reference Group on the Constitution, comprising the Chairman and Vice-Chairman of the Council and the six Group Leaders or their nominees. The Group is chaired by the Chairman of the Council.

### 1.2. Openness of Local Government Bodies Regulations 2014

The Openness of Local Government Bodies Regulations 2014 were made on 5 August and came into force the day after. They make provision for members of the public to report and commentate on public meetings of local government bodies in England. They also require written records to be kept of certain decisions taken by officers.

#### Reporting on Meetings

Regulation 4 amends the Local Government Act 1972 to allow entry to Council and other Committee meetings for the purposes of reporting, recording and broadcasting and to allow the results of the reporting to be published or disseminated. "Reporting" includes filming and providing commentary on proceedings and allows for the use of a wide range of methods including social media. Regulation 5 makes similar amendments to the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in relation to Cabinet and Joint Committee meetings.

In May the Council approved arrangements for public speaking at Council and Committee meetings and at the same time approved a Protocol on the use of Media Tools at meetings held in public which is incorporated in the Constitution as Standing Order 16.8.1. This largely meets the requirements of the Regulations but some minor changes to the Protocol were considered by the Group. These changes are shown in Annex "A".

#### Recording of decisions

Regulation 7 provides for the making of a written record of certain decisions taken by officers under non-executive functions; Regulation 8 provides for the publication of that record; Regulation 9 provides an exemption for confidential information; and Regulation 10 imposes a criminal sanction in relation to obstruction of persons in providing information under Regulation 8, punishable on summary conviction to a fine.

In October 2013 Council approved changes to the Constitution arising from the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These included arrangements for the recording of executive decisions by officers. These arrangements now need to be extended to cover the recording of decisions made by officers under non-executive functions.

The Group agreed the wording of the revised Standing Order 19.20 as set out in Annex "B" to this report.

### **1.3. Review of rules in the event of motions being referred to committees**

There is a little used provision found at Standing Order 16.11.4 which, if invoked, permits a Cabinet Member to refer an item to an appropriate committee before any response is given. This could be read as instantly prohibiting any debate on the motion and this power afforded to a single Cabinet Member appears at odds with the spirit of the Constitution and is certainly at odds with the usual practice of allowing the Chairman to exercise discretion in managing the business before Council and the duration of debate. This appears to be a legacy from the old Standing Orders, i.e. before 2000 when the law changed, when motions were routinely referred to a committee before being brought back to the next meeting of the Council with a considered response. This provision has not survived particularly well now that there is a split of functions between the Executive and Scrutiny, and where Cabinet Members do not have an automatic right to specify items of business for Scrutiny.

The Group did not want to completely remove the opportunity to refer an item to a committee for consideration but felt that any such referral should be agreed by the Council rather than being decided by a single Cabinet Member. This could be achieved under existing Standing Order 16.11.8. The Group therefore agreed to delete the second paragraph of Standing Order 16.11.4 as set out in Annex "C".

It was also agreed by the Group that when a proposal is moved to refer an item of business to a scrutiny committee, as mentioned above, this should only be possible "on notice" and that it should, therefore, be deleted from the list of items in Standing Order 16.11.5 which may be moved without notice. Accordingly, any such motion would have to be with the Chairman by no later than 9 am on the morning of the meeting; this allows time to advise the Chairman. This amendment is also set out in Annex "C" to this report.

### **1.4. Review of procedures relating to motions**

The Constitution allows a maximum of six motions to be debated at each meeting of the Council apart from the annual budget meeting where no motions are permitted. The maximum time to be spent on one motion is 25 minutes; the maximum total time to be spent on motions is two and a half hours, unless the Chairman exercises his discretion to extend those limits.

The mover of a motion has three minutes to move a motion and another three minutes at the end to reply to the debate. The Cabinet Member responding to the motion also has three minutes. Any other member has three minutes. A seconder

has an automatic right to three minutes which they can take straight away or reserve their right to speak until later in the debate.

The Group agreed that three minutes was not a long time to move a motion or to respond to one. It therefore in the majority agreed the following proposals:

- the speaking time for moving a motion to be increased from three to five minutes;
- the right of reply for the mover of a motion to be removed;
- a motion having been seconded formally, the seconder to speak last (in effect exercising the right of reply) and to have three minutes to speak;
- the speaking time for a Cabinet Member to respond to the motion to be increased from three to five minutes;
- an amendment moved by the Cabinet Member as part of their response to a motion (having been handed to the Chairman in advance in accordance with Standing Order 16.11.8) having been seconded formally, the seconder to be the penultimate speaker and have three minutes to speak;
- if the Cabinet Member does not move an amendment the Cabinet Member's nominee (assumed to be the Cabinet Member's Deputy) to be the penultimate speaker and to have three minutes to speak;
- the process for other members to move and second an amendment to remain unchanged – three minutes each and the seconder may reserve their right to speak; and
- the maximum time for each motion to be increased from 25 to 35 minutes.

The Group agreed that where two similar motions are taken as one debate, it will be left to the discretion of the Chairman as to whether the relevant Cabinet Member should have longer than five minutes to speak to the two motions.

The allocation of the six motions for debate at a Council meeting is as follows:

Conservative Group 2

Labour Group 1

Liberal Democrat Group 1

UKIP Group 1

Green / Non-aligned Group 1 shared (which in effect means alternating at each meeting).

The Group in the majority agreed that because of the decrease in its numbers the UKIP Group should no longer have parity with the Labour and Liberal Democrat Groups and therefore the allocation of motions should be revised as follows:

Conservative Group 2

Labour Group 1

Liberal Democrat Group 1

UKIP Group alternating meetings with Green / Non-aligned Group 1.

A motion moved by a member who was not part of a Group would stand against the allocation of the Group of the member seconding the motion.

This would reduce the maximum number of motions discussed from six to five: at 35 minutes per motion, as agreed above, the Council would need 175 minutes to deal with motions.

The proposed changes to the Constitution are as set out in Annex “C” to this report.

### **1.5. Impact on the Constitution of the reduction in the number of members of the UKIP Group**

Prior to May 2013, the Liberal Democrat Group was clearly the largest Opposition Group and the Group Leader was designated “Leader of the Opposition”. Following the 2013 Elections, the Council found itself with five Opposition Groups, three of which had nine members each – Labour, Liberal Democrat and UKIP. There is no agreement amongst the Opposition Groups to designate one of their number “Leader of the Opposition”.

Since May 2013, the membership of the UKIP Group has reduced from nine to six but no changes have been made to the constitutional benefits which the Group enjoys relative to the Labour and Liberal Democrat Groups. It is felt that some change should now be considered by the Council.

#### **(a) Special Responsibility Allowances**

The legal framework for members’ allowances is established by section 18 of the Local Government and Housing Act 1989 and governed by the Local Government (Members’ Allowances) (England) Regulations 2003.

In May 2013, responding to the situation where there was no longer a recognised Main Opposition Group, the following Special Responsibility Allowances were deleted from the Members Scheme of Allowances:

Leader of Main Opposition Group  
Deputy Leader of Main Opposition Group  
Opposition Spokesperson

and the following special responsibility allowance was added:

Leader of one of the three largest opposition groups: £5,350 (£16,050 – the amount of the SRA previously paid to the Leader of the Opposition - divided by three).

Until the Scheme of Allowances is changed by a decision taken at Council, the Leader of the UKIP Group is eligible to the SRA as the Leader of one of the three largest opposition groups although Councillor Huntman voluntarily agreed to forego this allowance with effect from 1 January 2015.

The Group agreed to reinstate the allowance of £16,050 for the Leader of the largest Opposition Group unless there is not one such group but two or more opposition groups with equal numbers of members, in which case the Leaders of each of those groups will share the £16,050 equally between them. This means that under the present circumstances the Leader of the UKIP Group would no longer be eligible to receive an SRA.

