
Essex County Council

9 October 2018

Order Paper

Prayers

The meeting will be preceded by Prayers led by The Reverend Canon Ivor Moody, Vice Dean and Canon Pastor, Chelmsford Cathedral and Workplace Chaplain, Essex County Council.

Public Question Time

Prior to the meeting of the Council the following questions will be asked by members of the public in accordance with Standing Order 16.12.9.

Question 1: from Ms Moriarty, concerning speed limits and pavement maintenance in the vicinity of Hatfield Heath. She asks:

'Why is the speed limit on Sheering Road to/from Sheering Village to to/from Hatfield Heath Village set at national speed limit, therefore not in keeping with the other main roads serving the Hatfield Heath Village, and why has the Footpath/Pavement from the start of Hatfield Heath Village along the Sheering Road been allowed to deteriorate to such an extent that it is impassable and unusable.

Question 2: from Ms Goldman, concerning the maintenance of the Army and Navy Flyover. She asks:

'I run two small businesses related to the construction industry where I regularly see construction-related contracts. It would be extremely unusual for any of these contracts not to include clauses relating to non-performance. It is obvious to everyone that Ringway Jacobs have not been maintaining the Army and Navy Flyover to a safe and suitable standard and I assume that they must, therefore, be in breach of a non-performance clause.

Please can the Cabinet Member for Infrastructure explain:

- Why issues with the flyover were not picked up by Ringway Jacobs during previous inspections and in particular during the three-week period this summer during which the flyover was closed for maintenance?
- What non-performance penalties are included for within the Council's contract with Ringway Jacobs and

- When can we expect to see them enforced?’

Question 3: from Dr Jones, concerning the trial of the Gt Baddow Bus Gate and the monitoring of pollution. He asks:

‘The traffic disruption in various places, including Moulsham Lodge and Old Moulsham, caused by the Army and Navy flyover closure has clearly demonstrated that the fears expressed by local people regarding displacement of traffic due to the proposed bus-gate in Baddow Road are very real indeed! We have been told that the bus-gate to be put in place in 2020 is to be experimental and that its retention will be dependent on a successful trial.

Technically qualified officers will be aware that the level of pollution detected at any one time will depend on factors such as weather and school holidays. They will also know that it will be impossible to determine how much pollution has actually changed without first establishing a base-line. It is just not good enough only to determine whether or not pollution readings obtained during the trial meet existing limits. I know from my long career as a professional chemist, that such set limits invariably fall as the years go by and very rarely rise!

Can the Member tell us what measures will be put in place to monitor pollution in affected areas including Gloucester Avenue (near Moulsham High School), Maldon Road (Great Baddow), and Hylands Parade during the trial, and crucially for an entire year prior to its commencement?’

Urgent Business

The Chief Executive's Report on Political Proportionality

Review of Political Proportionality

We have been notified that Cllr Andy Wood is no longer a member of the registered Conservative Group on Essex County Council. We have also been notified that Cllr Wood has joined the registered Liberal Democrat Group on Essex County Council. The political composition of the Council is now as follows:

Group	Number of members
Conservative	54
Liberal Democrat	8
Labour	6
Non-aligned group	6
Independent	1

A 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 the most 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. Where the Conservative Group has 72% of Council seats it should have 72% 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. Subject to the impact on other groups, a group with 72% of Council seats should have as close to 72% of the seats on each committee as possible.

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 must 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 decreased by one and the Liberal Democrat Group has increased by one, the impact on the political balance is as follows:

- a. The Liberal Democrat Group is entitled to an extra seat on the Development and Regulation Committee
- b. The Conservative Group is entitled to one fewer seat on the Development and Regulation Committee
- c. The balance on the Policy and Scrutiny committees is unchanged.

In all other respects the committee allocations are as they were appointed at the annual meeting in May 2018.

Recommended:

That the revised political balance and committee seat allocations to registered political groups be noted.

Agenda Item 10**Written Questions****1. By Councillor Henderson of the Leader of the Council**

'I am sure that every member of this Council is angry and disgusted at the knowledge that modern slavery exists and is a growing issue within society. To this end, will the Leader of the Council arrange for Essex County Council to sign up to the Co-operative Party's Charter on Modern Slavery which confirms that signatories will:

- Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
- Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
- Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
- Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
- Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
- Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
- Review its contractual spending regularly to identify any potential issues with modern slavery.
- Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
- Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
- Report publicly on the implementation of this policy annually.'

