

ESSEX COUNTY COUNCIL MEETING

13 May 2014

Answers to Written Questions (standing order 16.12.1)

Agenda Item

19(a)

1. **By Councillor A Erskine of the Cabinet Member for Highways and Transportation**

'How much of the bad weather gritting budget is being returned to the Highway's overall budget?

Should any underspend over the winter be drawn back into reserves?'

Reply

The winter service policy line budget is always set at a figure reflecting a mild winter (and topped up from reserves if the winter is severe). The policy line budget for 2013/14 was £2.62M and the out turn was £2.49M, a saving of £130,000. There are small over/underspends on individual policy line budgets such as this and some compensating items eg if the winter is severe men and machines can be taken from other duties to enhance the gritting service.

Any residual underspends from the overall Highways and Transportation service budget would go into the Council's general revenue reserve.

2. **By Councillor K Smith of the Leader of the Council**

'Eric Pickles MP has recently supported the promotion of the identity of English Counties.

Will Essex County Council set up a forum to enable Leaders/representative of every local authority within the historic boundaries of Essex, including the two unitary authorities and metropolitan Essex (Havering, Barking & Dagenham, Redbridge, Newham and Waltham Forest) to meet on regular basis to discuss

issues that affect this historic County such as transport, health, tourism, industry and ideas?’

Reply

I welcome the Secretary of State’s recognition of the importance of English Counties. I look forward to that recognition being translated in to substantial devolution to County areas that all Members would welcome. The County Council already works in partnership with a wide variety of organisations both inside and outside our boundaries where it makes sense for us to do so. In fact we work closely with some of the London boroughs mentioned, as part of the London Stansted Cambridge Consortium. We will continue to work with partners, and across our borders, where it makes sense for us to do so to deliver the outcomes we are seeking for Essex and its residents. I am not convinced at the moment that another partnership forum along the lines described is necessary. I will however continue to seek opportunities to promote Essex, its identity, and the role of Counties as substantial players in the governance of this country and I look forward to all Members supporting me in that endeavour.

3. By Councillor K Smith of the Cabinet Member for Transformation

‘What is the net total cost of gas and electricity for all properties owned by Essex County Council?’

Reply

The net total cost of gas and electricity for all properties owned by Essex County Council for the period f/y 2012/13 is £22.3M. The number of sites covered is 960 and the split between gas and electricity is £7.4m and £14.9m respectively.

- This figure does not include Carbon Reduction Commitment charge (CRC) which equates to £1.3M
- Climate Change Levy (CCL) is included in cost price
- The order of cost supplied may vary slightly \pm 2% due to estimated meter readings.
- The figure supplied is that as paid by Essex County Council to the energy supply authorities for period stated.

4. By Councillor N Le Gresley of the Leader of the Council

'Would the Leader of the Council consider Essex County Council taking the lead, in agreement and in co-operation with all Essex local authorities, to act as the principal organisation in determining what housing development is needed to fulfil Government planning 'guidance' and how it can be properly managed across the entire County and in all towns and villages, at a strategic level, rather than in 'silos', as is currently being done?

In particular, would the Leader be prepared to champion the need for one or more 'Garden Cities' in Essex, to attract some of the £2.5 Billion available from the Government for such projects, which will meet much of the housing demand already identified by local councils across the County, combine with the Council's strategic economic plan and which will mitigate the need for endless, hugely unpopular, new estates encircling our communities, usually without the essential infrastructure and services to go with them?'

Reply

Essex County Council has an important role to play in supporting the delivery of housing across the county. As we identify the need for specialist housing for the many client groups of vulnerable people we care for, as well as taking responsibility for our role as local education authority, highways authority and Minerals and Waste Planning authority, we are in constant dialogue with local authority partners to support their identification of land for housing. Through the government's localism agenda, it is clear however that it is the responsibility of local councils to fulfill government 'guidance' through the development of their locally determined, democratically accountable Local Plans. The guidance that governs this process, the National Planning Policy Framework, makes it clear that local councils must work collaboratively with other bodies to ensure that the provision of housing land is coordinated across local boundaries through the introduction of the 'duty to cooperate'. This duty ensures that plans are not prepared in 'silos' and Local Plans are judged on the fulfillment of this requirement, with many Plans across the country having been thrown out at inspection for lacking the evidence of working across borders. The preparation of Strategic Housing Market Assessments (SHMA) by local areas in support of the development of their Plans is also increasingly being undertaken across boundaries, for example across the Thames Gateway South Essex area, further ensuring that silos are broken.