The Group agreed to recommend this change to Full Council ahead of the imminent review of the Scheme of Allowances by an Independent Review Panel.

**(b) Chairman of Corporate Scrutiny Committee**

Following the 2013 election, the Overview and Scrutiny Committee Procedure Rules were amended to provide that the Council will elect a Chairman of the Corporate Scrutiny Committee from the Leaders of the three main opposition groups each year in alphabetical order by Group name.

The Group agreed that this would be changed so that the Council will elect the Leader of the largest Opposition group as Chairman of the Corporate Scrutiny Committee unless there is not one such group but two or more opposition groups with equal numbers of members, in which case the Leaders of each of those groups shall be appointed to the position each year in alphabetical order by Group name.

In practice this means that the Leader of the Labour Group will be elected Chairman of the Corporate Scrutiny Committee for the 2015/16 municipal year.

If the numbers in the opposition groups were to change part way through the year then the matter of the Chairmanship of the Corporate Scrutiny Committee would be addressed as part of the report on political proportionality made to the next available meeting of the Council.

The proposed amendment to the Constitution is as set out in Annex “D” to this report.

**(c) Responding to the Leader’s Budget Speech**

Originally, Standing Orders allowed for the leader of the opposition to make a 10 minute speech in reply to the proposed budget. Following the last County election, Standing Orders were changed so that each Leader of the three largest Opposition Groups when responding to the budget speech was given 6 minutes.

The Group agreed that this should be changed as set out in Annex “C” to this report giving the Leader of the largest Opposition group 10 minutes, unless there is not one such group but two or more opposition groups with equal numbers of members, in which case the Leaders of each of those groups – six minutes. The Chairman would exercise his discretion to allow Opposition Group Leaders longer than six minutes if he considered it appropriate.

In effect this means that the Leader of the UKIP Group will now have only three minutes to speak on the budget in line with the Leaders of the Non-aligned and Green Groups.

**1.6. Changes to Part 3 of the Constitution agreed by the Leader to be automatically reflected in the Constitution**

The Leader is appointed by the Council following the County Elections and holds office for the life of the Council so there is no need to reappoint at each Annual Meeting. The Leader appoints the Cabinet and Deputy Cabinet Members and also appoints the Deputy Leader. These appointments can be changed by the Leader at any time.

It was agreed by the Member Reference Group that appointments and changes to appointments made by the Leader of the Council should be reflected in the Constitution as soon as possible and that the Monitoring Officer should have power to amend the Constitution accordingly.

This requires a minor change to the Constitution as shown in Annex “E” to this report.

### **1.7. Exercise of the call in function**

Councillor Pond requested the Group to consider an amendment to Article 20.15 (ii) to protect the rights of an independent member, or one whose group has no representation on the relevant Scrutiny Committee, to defend his/her constituents’ interests. The restriction to divisional matters is to guard against frivolous call ins by any maverick councillor.

The Group agreed Councillor Pond’s proposal subject to it being at the discretion of the Chairman of the relevant Scrutiny Committee who will need to be satisfied that it is purely a local issue.

The proposed change to the Constitution is as set out in Annex “F” to this report.

### **1.8. Changes to the terms of reference of Overview and Scrutiny Committees**

Article 9.6 (Amending the Terms of Reference) of Overview and Scrutiny Committees states that:

“The terms of reference of the Overview and Scrutiny Committees reflect the details of the Cabinet Portfolios. The terms of reference will be routinely updated to reflect any changes made to the Portfolios.” Following the most recent changes to Portfolios the Scrutiny Board has reviewed the terms of reference of the Scrutiny Committees and has recommended that a handful of minor changes be made.

The Group endorsed the recommendations of the Scrutiny Board for the changes to the Scrutiny Committees’ terms of reference as set out in Annex “G” to this report.

### **1.9 Routine Changes to the Constitution**

#### **(a) Rescission of preceding resolution**

Standing Order 16.16 (Rescission of preceding resolution) states that “no motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been *negatived* within the preceding six months”.

The use of the word “*negatived*” is confusing and unhelpful. The Group agreed therefore that the word be replaced by the word “rejected”.

The proposed change to Standing Order 16.16 is as set out in Annex “H” to this report.

**(b) Quorum for Committees**

Standing Order 16.22 lists the standing orders that also apply to Committees. However, this list does not include Standing Order 16.6 relating to the Quorum at meetings and the Group agreed that this should be rectified.

The proposed change to Standing Order 16.22 is as set out in Annex H to this report.

**(c) Addition to Officer Employment and Disciplinary Procedure Rules**

Paragraph 22.2 of the Officer Employment and Disciplinary Rules sets out the arrangements relating to the recruitment of the Head of Paid Service and Chief Officers when not appointing exclusively from among existing officers. The wording for this is taken from Part 1 of Schedule 1 of the Local Authority (Standing Orders) Regulations 1993. However the Rules only contain the wording from Paragraph 1 of the Regulations but should also include the wording in Paragraph 2.

The Group agreed that Paragraph 22.2 of the Officer Employment and Disciplinary Procedure Rules be updated by the addition of the wording from Paragraph 2 of the Regulations. The changes to the Constitution are as set out in Annex "H" to this report.

**Recommended:**

That the changes to the Constitution as set out in Annexes "A" – "H" to this report be approved. (In setting out the proposed amendments additions are shown underlined and deletions are shown crossed through.)

## Use of Media Tools at Meetings

### 16.8.1 Protocol on the use of Media Tools at meetings held in public

#### 1. Introduction

The purpose of this protocol is to provide guidance on the use of media tools by members of the public or representatives of the media at meetings of Council, Cabinet, committees and sub-committees held in public. This includes filming, audio recording, taking photographs, blogging, tweeting and using other social media websites.

#### 2. General Principle

The use of media tools, in certain circumstances, is recognised as contributing towards transparency and democratic debate and there will be a general presumption in favour of allowing their use. However, the proceedings of a meeting must not be disrupted by the use of media tools and such use must not inhibit community involvement in the proceedings. Oral commentary provided during the meeting will not therefore be permitted.

#### 3. Filming and Audio Recording

Filming and audio recording of meetings, normally by representatives of the media but also by members of the public using small media tools, shall generally be permitted, ~~provided that~~ Members of the public are encouraged to submit -a request is submitted at least two working days before the meeting c/o Democratic Services, Corporate Law and Assurance, P O Box 11, County Hall, Chelmsford, Essex, CM1 1LX or by email to [governanceteam@essex.gov.uk](mailto:governanceteam@essex.gov.uk). Such requests will include:

- the name, organisation and contact details of the person making the request;
- what equipment will be used;
- what the film or audio recording will be used for; and
- when the person wishes to film or record during the meeting.

On receipt of a request to film or audio record a meeting, Democratic Services will liaise with the Chairman of the meeting, or in their absence the Vice-Chairman, ~~before determining whether~~ to ensure the request accords with the general principle set out above.

Any filming or audio recording must take place from fixed positions in the meeting room agreed with the Chairman of the meeting. Equipment must be set up before the meeting starts.

If the Chairman considers that the filming or audio recording is disrupting the meeting in any way, the operator will be required to stop immediately.

No one – including a member of the Council – is permitted to film, record or report any part of a meeting where the press or public are excluded because confidential or exempt information would be disclosed.

~~Any film or audio recording must not be edited in such a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those present at the meeting.~~

~~Media organisations will be required to supply the Council with a copy of all film or audio recording made at a meeting within a reasonable period.~~

The requirements and obligations contained within, and arising from this protocol will be provided to the member of the public or media organisation when a request ~~permission~~ to film has been granted received, and will state that permission is only granted filming will only proceed on the understanding that they will be adhered to.