2. By Councillor Young of the Cabinet Member for Education and Skills

'Councillor Goggin and I have been liaising with the First Bus company over the provision of bus services on a Sunday and evening services on the number 62. Unfortunately, there is going to be a gap between the Heddinghams Bus company relinquishing their service and the First Bus company starting. Could the portfolio holder investigate what can be done to provide some transport to my constituents during this gap in service as many people will find themselves devoid of transport.'

3. By Councillor Young of the Cabinet Member for Education and Skills

‘I am alarmed that there has been a review of bus stops in Colchester which appears to have been conducted without the involvement of local County Councillors. I am grateful to officers agreeing to meet me over this issue however please can the portfolio holder ensure that local members are included in discussions that affect their constituents such as these changes, as we will face the complaints from the community.’

4. By Councillor Reid of the Leader of the Council

‘In view of all the publicity in the media regarding several County Councils who are struggling with funding and finding themselves in financial crisis – one common thread is that the financial problems are ramped up by the needs of the population spread over a large area.

Whilst we all understand the consequences of a funding crisis the people who suffer mostly are those at the lower end of the scale.

Children’s and Adult Services, Libraries, Highways maintenance and economic and Community Infrastructure are the services which most likely would be affected.

We recognise the difficulties of continued funding and we all realise that one of the biggest contributions to the crisis is that funding from government has continually been reduced creating the situation that some County Councils are finding themselves in today.

Should we at Essex County Council ask the question going forward, how are we going to cope with delivering the best service to our residents in Essex if there are continuous funding cuts in the future. Can the people in Essex be confident that we will always put their interests first?’

5. By Councillor Reid of the Cabinet Member for Health and Adult Social Care

‘The Advisory Group on Contraception released a survey based on a FOI report showing that half of local authorities have cut or plan to cut contraceptive services this year.

Specialist clinics are reducing their hours or shutting down meaning women have to go back to their already overstretched GP surgeries. This is fine if they just need a repeat prescription but not so good for those women whose lives and needs are more complicated than that. There is an emerging problem for many women getting hold of long acting reversible contraceptives (LARCS) Such as the coil and contraceptive implants.

These cuts are responding to financial pressure - not ideological reasons.

Those most likely to end up with an unplanned pregnancy if they can't easily get hold of contraception are the young, the chaotic and women in exploitative relationships. An unplanned baby in a family already at the end of its tether is a potential recipe for disaster.

What is the current position of service in Essex?

Are there any planned cuts or reductions in the service in the future?

6. By Councillor Smith of the Cabinet Member for Culture and Communities

'Would the Cabinet Member for Culture and Communities consider writing to Royal Mail to request the issuing of a first and second class definitive stamp for the historic kingdom of Essex, as in keeping with Northern Ireland, Scotland and Wales? The image upon the stamp should be the trio of seaxes.

This request would help strengthen the link between the peoples of Essex right across the County, Unitary and Metropolitan boundaries of historic Essex.'

7. By Councillor Smith of the Cabinet Member for Culture and Communities

'Can the Cabinet Member please update concerned residents with regards to the most recent activities of Essex Trading Standards in relation to the many complaints from consumers using the Westgate car park of Basildon?'

8. By Councillor Scordis of the Cabinet Member for Finance, Commercial and Traded Services

'What impact do we believe a 'No Deal Brexit' will have on our finances if this occurs?'

9. By Councillor Scordis of the Cabinet Member for Customer and Corporate

'At the meeting of Council on 15 May Councillor Henderson brought to the attention of the Cabinet Member for Culture, Communities and Customer the issue of community groups being charged a fee for using the community hub in Essex libraries. Can I ask for the cost of administering this compared to the income raised from this scheme?'

10. By Councillor Davies of the Cabinet Member for Economic Development

‘Could the Cabinet Member provide an update on Essex County Council's involvement with Basildon Council's Local Plan and whether there are any conversations with the Ministry for Housing, Communities and Local Government (MHCLG) on this matter?’

11. By Councillor Davies of the Leader of the Council

‘Could the Leader explain how the local and regional Brexit Boards in the East of England have informed government policy?’

12. By Councillor Mackrory of the Cabinet Member for Infrastructure

‘Does the Cabinet Member now regret not supporting the Liberal Democrat Group's amendment to motion 4 at the October 2017 Council, for the Army and Navy Interchange to be included in the infrastructure package made to government?’

13. By Councillor Mackrory of the Cabinet Member for Infrastructure

‘Can the Cabinet Member give an interim report on the initial findings of the independent report into the Army and Navy flyover's structures? If a written answer is not yet possible a verbal report at Council will suffice until one is.’