Aside from the legal framework, ECC also plays a key role in supporting the identification and resolution of cross border issues as

Local Plans are being prepared, and in the provision and sourcing of funding for the delivery of supporting infrastructure. This was the basis for the creation of the Integrated County Strategy and Essex local authority officers continue to work together within that framework and through many other fora, including the Essex Planning Officers Association. We are also doing all we can to release land and assets we no longer need as a council to the market, often in support of housing delivery.

We will continue to offer any support we can to district, borough and city colleague authorities in the work they lead in determining their Local Plans. This would of course extend to any discussions they would want to have on the identification of large scale developments such as Garden Cities.

5. By Councillor B Aspinell of the Cabinet Member for Highways and Transportation

‘Essex County Council is proposing to save money by making a unilateral decision to remove School Crossing Patrols from crossing points where there is a zebra or light controlled crossing.

- Have each of these sites been individually risk assessed in accordance with the National Guidelines for the School Crossing Patrol Service taking into account each site’s current pedestrian and vehicle count, the demographics of the users, and their ability to judge speeds and distances safely?
- Have all other sites been assessed to see if they still meet the national criteria for the provision of a crossing, to ensure we are deploying staff in the most efficient way?
- Has consideration been given to the Council’s obligation under the Education Act 1996 to ensure safe routes to school?
- Has Essex County Council considered the extensive research which shows that a zebra crossing without traffic calming measures may be more unsafe than a normal section of road?
- Why is Essex County Council quoting a cost of £5860 per patrol, when other Councils are quoting figures of around £3500?
- In the draft service level agreement Essex County Council will charge £5860 for the provision of a patrol, but if the employee is sick or leaves then Essex County Council is only obliged to give five days “emergency cover” *if possible*, but the school will continue to be paying for a service it does not receive. How can this be a sensible contract for a school to sign up to?’

Reply

The County Council is not making, and has not made, a unilateral decision to remove a single School Crossing Patrol. It strongly supports School Crossing patrols as an aid to road safety. What it is consulting on is how the service should be funded and supported by the local community and, in some instances, whether to remove them if no such support is forthcoming.

The Council holds information and PV data on all those sites which are the subject of the recent consultation and carries out regular risk assessments. We are also ensuring we have updated PV2 data on all current and potential sites. The provision of an alternative form of crossing will enable children and parents to cross the road safely and we would also check with the Police on a regular basis the accident record of any site including unmanned zebra crossings

The £5860 per patrol includes all on costs whereas the £3500 is likely to be salary costs only. Our costs include provision for the first 5 days of sickness absence and on a best endeavours basis thereafter as resources permit. If the employee leaves or is absent after 5 days without cover then obviously there would be no charge/a refund of charges made so it is a perfectly reasonable and sensible SLA for any school to sign up to.

6. By Councillor B Aspinell of the Cabinet Member for Highways and Transportation

'Would the Cabinet Member for Highways and Transportation please furnish me with the procedure and policy that permits Essex Highways to turn the street lights back on in the event of a report from the Police indicating an increase in crime directly attributable to the lights out status?'

Reply

A Street Lighting and Police Request protocol was established as an intrinsic part of the Part Night Lighting scheme. The procedure provides, inter alia, for the Cabinet Member or the Director, in consultation with one another as appropriate, to deal with a request or originate a proposal to apply an override across the entire County or an entire District of the County in a Gold command emergency, such as potential flooding, storms or extreme weather conditions.

Police requests can also be made for cessation of Part Night Lighting for more localised situations, accompanied by evidence to support the

request, street names and supporting justification.

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

'I understand that the repair of grass verges on the Highway is a County Council responsibility. Would the Cabinet Member please provide answers to the following points:

(1) What was the County budget for repairing grass verges for the last financial year and how much of it was actually spent?

(2) What is the County budget for repairing grass verges for the current financial year?'

Reply

(1)

There is no specific revenue budget for repairing grass verges; this type of activity is combined into the environmental & safety maintenance budget which also covers activities, such as weed control & tree maintenance. The 2013/14 environmental & safety maintenance budget was £2.710m and actual expenditure incurred was £2.342m. All Districts bar Uttlesford cut verges on behalf of ECC. The sum provided by ECC incorporated in the above is the equivalent to 1-1.5 cuts per annum with Districts often undertaking many additional cuts throughout the year, at their own discretion.

In addition to the resource envelope above, ECC also allocates £960,000 (approximately £80k per District) to provide Highways Rangers services to the local community, this includes cutting back vegetation and strimming overgrown highway verges.