#### 4. Other use of Media Tools

No restrictions will be placed on anyone in the public gallery at a meeting in relation to the use of twitter, blogs, facebook and still photography, provided that there is no flash photography and the Chairman ~~does not~~ considers their actions are not disrupting the proceedings of the meeting.

At the start of the meeting the Chairman will request that all mobile phones are set to 'silent' to ensure that the meeting is not disrupted.

## Recording of decisions

### 19.20. Recording of ~~executive~~ decisions made by individuals

- (1) As soon as reasonably practicable after an executive decision has been taken by an individual Member of the Cabinet, he will prepare, or instruct the Proper Officer to prepare, a record of the decision, which includes a record of the decision including the date it was made, a statement of the reasons for it, any alternative options considered and rejected, a record of any conflict of interest declared by any Member of the Cabinet who is consulted by the decision-maker and in respect of any interest declared a note of any dispensation granted by the Head of Paid Service.
- (2) As soon as reasonably practicable after an officer has made a decision which is an executive decision delegated to the officer by the Council or any of its committees or sub-committees, or by the Cabinet or a Member of the Cabinet then the decision must be recorded if
- (a) it relates to the discharge of a function which for the time being is the responsibility of the Executive; or
  - (b) a decision which is not the responsibility of the Executive and the effect of the decision is to:
    - (i) grant a permission or licence; or
    - (ii) affect the rights of an individual; or
    - (iii) award a contract or incur expenditure which materially affects that relevant local government body's financial position.
- (3) The record prepared under 19.20(2) must be produced by or on behalf of the officer concerned and must produce a written statement which must include a record of the decision including the date it was made, a statement of the reasons for it, any alternative options considered and rejected, a record of any conflict of interest declared by any Member of the Cabinet who is consulted by the officer and in respect of any interest declared a note of any dispensation granted by the Head of Paid Service.
- (4) The provisions of Rules 19.7 and 19.8 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Cabinet and decisions taken by Officers which are required to be recorded. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

## Motions and Rules of Debate

### 16.11.2 Notices of motion

Except for motions which can be moved without notice under paragraph 16.11.5 below, written notice of every motion must be delivered to the Chief Executive not later than 10:30am on the twelfth calendar day before the Council meeting.

Written notice must be signed by the Member intending to move the motion and not less than one other Member.

Other than at the annual budget meeting where no motions shall be permitted under this paragraph, a maximum of ~~six~~ five motions shall be debated at an Ordinary Meeting of the Council unless the Chairman has exercised his discretion in accordance with paragraph 16.11.3 below to allow an additional urgent motion to be debated.

The six motions to be debated shall be allocated as follows:

Conservative Group 2

Labour Group 1

Liberal Democrat Group 1

UKIP Group alternating meetings with Green / Non-aligned Group shared 1 (~~which in effect means alternating at each meeting~~).

Motions will be taken on a rotation basis, with the order for the first meeting being decided by a ballot drawn in advance by the Chairman.

If any Group does not take its allocation of motions at a meeting there will be no reallocation to another Group.

Any number of independent members shall be considered as a group for the purposes of this rule only.

### 16.11.3 Chairman's discretion

The Chairman may exercise his discretion and allow notice of motion signed as provided for in paragraph 16.11.2 above, to be received by the Chief Executive not later than 10.30 a.m. on the Wednesday prior to the Council meeting, to be debated at that meeting, where he considers the matter urgent.

Such notice of motion shall contain a request for the Chairman to exercise his discretion and shall specify the grounds upon which the matter is urgent.

The motion and the Chairman's decision shall be set out on the order paper and, in the event of the Chairman declining to allow the motion, the motion shall be referred to the relevant Cabinet Member for response at the next available meeting of the Council.

#### **16.11.4 Response to motions**

The relevant Cabinet Member shall respond to a motion at the meeting of Council at which it is moved.

~~Alternatively a Cabinet Member may first refer a motion to an appropriate Committee for consideration, in which case the Cabinet Member shall respond to the motion at the first available meeting of the Council after receiving the Committee's views which will be incorporated into the response.~~

#### **16.11.5 Motions which may be moved without notice**

The following motions and amendments may be moved without notice:

- (i) appointment of a Chairman of the meeting at which the motion is made;
- (ii) motions relating to the accuracy of the minutes;
- (iii) that an item of business specified in the summons have precedence;
- ~~(iv) reference to a committee or reference back to a committee of any matter before the Council other than reference back of a decision made under delegated powers and already implemented;~~
- (iv) appointment of a committee or member thereof, occasioned by an item mentioned in the summons to the meeting;
- (v) adoption of reports and recommendations of committees and any consequent resolutions;
- (vi) comment upon matters contained in reports of committees for the information of the committee concerned;
- (vii) that leave be given to withdraw a motion;
- (viii) that the Council proceed to the next business;
- (ix) that the question be now put;
- (x) that the debate be now adjourned;
- (xi) that the Council does now adjourn;
- (xii) that the Standing Orders be suspended, in accordance with Article 1;
- (xiii) motion to exclude the public in accordance with the Access to Information Procedure Rules;
- (xiv) that a Member named under paragraph 16.15: Disorderly Conduct, not be heard further or leave the meeting;
- (xv) giving consent of the Council where the consent of the Council is required by these Standing Orders; or
- (xvi) for such other purposes as the Chairman may approve.

#### **16.11.6 ~~Rules of debate~~ Discussion of Motion at Council**

A motion shall not be discussed at Council unless notice has been given in accordance with 16.11.2 above and it has been proposed and seconded at the meeting of the Council at which the motion is to be considered.

#### **16.11.7 Motions at Budget Meeting**

That with respect to the agenda for the budget-setting meeting of the Council, the submission of motions unrelated to the Budget be prohibited, provided that discretion be granted by the Chairman of the Council to admit motions relating to matters of urgency.

#### **16.11.8 Secunder's speech**

A Member when seconding a motion will speak at the end of the debate, immediately before it is put to the vote.

A Member when seconding an amendment moved by a Cabinet Member will be the penultimate speaker in the debate.

A Member when seconding ~~an motion or~~ amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

#### **16.11.9 Cabinet Member's nominee's speech**

Where the Cabinet Member responding to a motion does not move an amendment, a Member nominated by the Cabinet Member will be the penultimate speaker in the debate.

#### **16.11.10 Amendments to motions**

An amendment shall be relevant to the motion and shall be either:

- (i) to refer a matter to a Committee, the Cabinet or a Portfolio Holder for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of introducing a new subject matter into the motion before the Council or negating the motion.

No amendment may be moved unless it has been put in writing and handed to the Chairman by no later than 9 am on the morning of the meeting in a format to be specified by the Monitoring Officer.

Only one amendment may be moved and discussed at any one time. No further amendment shall be moved until the amendment under discussion has been disposed of.

The Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion to which any further amendment may be moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, and, if there are none, put it to the vote.

#### **16.11.11 Alteration to Motions**

A Member may alter a motion of which he has given notice, in accordance with paragraph 16.11.2 above, with the consent of the Council.

A Member may alter a motion he has moved without notice with the consent of both the Council and the Secunder.

The Council's consent will be signified without discussion.

Only alterations which could be made as an amendment may be made.

#### **16.11.12 Right of reply**

~~The mover of a motion has a right of reply, at the end of the debate on the motion, immediately before it is put to the vote.~~

If an amendment is moved, ~~the mover of the original motion has the right of reply at the end of the debate on the amendment, but may not otherwise speak on it.~~ the mover of the amendment shall have no right of reply to the debate on his amendment.