14. By Councillor Turrell of the Cabinet Member for Infrastructure

‘Can the Cabinet Member please advise what the arrangements for providing LED Street lights on the remaining section of the A133 (Cymbeline way) in Colchester is please. The reason for this question is that there has been a number of serious accidents on the unlighted section of this road in recent times which highlights the need for the lights.’

15. By Councillor Baker of the Cabinet Member for Infrastructure

‘Can the Cabinet Member provide members with an update on the partnership between Essex County Council and Jiangsu province.’

The University of Essex has various links with Chinese institutions of higher education. Can the County Council encourage exchanges between the educational institutions in the county and China in order to promote mutual benefits?’

16. By Councillor Robinson of the Cabinet Member for Health and Adult Social Care

‘The Government’s migration Advisory Committee forecasts “tremendous pressure” on social services provision as a result of restrictions on freedom of movement of EEA workers after Brexit.

Can the Cabinet Member advise if the council has a plan in place to deal with this pressure and what the plan is?

Does he agree that, in the light of this evidence, the Government’s aim of reducing annual net migration to “tens of thousands” is extremely unrealistic?’

17. By Councillor Baker of the Cabinet Member for Infrastructure

‘Can the Cabinet Member please advise what he plans to do in order to stop the traffic chaos which often occurs on the Ipswich Road in Colchester due to roadworks?’

18. By Councillor Aspinell of the Cabinet Member for Education and Skills

‘Can the Cabinet Member advise whether when renegotiating bus contracts in future, will ECC require bus companies to use Euro 6 low carbon buses?’

19. By Councillor Kendall of the Cabinet Member for Health and Adult Social Care

‘It is estimated that there are 5.7 million unpaid carers in England. Can the Cabinet Member confirm how many unpaid carers are there in Essex and how many of these carers in Essex have received a carers assessment in the past year that would help identify their own support needs? Can the Cabinet Member also advise what specific support is the County Council giving to unpaid carers in Essex?’

20. By Councillor Kendall of the Cabinet Member for Children and Families

‘Can the Cabinet Member advise what specific steps is Essex County Council taking to put pressure on the Government to release the £1.7 billion promised for child and adolescent mental services?’

21. By Councillor Abbott of the Cabinet Member for Infrastructure

‘Despite many years of requests to ECC, there is still no commitment to prevent the nuisance and danger posed by large HGVs along the narrow sections of Oak Road Rivenhall End. A proposed extension to the 7.5T weight limit designed to stop

HGVs running down the footways on the section that leads to the A12 has been put on hold. HGVs also continue to get stuck on the section of Oak Road either side of the railway bridge and this can cause dangerous queuing back on to the A12. HGVs sometimes hit the bridge or stop underneath it with inches to spare and the police are increasingly being called out to incidents. Recently trains had to be slowed over the bridge until an inspection could be carried out following a strike which caused serious damage to an HGV.

Does the Cabinet Member recognise that HGV strikes to a bridge carrying the main London-Norwich railway line are a very serious matter and that measures to prevent such strikes are now essential?

As well as the current LHP scheme request for clearer conventional signage, will he support urgent investigation of a reactive warning system that alerts drivers (some of whom simply ignore the weight and height limit signs) to stop well before they reach the bridge?’

22. By Councillor Abbott of the Cabinet Member for Infrastructure

‘It has been revealed that prior to the public consultation on the A120 route options in early 2017, quite detailed junction plans had been drawn up for all five routes in 2016, including the large interchanges at the Braintree and A12 ends of the proposed new road as well as individual crossings and junctions for local lanes, PRoW and the proposed waste site at Rivenhall Airfield.

The consultation on the 5 routes was based on simplistic route lines across the countryside, with no such junction details shown.

Why was the full route option information available at the time withheld from both the public consultations and the various forum meetings designed to engage with community representatives?

Is the Cabinet Member concerned that, notwithstanding the minimum legal requirements for this stage of consultation, that the consultation process could be challenged and potentially found to be flawed?’

23. By Councillor Deakin of the Cabinet Member for Education and Skills

‘Can the Cabinet Member advise what this council does to support young women in Essex schools regarding Period Poverty. The issue of period poverty is an important one for young women around the country and indeed in this county, the need to provide sanitary protection for those most vulnerable is a basic human right which this council ought to support.

Thousands of girls in this country are missing school because they cannot afford sanitary products which is not acceptable and detracts their education.

In a Plan International UK survey of 1,000 girls, 49% said that they had missed an entire day of school because of their period. Critically, of those, 59% had lied about why, claiming that something else had caused their absence. This shows that action is needed to support the young women to continue to attend school with the appropriate sanitary products in place.'