(2)

2014/15 budgets are as follows:

- Environmental & safety maintenance budget £2.771m
- Highways Rangers £960,000 (£80k per district)
- This financial year, as a one off, we are also offering each District/Borough up to £50K to augment the revenue budget provided there is a matching £ for £ contribution by the District/Borough concerned.

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

(1) Does the Cabinet Member believe that Brentwood residents have had good value for money from the refurbishment of Brentwood High Street?

(2) What claims have been made by the County Council against the contractors who refurbished the High Street for any instances of poor workmanship and any problems that have occurred since?

(3) How many claims have been made against the County Council by residents for injuries suffered by pedestrians in Brentwood High Street since the refurbishment has been completed?

Reply

The Brentwood High Street improvements were implemented after many years of consultation and collaborative working between Essex County Council and Brentwood Borough Council. Prior to commencement of the works, extensive consultation was undertaken with local (County and Borough) Members, local businesses, residents and local user groups (passenger transport users, taxi/hackney carriage user group, blind and partially sighted user groups and mobility impaired user groups). This list is not exhaustive but the consultation was extensive and took place over a period of years. Prior to a decision being made on the materials to be used, a test area was laid in the High Street and comments sought from local County Members on the options available. All of the materials used are fully compliant with British Standards Institute requirements for pavement surfaces within busy pedestrian areas. The High Street improvement scheme was constructed to a high standard and was defect free when the scheme was accepted as completed by the County Council. Additional materials were retained in the local Brentwood Depot that would allow for suitable materials to be available for repairs going forward. We believe that the overall scheme has performed well although there are currently a number of defects on the pavements that need attention.

The current defects have been materialising over a period of time due to a combination of factors that can manifest with these schemes. As always utility companies need to provide services and repair service faults both in the carriageways and footways, and while special attention is paid to those works, any construction that breaks a highway creates a weak point. We are also aware that substantial footway parking has been happening since the scheme was completed, despite the presence of waiting restrictions for the full length of the road. The footways were not constructed to take the

weight of these vehicles especially larger vehicles. In addition to this we believe that the cleansing practices using high pressure cleansing machines have been having a detrimental effect on the footways. We believe that the high pressure washers have been removing the joints and bedding sand over a period of time, leading to rocking slabs that can crack especially when combined with point loading related to the parking. It would be highly unusual for pedestrians to cause damage to pavements or to cause paving slabs to crack. It should be noted that this type of problem is not isolated to Brentwood and is apparent on similar schemes elsewhere in the county.

We have recently completed footway remedial works which were undertaken in three phases during March. A total number of 70 footway defects repaired. In addition to this there are 13 outstanding recorded carriageway defects on the High Street, mainly risk assessed in the lowest category for priority for repairs. Carriageway work may require for the road to be closed so precise forward planning will be required and consideration is currently being given as to how and when this will be done.

The County Council have made no claims against the contractor who delivered the scheme and it was defect free when completed in December 2009.

We have received 15 claims since that time.

This was part of a significant investment in Brentwood Town Centre of over £10m, including the creation of a dedicated left turn slip at the Weald Road/High Street junction and improvements to the public realm to support the viability and vitality of the town centre.

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

‘What progress has been made in recovering the £50,689 in expense claims from Lord Hanningfield as was reported to the Audit Committee of June 2013?’

Reply

I am aware that there is still significant interest in this matter amongst our elected members. This matter is factually and legally complex and we have been seeking advice from counsel. We continue to explore all avenues of recovering monies due to the Council from Lord Hanningfield in the most cost effective way.

10. By Councillor G Helm of the Leader of the Council

‘What progress has been made to recover the money from Lord Hanningfield which he obtained from Essex County Council’

Reply

I am aware that there is still significant interest in this matter amongst our elected members. This matter is factually and legally complex and we have been seeking advice from counsel. We continue to explore all avenues of recovering monies due to the Council from Lord Hanningfield in the most cost effective way.

11. By Councillor N Le Gresley of the Cabinet Member for Waste and Recycling

‘Would the Cabinet Member agree that less waste is likely to be recycled, more fly tipping occur and more tax payers money spent clearing up the mess, if his suggested closure of local waste amenities goes ahead and Essex residents are required to travel up to 30 miles round trip to a Super Tip?’

Reply

The Recycling Centres for Household Waste provided by Essex CC are just one element of the waste management system provided by the Essex Waste Partnership which allow Essex residents to dispose of their waste and recycling. The recent public survey is part of continual activity to look at what opportunities may exist to improve efficiency of the system as a whole and optimise integration. We are currently reviewing the data from this survey with the sole purpose of ensuring we understand the needs of users in any decisions we may need to take in the future.