#### **16.13.2 Content and length of speeches**

(a) Members shall direct their speeches to the question under discussion or to a personal explanation or to a point of order. Unless the Chairman otherwise approves, the length of time given to each Member to speak will not exceed the following time limits:

- (i) the mover of a motion or recommendation – ~~three~~ five minutes;
- ~~(ii) a Member exercising the right of reply in accordance with paragraph 16.11.10 – three minutes;~~
- (ii) a Cabinet Member, or another Member nominated to speak on their behalf, responding to the question under discussion where that question relates to a matter under their portfolio responsibility – ~~three~~ five minutes;
- (iii) any other Member – three minutes;
- (iv) the limits set out above shall not apply to a Member presenting or responding to questions in connection with a report or a paper and recommendations;
- (v) there will be a maximum time limit of ~~235~~ 235 minutes per motion and the maximum length of time for the consideration of motions presented under paragraph 16.11.2 will be ~~150-175~~ 175 minutes unless the Chairman of the Council agrees to extend those limits.

(b) When dealing with the annual budget debate:

- (i) the Leader of the Council when making the budget speech and summing up the debate – no time limit;
- (ii) the Cabinet Member speaking in support of the budget speech – 10 minutes;
- (iii) ~~each~~ The Leader of the ~~three~~ largest opposition groups when responding to the budget speech – 10 minutes; unless there is not one such group but two or more opposition groups with equal numbers of members, the Leader of each of those Groups - 6 minutes;
- (iv) individual Cabinet Members when responding to any specific issues raised in relation to their Portfolio budgets – six minutes; and
- (v) any other Member – three minutes.

All timings are at the discretion of the Chairman.

## Impact on the Constitution of the reduction in the number of members of the UKIP Group

### (a) Special Responsibility Allowance

Post holder	Rate (as a % of the Leader's Allowance)	Amount
Leader of one of the three largest opposition groups	10%	£5,350
<u>Leader of the largest Opposition Group: unless there is not one such group but two or more opposition groups with equal numbers of members, in which case the Leaders of each of those groups will share the £16,050 equally between them.</u>	<u>30%</u>	<u>£16,050</u>

### (b) Chairman of Corporate Scrutiny Committee

#### 20.7 Chairmanship

At its annual meeting the Council shall elect a Chairman of each Overview and Scrutiny Committee.

~~The Council will elect a Chairman of the Corporate Scrutiny Committee from the Leaders of the three main opposition groups each year in alphabetical order by Group name.~~

The Council will elect the Leader of the largest Opposition group as Chairman of the Corporate Scrutiny Committee; unless there is not one such group but two or more opposition groups with equal numbers of members, in which case the Council will elect the Chairman from the Leaders of each of those groups each year in alphabetical order by Group name.

**Changes to Part 3 to be automatically reflected in the Constitution**

**Article 1 – The Constitution**

Insert a new 1.8 as follows:

**“1.8 Changes to Part 3 of the Constitution**

Where, in accordance with Article 7.9, the Leader of the Council makes changes to Part 3 of the Constitution by changing the membership of the Cabinet or the Cabinet portfolios or by changing the deputy cabinet members or by changing any committee of the Cabinet, officers or joint arrangements responsible for the exercise of particular Executive functions, those changes shall be automatically implemented by the Monitoring Officer without requiring any further approval by Council.”

and renumber existing 1.8 – 1.10 as 1.9 – 1.11.

## Exercise of the Call in function

### Overview and Scrutiny Committee Procedure Rules

#### 20.15 Call-in

- (ii) Any Overview and Scrutiny Committee may call-in a decision made by a Cabinet Member which falls within its remit. A member of the Overview and Scrutiny Committee may call-in a decision by notifying the Proper Officer in writing. Where a decision affects the division of a Member significantly differently from the generality of divisions, that Member may, subject to the agreement of the chairman of the relevant committee, call in the decision himself, and the call in shall be regarded nominally as in the name of the relevant Chairman.

## Changes to the terms of Reference of the Overview and Scrutiny Committees

### Article 9

#### 9.5.1 Corporate Scrutiny Committee

Membership: 14 Members

- The overall strategic direction, policies and priorities of the Cabinet and of Council, including the overall corporate revenue and capital budget strategy of the Authority
- Financial Resources (revenue and capital), precepts and levies
- Community Leadership and Community Strategy
- Community Budgets and Essex Partnership Board
- Equalities and Diversity
- Policy and Strategy Team
- External and internal communications
- Customer services (Contact Centre, Member Enquiries)
- Registration Service
- Coroner’s Service
- Capital Programme Governance
- Procurement and commercial services
- Asset management and Facilities Management
- Legal Services
- Performance and Organisational Intelligence
- Liaison with HM Government, Essex MPs and district, city, borough, parish and town councils
- Essex Transformation Programme
- Audit and Risk

- Information services and technology
- Human Resources and employee services
- Business Support
- Essex Shared Services
- Property Strategy
- Traded services
- ~~Emergency Planning~~

### **9.5.2 People and Families Scrutiny Committee**

Membership: 18 members (including 4 statutory co-opted members voting on education issues only)

- Children's Services and the Children's Trust
- Children's social care
- Preventative services, including the development of community budgets for families with complex needs
- Corporate Parenting
- Children's Centres and early years provision
- Youth offending
- Domestic Violence
- Schools and education
- Early years
- Transport for educational purposes
- Education welfare services
- Special Schools
- Special Education Needs provision, including specialist services in schools
- School improvement
- Youth services and careers advice

- Adult Community Learning
- Sport and physical activity including Active Essex (the Health Overview and Scrutiny Committee to be included on healthy lifestyle matters)
- Adult social care
- The support of and assistance of people with learning or physical disabilities or sensory impairment and older people and the homeless
- Safeguarding vulnerable adults
- Supporting people
- Lifetime disabilities
- Joint Commissioning and Contracting
- Support to carers

### **9.5.3 Place Services and Economic Growth Scrutiny Committee**

Membership: 14 members

- Major infrastructure and major transport schemes relating to the Economic Growth Strategy
- Economic development and regeneration
- Enterprise, international trade and inward investment
- Integrated County Strategy
- Skills and apprenticeships (including vocational centres, Train to Gain and Work Based Learning)
- Major Projects and Infrastructure (including highways capital programme)
- Tourism
- Broadband
- External funding programmes
- Strategic and local planning
- Waste and mineral planning

- Flood Management
- Development Management
- Heritage, Culture and the Arts
- Libraries
- Built Environment; and Historic Environment
- Natural Environment
- Country Parks
- Localism (including Locality Boards)
- Big Society (including Big Society revenue and capital fund)
- Rural affairs
- ~~Relations with district, city and borough, parish and town councils~~
- Relations with the voluntary and community sector
- Countywide Traveller Unit
- Sustainable development
- Community Safety
- Emergency Planning
- Highways maintenance (including bridleways, footpaths and byways), all car parking and road safety, traffic and vehicle regulation, school crossing patrols and public transport
- Passenger Transport
- Concessionary fares
- Cycling
- Waste disposal
- Recycling Centres for Household Waste
- The promotion of recycling and waste minimisation and the disposal of waste
- Energy and emissions reduction

- Trading standards

### 10.3 Roles and Functions

The Health Overview and Scrutiny Committee will have the following roles and functions:

(i) to review and scrutinise the totality of local services planned and provided including the work of the Health and Wellbeing Board as part of their wider responsibility to seek health improvements and reduce health inequalities for their area and its inhabitants;

(ii) to refer contested proposals for major service changes to the Secretary of State;

(iii) to scrutinise the social care services provided or commissioned by NHS bodies exercising local authority functions under section 31 of the Health Act 1999;

(iv) to review or scrutinise health services commissioned or delivered in the Council's area within the framework set out below:

(a) arrangements to secure hospital and community health services to the inhabitants of the Council's area;

(b) the provision of such services to those inhabitants;

(c) the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;

(d) the public health arrangements in the area; e.g. arrangements for the surveillance of, and response to, outbreaks of communicable disease or the provision of specialist health promotion services;

(e) the planning of health services, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population; and

(f) the arrangements made by NHS bodies for consulting and involving patients and the public;

(v) to review and scrutinise the totality of local services including social services, planned and provided as part of their wider responsibilities to seek health improvements and reduce health inequalities; and

(vi) to act as consultee to an NHS body within the remitted area on issues of:

(a) substantial developments of the health service in the Council's area; and

(b) any proposals to make any substantial variation to the provision of such services.