I can confirm that there are no proposals in the current year to close or alter the operation of the existing network of Recycling Centres. No view has been formed on the future requirement or need for specific sites; or work undertaken to secure land for new site development. Any plans that may emerge in the future which affect the current service offered by Recycling Centres, including the development of additional sites will be subject to public consultation and scrutiny to ensure all impacts are fully considered.

12. By Councillor R Lord of the Leader of the Council

'Would the Leader of the Council agree with recent statements by the Prime Minister and the Secretary of State for Business, Innovation and Skills, that companies trading in Britain should be open and transparent; and that the beneficial owners of companies should be declared?

Has he taken any steps to identify the beneficial owners of any of the offshore companies that the Council deals with directly or indirectly, notably in the care home sector and waste industry?'

Reply

The Council has in excess of 7000 live suppliers and 5700 formal, live contracts. Within our procurement system, we have visibility of the corporate family tree including the ultimate global organisation of the suppliers we spend money with although this provides little in the way of detail, only the name. We do not routinely use this information to assess whether or not the supplier is ultimately owned by an off-shore organisation, more for understanding where different suppliers we work with are owned by the same organisation for the purposes of managing our relationship with them on this basis. To get visibility of the shareholding set-up and location of the organisations' immediate owners it would require each identified organisation to be investigated individually via Company House information, which would entail significant resource. It is likely the information would change on a fairly regular basis and therefore require on-going resource to keep it up to date.

We are not able to select suppliers on the basis of their beneficial ownership structure. We are also aware that HMRC has measures in place which endeavour to avoid organisational structures being used to reduce UK tax liabilities.

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

'Would the Cabinet Member for Highways and Transportation consider any proposals made to him to lease street lighting, at nominal cost, to those Towns, Parishes or even Districts, where they are willing to undertake the cost of maintenance and electricity?

This would enable them to make local decisions, where the lack of street lighting is either unpopular or having an adverse effect on

specific areas.'

Reply

Yes - in part. We could consider such options in appropriate locations as part of a broader review of Street Lighting following the implementation of Part Night Lighting. I think this could follow the next planned steps which include making refinements to the Part Night Lighting scheme by possibly making changes to leave the odd light on and, of course, experimenting with LED.

Thereafter, Street lighting which is required and needed for Highway safety reasons is, I think, properly provided by Essex County Council as Highway Authority but that which is more of an amenity nature might, as provided for in the Local Government Act, be better funded by Parish/Town Councils (or District/Borough Councils in unparished areas) or at least by their paying for the cost of maintenance and energy. The County Council's central management system and purchasing power for electricity might mean it is more efficient for it to actually run the lights.

This possibility is something that perhaps I could ask the Scrutiny Committee to make recommendations on in due course.

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

'To improve efficiency and highway safety, will the authority introduce a dedicated Highway Defects Reporting system such that elected County Members can report defects, accompanied with evidence on size and location, which will then be programmed for permanent repair in a reasonable time frame?'

Reply

We currently have an online reporting tool which enables Members and residents to report highways issues showing their geographic location. Democratic Services have now invited Members to take advantage, if they wish, of a direct link to this system for their iPads which the IT Service can provide.

As a result of Member feedback the Council is also implementing a series of improvements which will make the online reporting tool more interactive and user friendly. The first phase will be in relation to reporting potholes - and developments include providing information on existing issues, the ability accurately to define a pothole by

indicating its size, depth and exact location on the road and the ability to upload images. The new tool will also be compatible with other mobile devices.

Having more accurate information will enable our Highways engineers to inspect and assess defects more effectively and to programme repairs in line with the maintenance strategy and priorities but it is not intended to change those priorities at this juncture as we are beginning to see the benefits of a more programmed cluster approach as opposed to a wholly reactive single/temporary response repair strategy.

The system will offer automatic status updates directly to users via SMS text and email, and user testing testing is planned to start in June 2014.

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

‘Given that the authority states that it has switched priorities and for some rural roads will do no work in the foreseeable future, has ECC effectively abandoned these roads? If ECC is declining to do any work despite extensive defects and local communities take matters into their own hands and attempt their own repairs for reasons of safety and to avoid damage to vehicles, what is the position of the authority?’