~~(vii) to review and scrutinise:~~

~~(a) sport and the 2012 Games Legacy~~

~~(b) Registrars Service~~

~~(c) the Coroner's Service.~~

## Routine Changes to the Constitution

### 16.16 Rescission of preceding resolution

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been ~~negated~~ rejected within the preceding six months, shall be considered unless:

- (i) in the opinion of the Chairman significant new information has come to light; or
- (ii) the notice thereof given in pursuance of paragraph 16.11.2 above bears the names of at least 25 Members of the Council; or
- (iii) it is moved in pursuance of the recommendation of a committee.

### (b) Quorum

#### 16.22 Standing Orders to apply to committees

The following Standing Orders of the Council and those relating to contracts shall, with any necessary modification, apply to committees, and groups:

**16.6** Quorum (but never less than three members)

**16.8** Reporting of meetings by persons attending

**16.11.6** Rules of debate except those parts which relate to standing and to speaking more than once;

**16.11.14** Motions affecting persons employed by the Council;

**16.15** Disorderly conduct;

**16.15.2** Disturbance by members of the public;

**16.17** Voting;

**16.19** Voting on appointments;

**16.20** Record of attendances;

**16.21** Officers' interest in contracts and other matters;

**16.24** Attendance of non-members of committees.

Provided that the ruling of the Chairman of the meeting as to the construction or application of these Standing Orders or as to any other aspect of the proceedings of the meeting, shall be final and shall not be challenged at any meeting of the committee, or group.

**(c) Addition to Officer Employment and Disciplinary Procedure Rules**

**22.2 Recruitment of Head of Paid Service and Chief Officers**

1. Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council:

- (i) will draw up a statement specifying:
  - the duties of the officer concerned;
  - any qualifications or qualities to be sought in the person to be appointed;
- (ii) shall make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (iii) shall make arrangements for a copy of the statement mentioned in (i) above to be sent to any person on request.

2. (1) Where a post has been advertised as provided in 1 above, the Council shall –

- (a) interview all qualified applicants for the post, or
- (b) select a short list of such qualified applicants and interview those included on the short list.

(2) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with 1 above.

3. Every appointment of a chief officer shall be made by the Council.

# Independent Remuneration Panel

## Independent Remuneration Panel – Appointment of Panel Members and Agreement to Terms of Reference

### 1. Summary

The County Council is invited to agree a Panel to sit as the Independent Remuneration Panel and to agree Terms of Reference for the Independent Remuneration Panel and ultimately to approve a scheme of Members' Allowances for the period June 2015 to May 2019.

### 2. Statutory Requirements

Under the Local Authorities (Members' Allowances) (England) Regulations 2003, every relevant local authority is required to review its Members' Allowances Scheme. In doing so, local authorities are required to establish and maintain an Independent Remuneration Panel, whose function is to provide the local authority with advice and recommendations on its scheme, the amounts to be paid and whether such allowances should be pensionable.

Local Authorities must include in their scheme of allowances a basic allowance, payable to all members, and may include provision for the payment of special responsibility allowances and a dependents' carer's allowance. In addition, the 2003 Regulations allow for the inclusion of a travel and subsistence allowance and a co-optees' allowance, within the allowances scheme.

### 3. The Independent Remuneration Panel (IRP)

An Independent Remuneration Panel ("IRP") last met in 2009. A new Panel of three independent people is being recruited to undertake a review of the scheme.

It is proposed that the Chairman should have considerable experience in reviewing Members Allowances. Dr Declan Hall has indicated he would be willing to serve on the panel as the Chairman and would charge a daily rate of £650 plus travel and expenses which is regarded as fair and is affordable. The total amount will depend on the days worked but it is likely to be in the region of £3,500. Dr Declan Hall has extensive experience leading Independent Remuneration Panels reviewing member allowances and has served as Chairman for Panels across the country.

It is proposed that two other members be sought from representatives of the Essex business sector and from our residents. For this purpose, expressions of interest were sought from members of the Essex Chamber of Commerce and from our independent members used for Independent Statutory School Appeals Panels. A total of 11 applications were received and, of these, 7 people were interviewed by the Monitoring Officer and the Head of Democratic Services. All those interviewed

had the right type of experience and could bring skills and expertise to the panel. However, two candidates in particular were the strongest. These were Elaine Oddie and Mary Williamson. Both are now recommended to be appointed to the Panel. A summary of their relevant experience is given below in **Appendix 2**.

In recognition of the amount of time these members will spend undertaking this task it is proposed that they be paid a nominal sum of £500. No further expenses would be paid.

#### **4. Declaration of Non-Disqualification**

The Regulations stipulate (Part 4 para 20(2)) that no member of the IRP is to be:

- i) a member of, or a member of a committee or sub-committee of the Council; or
- ii) disqualified from becoming a member of a local authority i.e. was not an employee of the Council, not bankrupt, not convicted within the last 5 years).

The preferred candidates will be asked to confirm that the grounds for disqualification do not apply to them.

#### **5. Terms of Reference for the Independent Remuneration Panel**

It is a number of years since there has been a thorough review of the Council's scheme of allowances therefore it is seen as timely to check that the Scheme is still current and complies with up-to-date policies and that it properly recompenses councillors operating in a large, visionary local authority; bears comparison with other Councils; is completely transparent about what can or cannot be claimed; and is justifiable to the public when they become cynical about the issue generally. The panel will be asked to consider the remuneration paid to those representing other similar local authorities (in terms of size, location and budget) and other non-local authority public sector organisations, charities and public sector or private sector companies. The draft Terms of Reference are set out below in **Appendix 1**.

#### **6. Recommended:**

1. That Declan Hall be appointed to chair the new Independent Remuneration Panel;
2. That Elaine Oddie and Mary Williamson be appointed as independent members of the Independent Remuneration Panel;
3. That the Terms of Reference for the review of the Members Allowances Scheme by the Independent Remuneration Panel as set out in Appendix 1 be approved.

**Draft Terms of Reference**

**Membership:**

<b>Organisation/ Role</b>	<b>Name</b>
Chairman	Dr Declan Hall
Local resident	Mary Williamson
Local Business Representative	Elaine Oddie

<b>Officer Support</b>	<b>Name</b>
Director for Corporate Law and Assurance	Terry Osborne
Head of Democratic Services	Joanna Boaler
Council and Member Support Officer	Andy Gribben

**Role**

1. To review the County Council's Members' Allowances Scheme, taking in to account the roles and responsibilities of Members (both in the Council and in serving their communities) set out in the County Council's agreed role profiles and elsewhere.
2. To take account of comparative data on the remuneration paid by other comparable local authorities in terms of size, location and budget and other non-local authority public sector organisations, social enterprises, charities and public sector or private sector companies.
3. To hear representations from elected Members
4. To make recommendations to the Council on:
  - (a) the amount of Basic Allowance which should be paid to all Members;
  - (b) the responsibilities or duties for which Members should receive Special Responsibility Allowances and the amount of such allowances;
  - (c) the amount of the Childcare and Dependants' Carers' Allowances;
  - (d) Travelling and Subsistence Allowances;
  - (e) Independent and Co-opted members' allowances;

- (f) whether allowances should be index-linked and if so what the suitable index might be;
- (g) the timing of implementation of the recommendations; and
- (h) the provisions within the Member Allowance Scheme relating to meals when undertaking approved duties at County Hall.

**Frequency of Meetings:**

Meetings are likely to take place over 2 to 3 days, to commence after the Annual Council Meeting in May. The Panel will meet again as and when required for the purpose of further reviewing the allowance scheme if requested to do so by the Council.

**Term of Office:**

Four years from the date of their appointment.

**Remuneration**

That the Chairman be paid a fee of £650 per day plus reasonable travel and other expenses. The other two panel members will be paid a one off sum of £500 each.

### Panel Members

**Dr Declan Hall** (Chairman) is an independent consultant who primarily works in Member Remuneration. He has over 20 years' experience working with local government across the UK, having worked as an academic at the Institute of Local Government, University of Birmingham and as part of remuneration panels across the Country. He has acted as Chairman of Southend and Thurrock, Northumberland, Manchester, Huntingdonshire, Bristol, Slough and Wales Independent Remuneration Panels to name a few.

**Business Rep: Ms Elaine Oddie** is a Chartered Accountant in Chelmsford and has been a member of the Board of Essex Chambers of Commerce for over 15 years and is currently its Chairman. She chaired Chelmsford Council's Standards Committee for five years and was a member of Chelmsford Council's Remuneration Panel in 2001/02 and is involved both as a Governor of Chelmsford College and the Chelmsford Twinning Association.

**Essex resident: Ms Mary Williamson** is an active resident based in Colchester Borough who sits on her local Parish Council, her local primary school Board of Governors and on Essex School Appeal Panels. Ms Williamson has served as Chairman of all three during her extensive time on each and has been asked to chair other panels over the years such as school closures and exclusion appeals. Her professional background was as a Further Education Lecturer at the Colchester Institute where she trained adults as teachers for many years.



# The Leader's Report of Cabinet Issues

## 1. Procurement

Cabinet has taken a number of decisions in relation to procuring services.

### **Adult Social Care Passenger Transport Procurement Proposals 2015**

- To approve the extension for one year, of up to 192 of the Adult Social Care Passenger Transport contracts with a total value of £3.883m, where agreed with the provider.
- To approve the procurement of
  - at least 36 Adult Social Care Passenger Transport contracts with a total current value of £839,495 through a mini competition held within the Passenger Transport Framework; and
  - contracts to replace any services where an extension cannot be agreed with the provider.

Extending these contracts will provide continuity to the customer.

### **Essex-Wide Integrated Sexual Health Procurement**

To undertake a competitive procurement exercise to select a provider to deliver an Essex-wide sexual health service to replace the eight sexual health contracts inherited by the County Council as a result of the statutory transfer of NHS public health contracts on 1 April 2013. The current contracts come to an end on 31 March 2016.

### **Sourcing Strategy for Major Capital Construction Projects**

To procure a four-year, Council-led two tier Framework Agreement for the provision of both design and build services and construction only services capable of delivering the Council's major buildings-related capital investment programme, with the two tiers being for projects valued under and over £2m.

### **Re-commissioning Specialist Sensory Services**

- To award a contract to Essex Cares Ltd (ECL) for the co-ordination of the Sensory Services Pathway and the provision of Early Intervention and Reablement services for a period of three years commencing 1 July 2015.
- To agree that the contract will require ECL to take on responsibility for grants to voluntary sector providers, to work with the Council and to build relationships with health and social care partners to ensure that services provided meet the requirements of the redesigned pathway for people with sensory impairments in Essex.

### **Substance Misuse Services**

To put in place appropriate commercial arrangements to ensure sustainable and effective future service delivery of Public Health Substance Misuse services. There are five current agreements which will be extended or replaced. There will be two new competitively procured agreements: a single procurement of services to offenders and a re-procurement of existing alcohol services. Extensions will

be activated on the other three existing contracts where the provider is performing well. Once complete, all five contracts will expire at the same time which will provide future opportunities for County-wide economies of scale. Whilst there are no explicit savings planned through this work, key outcomes are increased efficiency of the delivery system and improved performance.

### **Domestic Abuse Community Services**

To invite tenders for Domestic Abuse Community Services across Essex which will focus on improving outcomes and take account of best practice in supporting victims of domestic abuse in the community. The Council currently commissions a number of services to support victims of domestic violence. They deliver a range of refuge, floating support, move on support and outreach interventions with some Early Years and childcare provision. The Council has the power, but not the duty to provide these services. The current contracts were not awarded competitively. The contracts have been extended until 30 September to review whether current arrangements are the most appropriate to meet the needs of this vulnerable client group.

### **Superfast Essex Phase 2 Project 2a**

To authorise the Director for Information Services to award a contract for the provision of Project 2a to BT Group, under the Broadband Delivery UK Framework, once he is satisfied that the formal evaluation and due diligence shows that the contract represents value for money. The contract for Project 2a, will see a further fibre broadband rollout focused in parts of the most poorly served districts in the County in terms of superfast broadband: Braintree, Brentwood, Chelmsford, Colchester, Epping Forest, Maldon, Rochford, Tendring and Uttlesford.

### **Care in a residential setting for Older People**

To approve the reprocurement of residential care services for older people by extending the existing Older People's Residential Care Agreement ("OPRCA") for a 12-month period. The contract will then expire on 31 March 2016. The Council currently funds the provision of care for over 6,300 adults in a residential setting. Of these, circa 2,450 older people are currently placed pursuant to the existing OPRCA. The OPRCA is a framework agreement used to place service users over the age of 65 who require residential care. The Council currently has five types of purchasing arrangements in place with providers for care provision in a residential setting. There is a need to simplify contracts, specification and placement processes for both the Council and providers and the Council is utilising the opportunity afforded by the expiration of the OPRCA to re-procure all residential care for older people with or without nursing using a standard specification across the market.

### **New Supported Living Services Framework**

To agree the procurement and implementation of a 'Supported Living' contract framework to support the delivery of the Increasing Independence programme and its associated efficiency targets and seeking to award contracts to multiple contractors to maximise the choice of quality care services for service users. The Increasing Independence Programme for Working Age Adults is targeted with increasing the number of users placed either in care home placements that meet their needs or where appropriate into community based alternatives. The County Council's vision is to promote independence, enabling service users, with the

correct levels of support, to live a more independent life. Supported Living residents live in their own accommodation with care provided by services commissioned by the Council.

### **Essex-Wide Health Trainer Service**

To approve the commissioning of a County-wide Health Trainer Service. Health Trainers are a proven, effective way of eliciting behaviour change towards a healthier lifestyle, particularly in hard to reach groups. The approval is to procure a single Essex-wide provider, amalgamating the benefits currently delivered by four separate providers. This will not only improve the quality of the service delivered and the outcomes that are produced but also deliver savings of £253,000 per annum compared to the 2014/15 spend, totalling £1.27m over the five year contract term.

### **Day Opportunities**

To extend existing block and spot contracts for day opportunities until 30 September 2016. The options for future service provision are being explored following a cancelled procurement for this service to ensure that the new contracts can be in place for 1 October 2016. The extension of the spot and block contracts will enable the Council:

- to re-model existing service provision to ensure that it meets Corporate Outcomes and is within allocated budget; and
- to prepare to run a compliant competitive process to secure future supply of the services in a manner that enables the Council to move away from current block purchasing.