Reply

As the Member has been advised on many occasions, the Council has not abandoned local roads. Its changes in priorities affect response repairs so as to ensure compliance with the limited revenue budget available. The Council is embarking this year on the most significant capital investment in local roads which will have been seen for years. This will be done in a planned rather than a reactive way and thereby increase the efficiency of the Ringway Jacobs/Essex County Council partnership

If any unauthorised person or organisation is foolish enough to attempt to usurp the responsibilities of the Highway Authority they will be liable to prosecution and to civil liability for damages to the County Council and/or liability for injuries or damage to any third party.

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

‘Would the Portfolio holder confirm whether any county funding has been devolved for kerb repair in the Maypole division, Colchester?’

Reply

Other than to Officers – No

17. By Councillor I Henderson of the Cabinet Member for Economic Growth and Infrastructure

‘Would the portfolio holder confirm whether SELEP is covered under any Local Authority statute or legislation regarding proper use of public funds?’

Furthermore, given recent sign off of EPfE and SEP which includes substantial financial contribution by the council, does he believe the governance arrangements of SELEP ensure satisfactory accountability?’

Reply

I am very grateful to Councillor Henderson for his question on this important subject as it gives me the opportunity to update the Council on their role as the accountable body for SELEP. As members will know, SELEP covers the local authority areas of Thurrock, Southend-on-Sea, Kent, Medway and East Sussex in addition to Essex. However, Essex County Council is SELEP’s accountable body and as such the Council and its senior officers have an additional role to:

- Support SELEP’s governance processes and ensure that SELEP’s decisions are implemented after completion of SELEP’s governance processes
- Hold and manage in the Council’s name, account for, and audit all monies paid to SELEP and intended for their use
- Pay and receive all payment to and by SELEP
- Enter into contracts on behalf of SELEP to give effect to its decisions

- Employ any staff who are seconded to work with SELEP

In supporting and facilitating the work of SELEP, the Council's Executive Director of Corporate Services and the Monitoring Officer apply the same standards and tests in relation to fiduciary duty, transparency, accountability and stewardship as they would to decisions and expenditure by the Council. The recent appointment of Mr David Godfrey, as SELEP's new Director, has provided a useful opportunity to review these arrangements and this work is continuing. The SELEP Board is not subject to the local government statutory requirements as to the conduct of its business but nevertheless publishes its agendas and papers, holds meetings in public and publishes its decisions and it is right that it should do so.

SELEP also maintains strong links at both officer and elected member level with local authorities in its area. All the upper tier authorities listed are represented at senior member level on the Board. District, borough and city authorities also appoint representatives. This level of local authority representation is essential to the Board's work but also ensures that local authority standards of stewardship and accountability are never overlooked.

In relation to the recent submissions of the Economic Plan for Essex and the Strategic Economic Plan the governance arrangements already in place both for SELEP and ECC as the Accountable Body will continue as noted above, and will be further bolstered by adherence to and compliance with any specific governance and reporting requirements as laid down by Government and set out in the respective guidelines issued by the Department for Business, Innovation & Skills.

The Federal Structure, Governance and Accountability arrangements and framework are set out in the Strategic Economic Plan, subject only to refinement of the process and understanding of any additional specific arrangements that may need to be put in place to meet the governments governance, accountability and reporting requirements which may emerge during the dialogue and bidding phase.

I am satisfied that these arrangements are sufficiently robust to ensure that full accountability and transparency is maintained throughout the lifetime of the respective funding allocations. The Accountable Body is there to support the LEP and will work closely with its Chairman and director.

18. By Councillor A Durcan of the Cabinet Member for Economic Growth and Infrastructure

'Would the portfolio holder clarify how many Apprenticeships were supported in 2013/14 along with the total funding for 2013/14? Finally, would the portfolio holder provide the budget for apprenticeships in 2014/15 and how many new apprenticeship opportunities it is estimated to create?'

Reply

598 new Apprenticeships were supported in 2013/14. The budget was £1,173,440

555 new Apprenticeship opportunities are to be created in 2014/15, the budget is £1,123,130 (515 of these will utilise an ECC budget of £1,023,130 and 40 will be supported by £100,000 of external funding we have secured through the Government's Coastal Communities programme).

Further explanation of these figures is as follows –

2013/14

- We were able to save £220,000 of ECC funding by utilising the National Apprenticeship Service's AGE grant (Our ECC scheme supports the employment costs with a subsidy of £2,500 to incentivise companies to take on an apprentice whereas the AGE grant offers those employers that qualify £1,500. As part of our application process if we identify that an employer can access the AGE grant, the ECC contribution will only be £1,000 to top the total subsidy up to £2,500)
- In addition to the 598 new apprentices the budget also supported the completion of approximately 250 Apprenticeships which started in 2012/13.
- The majority of the Apprenticeship opportunities were focused on those Essex industries which are key to the economic growth of the county – eg manufacturing, engineering and others involving science and technology such as digital technologies, plus health and social care.

Additionally, using external funding we continued to deliver the Diversity in Apprenticeships programme, which supported BME and other under-represented groups such as those with disabilities or from a care background access Apprenticeships.

2014/15

- Already factored into the 2014/15 budget is that a greater proportion of the 555 Apprenticeship will utilise the above mentioned AGE grant, resulting in a smaller ECC contribution overall
- The focus remains on our key sectors

19. By Councillor I Henderson of the Cabinet Member for Highways and Transportation

'It is noted that the Cabinet decision tabled in 2011 to invest £6.3m in a Central Management System to deliver county-wide savings was agreed before a consultation was carried out to verify the suitability of areas in the county to be moved to part night lighting.

Would the portfolio holder confirm when the county-wide consultation was carried out with the public on the principle of moving toward part-night lighting?'

Reply

Following the pilot schemes in Maldon and Uttlesford Districts there was extensive scrutiny of public reaction and acceptability, the criteria for exemptions to the Part Night Lighting scheme, evaluation of the incidence of crime etc. Around that period the decision in principle to proceed with a roll out across the County was facilitated by the availability of a Central Management System pioneered by an Essex based company which has also considerable additional benefits in the management of the lighting stock. Scrutiny recommended investment in this Central Management System. The public has given its support for all the policies (not just PNL) of the Council at elections in both 2009 and 2013 at both of which Cllr Henderson's Party did substantially worse than expected.

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

'Would the portfolio holder clarify whether street lights make any contribution to the prevention of crime and disorder in the county? Would he clarify the implications of part night lighting on Section 17 Crime and Disorder?'

Reply

The primary purpose of street lights is road safety but I am sure they also make a positive contribution towards the prevention of crime and disorder - but only a limited contribution, if at all, and then only in certain locations, between the hours of Midnight and 5.00am. We are monitoring the incidence of crime particularly during the switch off hours in conjunction with the Police

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

'The reprehensible conduct uncovered at the Old Deanery care home in Braintree raises serious questions about the role of local authorities and the crucial role that they need to play not only in monitoring care but also in continually improving the standards of care.

Whilst it has been stated that the kind of behaviour exposed does not reflect the vast majority of care workers in Essex, would the portfolio holder consider that the Council adopt a carers' charter to ensure a common drive towards excellent standards of practice from commissioners/providers right through to care workers and recipients of care in the County?'

Reply

I would like to reassure you that Essex County Council takes the quality of service provision to older people very seriously in all the care services that it contracts. I believe that the behaviour of staff highlighted in the Panorama programme broadcast on the 30th April 2014 is very much the exception and not the 'rule' found within the care sector in Essex. It was totally unacceptable and we have taken every appropriate action.

More generally, residential providers are required by CQC and the Council through its contract terms to have robust systems and processes in place to ensure that the right calibre of people is recruited into the care sector. These include the take up of written references and DBS (Disclosure and Barring Service) checks during the recruitment process, induction programmes at the residential home and then ongoing supervision and training.

The Council has moved away from block contracts and towards best value purchasing agreements. We operate ranked preferred supplier lists, linking quality and price. So we balance quality and do not buy only the cheapest care.

In 2013, Cabinet agreed to implement a £8 million Quality Improvement Fund for suppliers who were on the Council's residential, nursing and home support services contracts that operated via ranked lists. This funding has continued in 2014-15 and is specifically for providers to create a skilled, stable and sustainable workforce..

The residential providers are also tasked with improving the delivery of Quality of Care through My Home Life Essex (MHLE). As part of MHLE the Council has funded a three year project "Friends and Neighbours" (FaNs). The project is run in partnership with of three registered charities, Age UK, Independent Age & MHLE Community Association. The overall aim is to offer practical help to care home managers, promote public awareness and understanding of the work of care homes and develop a variety of routes through which everyone who shares an interest in the well-being of our oldest citizens can work together to help them to achieve the best possible quality of life according to their individual needs and preferences.

When areas of poor quality are identified, the Council has robust systems and processes in place to work with a provider to improve the quality of care to the service user. In rare cases where a supplier has been unable to sufficiently improve the levels of quality within the home the Council will terminate its contracts and move people to alternative accommodation.

I must also make clear that the Care Quality Commission is the regulatory body for the care sector in England. I do think that the carers' charter is an interesting proposal I think it is part of a wider debate with providers that we can have as we move to introduce the requirements of the Care Act. As part of the Act's implementation we are working with providers to revise the processes necessary to mitigate failure and to provide support to make permanent improvements.