### **Stop Smoking Support Service for Essex**

To agree an investment in and procurement of a contract for a Stop Smoking Support Service (SSSS). This procurement will help to improve the health and wellbeing of those residents in the identified geographical areas and address key public health issues. Cabinet agreed to invest £11million (£2.2million each year) from the public health grant over a period of five financial years (2016 to 2021) and to procure one new contract for a SSSS to replace the two contracts currently with community providers which expire on 31 March 2016. It is established that support from a SSSS is up to four times more effective than attempting to stop smoking unassisted. Smoking is estimated to cost the Essex area approximately £329.5million each year.

### **Combined framework for older people's residential care and adults eligible for NHS funded care**

To agree to re-procure care in a residential setting for older people and adults with non-complex mental health needs with or without nursing. The contract will be for a total of three years with annual break clauses. The County Council is working in partnership with Essex Clinical Commissioning Groups to establish a framework contract for care placements for residential and nursing care that can be used by the Council and the CCGs. The Council and the CCGs are committed to ensuring the people of Essex experience high quality and consistent health and care outcomes. The current annual gross cost of care to the Council for supporting adults in a residential setting is £146 million. The Council needs to control costs more effectively by working closely with the providers to develop services which ensure vulnerable adults can maintain their

independence for as long as possible in the community and reduce the need for long term residential care.

## **2. Care Act 2014**

The Care Act 2014 is the most significant reform of adult social care law since the system was established in 1948. The majority of the legislation comes into force from April 2015, although there are some significant changes coming into effect from April 2016 which will reform the system for paying for care. The Act was introduced to ensure that Health and Social Care services were better integrated and to put service users at the heart of the social care service. Cabinet has been taking decisions in preparation for the Care Act implementation.

### **Prevention Strategy**

Cabinet adopted the Prevention Strategy and agreed to delegate authority for the performance monitoring and outcomes of Strategy interventions to the relevant Cabinet Members. The Prevention Strategy will ensure that Essex is Care Act compliant. One of the most prominent themes of the Act is prevention, as the Act looks not only at how best to treat and care for those in need, but also how to prevent, reduce or delay need before it becomes a serious issue. The Act requires that a prevention strategy be put in place detailing how Local Authorities will prevent, reduce and delay the needs of those residents who may have social care needs. The Prevention Strategy brings together a number of active projects and programmes of work. The strategy shows the current work undertaken by these projects and programmes and also future commissioning intentions.

### **Market Position Statement**

Cabinet has approved the Market Position Statement for the period 2015-25. The Care Act places a clear market-shaping duty on the local authority. The local authority has a duty to ensure that there is a diverse and sustainable market for care. The local authority should signal to the market the types of services that are needed now and in the future. The Market Position Statement (MPS) is one way a local authority can meet its duties to make available information about the local market and to demonstrate that it is meeting other aspects of the Act (promoting equality and diversity in provision of services). The Council's MPS has been developed with input from service providers within Essex. It sets out the Council's intelligence of the main trends and opportunities for the market and its strategic direction.

### **Deferred Payment Agreements**

Cabinet agreed that the Council should charge interest on deferred payments agreements (DPAs) for the lifetime of the agreement, at the relevant rate defined in the Care and Support (Deferred Payment) Regulations 2014 with effect from 1 April 2015. It also agreed an administration fee of £450 per Agreement. The Act sets out a clearer national approach to financial assessment and charging, including the introduction of a new Universal Deferred Payment Scheme. When someone moves into permanent residential or nursing care the value of their main home may in some circumstances be taken into account when assessing their financial contribution towards their care costs. Some people find that they may have to sell their property to pay for residential or nursing care costs.

A Deferred Payment Agreement (DPA) prevents people from having to sell their property during their lifetime to fund their care costs by the Council paying the fees to the provider and then recovering the costs from the user at a later date. A deferral can last until death, however, many people choose to use a deferred payment agreement as a 'bridging loan' to give them time and flexibility to sell their home when they choose to do so. The arrangement is to defer the payment, not to write it off.

Local authorities currently have the power to offer DPAs but are not obliged to do so. From 1 April 2015 the Act makes it mandatory for local authorities to implement a universal DPA scheme which allows anyone that meets a national set of eligibility criteria to access the scheme. Although the County Council already runs a DPA scheme it is expected that more people will become eligible under the new universal criteria, and will wish to access the scheme from 1 April.

### **3. Carers Count in Essex: 2015-2020 Joint Essex Carers Strategy**

Cabinet approved the "Carers Count in Essex: 2015-2020 Joint Essex Carers Strategy". The Strategy sets out the issues, the desired outcomes and an action plan. The action plan details how the strategy will be delivered by both the County Council and partner organisations in the NHS. A carer is a person who is unpaid and looks after or supports someone else who needs help with their day-to-day life because of frailty, illness or disability. In Essex an estimated 145,000 people provide unpaid care and support. The value of care provided by unpaid carers in Essex is estimated by the University of Leeds to be £2.5 billion a year. Unpaid carers are therefore an asset to their communities as much as they are to the person they are supporting. But caring does not come without costs to the carer – often impacting on their own health, wellbeing and financial position. By providing preventative support authorities can avoid crises escalating and manage potential additional need for services.

### **4. Highway Authority Enforcement Policy**

Cabinet has adopted a Highway Authority Enforcement Policy. A newly-formed Highways Enforcement Team has been working to improve the enforcement of highway law. The initial work of the team highlighted the need for an Enforcement Policy to create a consistent transparent framework for enforcement. The Highway Authority has a duty to assert and protect the right of the public to the use and enjoyment of the highway and this policy explains how this is prioritised and the actions that will be considered when undertaking enforcement.

Councillor David Finch  
Leader of the Council



## Dates of Future meetings

### Dates of Future Council meetings

The Council is asked to approve the dates of its meetings for the Municipal Year 2016/17.

### Recommended:

That meetings of the Council be held on Tuesdays at 10am on 12 July, 11 October and 13 December 2016 and 14 February (Budget) and 16 May 2017 (Annual).





# Essex Fire Authority

## Report to the Constituent Authorities of the meetings on 11 February & 15 April 2015

### 1. Budget for 2015-16

The Fire Authority has agreed its budget for 2015-16, including a decision to accept the Government's Council Tax freeze grant for a further year. In reaching their decision, Members considered options for the revenue and capital budgets for the Authority for 2015/16 and received information on the budget and business planning process. They also received information on the formula grant settlement, share of national non-domestic rates, council tax base and collection account for 2015/16.

During their consideration of the budget, Members agreed to establish a task and finish group to consider policies relating to investment and reserves, with a view to maximising the return to the Authority. The Group will hold its first meeting after the General Election on 7 May.

The Authority resolved as follows:

1. That the budget for 2015/16 be agreed, as set out below:

	2014/15 Budget	2015/16 Council Tax Freeze Budget
<b>Net Expenditure</b>	£73,271k	<b>£71,827k</b>
Decrease from 2014/15		-£1,444k
Precept	£38,954k	£39,758k
Band D Council Tax	£66.42	<b>£66.42</b>
Increase from 2014/15		<b>0.00%</b>

1. A net expenditure budget of £71.827m;

2. A precept of £39.758m;
3. A Band D council tax of £66.42 (the same since 2010/11);
4. The bands of Council Tax are shown in the following table.

Council Tax Band	2015/16 No Increase
A	£44.28
B	£51.66
C	£59.04
D	£66.42
E	£81.18
F	£95.94
G	£110.70
H	£132.84

5. Capital expenditure budget of £8.175m in 2015/16.

## 2. Charging

The Fire Authority has reviewed its arrangements for charging for the provision of specific services, and agreed to a 2% increase with effect from 1 April 2015.

Section 19 of the Fire and Rescue Act 2004 makes provision for charging, provided that the amount of the charge is set by the Authority and that the income from charges does not exceed the costs incurred. The Fire and Rescue Services (England) Order 2004 (SI 2135/2004) provides the details of the activities that may be charged for.

One area where charges have not been raised to date is for the value of the Fire Service brand for the trading activities of the Fire Authority through EFA (Trading). This is an area that has been the subject of controversy and has led to a formal complaint about the use of state aid to the European Commission. As an interim measure a charge for the value of the fire service brand is proposed with effect from 1 April 2015. This will, in effect, provide a small dividend from the trading company to the Authority from pre-tax profits. The rate of charge is proposed to be 5% where training is provided by uniformed officers and 2% for all other trading activities.

As part of the response to the state aid claim it is expected that there will be an independent assessment of the charges that should be made to fire authority trading companies for the use of the Fire Service brand. Authority has been delegated to the Finance Director & Treasurer to implement any alternative charge proposed by the independent assessor.

One area where the Authority does not charge is for rescuing animals. This area was debated at length by the Authority in February 2009 when a decision was made to invest in a large animal rescue unit. At that time the Service carried out around 200 animal rescues a year and it was believed that there would be a greater risk to animal owners and other members of the public if

charges were made as this may mean that owners would not seek assistance from the fire service. This will continue to be our approach.

Section 10 of the Localism Act 2011 amends the 2004 act to allow the Authority to charge for the attendance in response to automatic fire alarms (AFAs) where there is no fire and there are persistent false alarms. There are no proposals for the Authority to consider charging at this time because it is not the Authority's policy to respond to such incidents unless specific risks are present, or the AFA call is supported by a confirmation of a fire. The option to charge for such calls will be considered as part of any future review of the policy on attendance at AFAs.

Our charges from 1 April 2015 are as set out below:

<b>Charges from 1 April 2015</b>						
<b>Essex Fire Authority</b>			SI 2135/2004 Reference	2015 Charge	VAT	GROSS
				£	£	£
<b>1 - NON EMERGENCY SERVICES</b>						
CHEMICAL /HAZARDOUS INCIDENTS	(COMMERCIAL)	3	<b>406.00</b>	81.20	487.20	
SUBSEQUENT RECOVERY OF COSTS INCURRED WILL BE DETERMINED BY THE NATURE AND DURATION OF THE INCIDENT						
EFFECTING AN ENTRY INTO PREMISES OR LIFTS	(COMMERCIAL)	5,6	<b>213.00</b>	42.60	255.60	
EFFECTING AN ENTRY INTO PREMISES OR LIFTS	(DOMESTIC)	5,6	<b>69.00</b>	13.80	82.80	
REMOVE/MAKE SAFE TV AERIAL	(COMMERCIAL)	10	<b>354.00</b>	70.80	424.80	
REMOVE/MAKE SAFE TV AERIAL	(DOMESTIC)	10	<b>69.00</b>	13.80	82.80	
HIRING OR PROVISION OF EQUIPMENT, VEHICLES OR PREMISES (eg THERMAL IMAGE CAMERA & OPERATOR)	PER DAY OR PART DAY	1	<b>213.00</b>	42.60	255.60	
<b>2 - ANIMAL RESCUE</b>						
PROVISION OF FIREFIGHTERS FOR ANIMAL RESCUE	FIRST HOUR	7	<b>213.00</b>	42.60	255.60	
	SECOND AND SUBSEQUENT HOURS OR PART THEREOF		<b>134.00</b>	26.80	160.80	
Charges may be waived at the discretion of the Officer in Charge of the Incident						

### 3. New Control Facility – Go Live

The Authority received an update on the status of the new Control Facility, the change over from the old to new systems and the impact of the Fire Brigades Union (FBU) dispute on the change.

It was originally the Service's intention to leave the Emergency Fire Control Mobilising facility (Control) at Hutton until it moved to a Regional facility as part of a national programme. The failure of this programme led to the Fire Authority's decision to move from Hutton to Kelvedon Park. A DCLG grant was successfully bid for and has provided funds for a replacement of the mobilising systems for the Service. In line with the Service's commitment to collaboration, an agreement was reached to host a Control solution for Bedfordshire Fire and Rescue Service (BFRS).

The change from the old system to the new is not a simple upgrade but a move to the new generation of integrated data-led intelligent systems (rather than the older system's reliance on voice traffic). Information will be provided to crews via

mobile data terminals in the appliances. When fully commissioned, the system will improve the Service's ability to optimise its use of resources and maximise the use of risk information.

Before going live the system went through extensive testing. The infinite variety of circumstance and environment that we deal with means that as complete as these tests might be they will never include every conceivable scenario, so in addition to this, well established resilience arrangements, which have been developed over a number of years, remained in place.

### **Go-live**

The Service intended to move from the old system to the new and from Hutton to Kelvedon Park on 15 January 2015, but moved the date forward one day as a result of the FBU strike action from 09:00 on 14 January 2015. This decision was only made once the system had passed appropriate tests.

The FBU strike was called between 09:00 on 14 January 2015 to 18:00 on 16 January 2015, though some officers did not return to work until 09:00 on 17 January. The Service resilience arrangements were once again very strong with the Service responding to just fewer than 80 calls, the majority of which were false alarms.

We understand that the changes associated with the new system have been challenging and stressful for the Service's Control staff. We chose not to go-live with all the functionality of the new system immediately so as to allow the Service to deal with any issues with the system and Control Operators to become familiar with the changes before they adopted a new and truly dynamic mobilising methodology and before they relied on data messages rather than verbal ones.

It is apparent from our experience with the new mobilising system that it requires a very different approach to mobilising. Control Staff have done well adjusting and recognise the change is significant and not easy, and are responding positively.

The Service responds to a huge range of operational incidents, which occur in numerous scenarios in countless locations (private addresses, roadways, business premises to name a few). When you include the need to identify and allocate the most appropriate resources, the challenge in making this as accurate as possible from the start is clear. The development of the configuration of the system is dynamic and as our staff develop the system through rules and action plans, the closest and most appropriate resource will be mobilised; rather than relying on Parish boundary lines, which formed the basis of previous attendances.

There have been challenges during the first few weeks of operation, and further testing is underway to investigate issues relating to the interaction of the new system with the existing network. A decision was taken to revert to use of the former system for the time being, and the robust resilience arrangements in place meant that this could be achieved with minimal disruption. Work is ongoing with

the system supplier and we are confident that the outstanding issues will be resolved.

#### **4. Sprinkler Scheme Update**

In 2014 Essex Fire Authority supported a three-year programme (£250k per year) of match funding for the installation of sprinklers in buildings that accommodate vulnerable members of our communities. Essex County Fire and Rescue Service (ECFRS) has been actively promoting the use of sprinklers, hosting events to promote their benefits and dispel the myths that often inappropriately affect decisions on whether to install or not.

The Fire Authority has received a report on the Scheme's progress during its first year of operation, noting that it has been a great success. Two projects (at Parkside Tower, Chelmsford and Mornington House, Southend) have been completed, with a further two (at Brooke House and Bokingham Green, Basildon) due to begin imminently. These four projects accounted for £160K of the fund for the year. Bids for a further eight projects (one in Southend and seven in Basildon) have been received that will account for the remaining £90K, and may be deferred to qualify for funding in 2015-16. The sprinkler funding used and committed means that ECFRS will have assisted in the provision of sprinkler systems in 196 premises that are home to vulnerable persons and/or in premises that constitute a significant risk to fire-fighters.

Feedback from property managers and occupiers had been positive.

The Fire Authority is delighted that, following a nomination by South Essex Homes, ECFRS has received a commendation from the National Fire Sprinkler Network in recognition of the Fire Authority's generous financial backing for sprinklers and sprinkler protection, and as a token of the high regard in which the work of ECFRS personnel are held.