22. By Councillor M Danvers of the Cabinet Member for Adults Social Care

'Given the verbal assurances to look into the matter at the last Council meeting, would the portfolio holder provide an update on any

progress in looking at tendering documents to make sure carers are paid a living wage?

Furthermore could the portfolio holder clarify whether providers pay carers for travel time and not just time spent at a client's house and whether they ensure that if there is a zero hours contract it is not exclusive to the carer for lack of alternative employment opportunities?'

Reply

The Home Support Services Contract 2011 (HSS) ensures that both service users and staff are safeguarded and protected through provider compliance with statutory employment regulations. The Council does not individually monitor whether providers pay their staff travel costs as this is not a contractual requirement however it is aware that some providers do pay their carers travel costs, and we would encourage Care Agencies to provide the best terms of employment and training. The HSS provider model requires providers to tender selecting a price from a table of rates and requires them to build in the business and staffing costs into their final price to ensure that the service and the business is viable and that the required quality can be delivered.

The Council does not state in the HSS what arrangements can or cannot be made between the Provider and its employees. The HSS contract states that staff must be fully trained, monitored, registered and vetted to ensure the safety of its Service Users. However, the employment contract between the provider and its employee is the responsibility of the Provider.

Due to the nature of the HSS contract, the Council cannot guarantee the number of hours or packages required at any time. The provider uses discretion to manage staffing levels and employment agreements allowing them to meet fluctuations in demand. Some providers will therefore use a mix of both permanent and zero hour contracted staff to meet the demand. A zero hour based contract can provide benefits to employees who require flexibility in the hours and days they work.

All employees carrying out services for the Council are subject to the same terms and conditions under the HSS Contract however it is a business decision how employee levels are managed. As part of this, to qualify for the £8 million Quality Improvement Fund, providers must demonstrate that carers are adequately rewarded for the roles they undertake.

23. By Councillor J Young of the Leader of the Council

'Would the Leader of the Council acknowledge that at the time of the Budget in February, there were just 151 employees of the council earning below a living wage costing a modest £160k to bring up to the threshold. Whilst our amendment to the budget was rejected by the Administration, would the Leader agree that in joining other fair minded authorities, we would lead by example, demonstrating fairness to our staff by paying a decent salary?

Would the Leader clarify his position on becoming a living wage authority?'

Reply

Although the underlying principle of adopting the living wage seems fair, there are in fact a number of considerations that we would have to make before committing to such an undertaking.

The figure of 151 employees, previously identified in Feb 14, at a cost of £155,789 employees represented only those ECC core directly employed members of staff. In order to be fully accredited as a Living wage employer, we would need to also include employees on zero hours contracts and apprentices, which may bring the figure nearer £1million pounds, dependant on actual hours worked.

Aside from this overall increase to pay bill for those employees eligible, we would need to be mindful of the following which would increase cost further:

- Erosion of pay differentials may also result, which would mean further re-grading of other posts at significant additional cost.
- By fully adopting the living wage ECC would be bound by a percentage increase of the living wage. This would be outside of ECC's control and not something which would support future planning easily.
- Any increase in the current salary pay bill would need to be found elsewhere and could lead to redundancies.
- A decision for us to implement the living wage would also have a potential knock on effect on schools costs and/or risk of equal

pay claims

- Any new providers may be put off from bidding for business because of their inherited obligations under TUPE.
- To be fully accredited Essex would also require ECC contractors/subcontractors to implement the Living Wage. This is likely to have a direct impact on procurement and the commissioning processes and potentially this could increase our direct costs as companies increase prices to offset any additional employee costs. It may be difficult for some small to medium sized businesses to absorb additional living wage costs.

24. By Councillor K Bobbin of the Cabinet Member for Waste and Recycling

‘Would the portfolio holder provide a statement regarding the long term future of recycling centres in the County? Would he in particular clarify the future of Pitsea centres and the potential of an unpopular new site which was earmarked?’

Reply

The Recycling Centres for Household Waste provided by Essex CC are just one element of the waste management system provided by the Essex Waste Partnership which allow Essex residents to dispose of their waste and recycling. The recent public survey is part of continual activity to look at what opportunities may exist to improve efficiency of the system as a whole and optimise integration. We are currently reviewing the data from this survey with the sole purpose of ensuring we understand the needs of users in any decisions we may need to take in the future.

I can confirm that there are no proposals in the current year to close or alter the operation of the existing network of Recycling Centres. No view has been formed on the future requirement or need for specific sites; or work undertaken to secure land for new site development. Any plans that may emerge in the future which affect the current service offered by Recycling Centres, including the development of additional sites will be subject to public consultation and scrutiny to ensure all impacts are fully considered.

We will have to review the Pitsea site location within two years as we only have a lease for two years from Basildon Council, although we have no plans to change the location of the site yet.

25. By Councillor M McGeorge of the Cabinet Member for Highways and Transportation

'Would the portfolio holder give assurances that scrutiny will be carried out on school patrol crossings before the decision is made allowing sufficient time for this unpopular proposal to be properly considered?

Reply

I am still considering the responses to the consultation on this issue. I probably need to make a decision about School Crossing Patrols on traffic light controlled crossings (the subject of a Motion at Council by the Liberal Democrats) fairly quickly and without the need for the assistance of the Scrutiny Committee but I am happy to involve and engage with scrutiny on the broader question of funding the School Crossing Patrol service as I have already assured the Leader of her Group.

26. By Councillor K Clempner of the Cabinet Member for Libraries, Communities and Planning

'There has been a significant contingent of Travellers circling Harlow for a considerable period. When the travellers have settled on Harlow District Council land, they are quickly moved on. The Travellers are aware of this and deliberately settle on Essex County Council land in Harlow.

Why does it take significantly longer for Essex County Council to exercise the legal proceedings in Harlow as compared to Harlow Council?

What steps have been taken to explore options to specify a 'no return' time period or to prohibit relocation to other areas in the near vicinity as part of legal proceedings?

What contribution does ECC make to clearing up the after effect of Traveller occupation on ECC land?

Reply

It is unlikely that the Travellers would be able to differentiate between

Harlow and ECC Highways, as they are opportunistic in identifying what they consider suitable stopping places. They have primarily targeted industrial areas and highways verges which is commonplace for any group travelling in Essex.

As a local authority, we have the choice of two powers to reclaim possession. One is a power specifically for local authorities, through the Magistrates court and is sect 77/8 of the Criminal Justice and Public Act 1994.

On setting up the Essex Countywide Traveller Unit (ECTU) and based on the precedent set by the Northampton Traveller Unit over the past 10 years, it was decided that this was the preferred option to manage encampment ensuring a fair and robust process which does not leave us open to challenge. This process is utilised on all encampments managed by ECTU on partner land (including ECC Highways land) to ensure a consistent approach across Essex .

Harlow DC, to the best of my knowledge do not use the local authority power, but use a civil power available to all known as a part 55 possession order. We will seek legal advice as to whether this should be quicker and sufficiently robust for local authority action. If Harlow had been part of the ECTU, we would have continued to apply section 77/8 in managing the encampment, in addition to ensuring consistency/continuity with the same officers managing the encampment throughout Harlow, as opposed to duplication of work/checks.

For additional information, the Police have emergency powers under section 61 of the same act, which is a decision made by the senior police officer on site, pending the meeting of certain criteria, but Highways land is excluded from this section of the act. This power has been used recently on the group when they stopped on ECC owned playing field.

In terms of non-return, Section 77/78 and any resulting order applies the specific area/piece of land. Where a court order has been granted, there is a 3 month no return rule for that piece of ground. I understand the similarly applies to the civil possession order. However this group are very aware of this, and are not returning to any sites where an order is still in place. The other option being investigated is an injunction under section 222 of the Local Government Act 1972. There are potential challenges here, in identifying the boundaries/area in applying for the injunction. Recent case law stipulates that an injunction will only be granted in exceptional circumstances, and the courts will not grant one which will be ineffective. This group have shown that there are a high number of

vulnerable areas in Harlow and whether it will be possible to cover all such areas in one injunction is to be confirmed.

Finally, in terms of costs picked up by ECC in the process – all legal costs and officer time for the management of the encampments on ECC highways land in Harlow, and highways/partner land in the rest of Essex, In terms of refuse as a result of an encampment, they are encouraged to bag up their waste which is collected by Harlow Street cleansing. Any damage to the fabric ie grass verge, would fall to Highways”

27 By Councillor J Deakin of the Cabinet Member for Libraries, Communities and Planning

‘Are there any plans to sell off any of the art, in any of its forms, currently owned by this council?
Has any such art been sold in the last 18 months?’

Reply

There are no plans in place at the moment to sell of our art. We are in the process of developing a policy that will define ECC’s approach to acquisition and disposal of items of art, taking account of our legal and statutory responsibilities in relation to items already under our custodianship. We anticipate that this will be in place by autumn 2014.