
Essex County Council

10 July 2018

Order Paper

Prayers

The meeting will be preceded by Prayers led by The Right Reverend Hugh Allan o.praem, the Abbot of Beeleigh and Chaplain to the Chairman of 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 Mr Manclark, a resident of Canvey Island, concerning meetings of Council.

'Holding your Full Council meetings from 10am on a weekday means that you have to be retired and able to afford the fares to travel or you have to be self-employed and able to take time out from your work to be able to attend these meetings.

This rules out very many people who would love to be here but cannot afford to take time out, or get time off work because they are employed.

This problem also prevents the electorate in outlying districts of Essex attending to hear any problems they may have of being aired and surely helps account for the low turnout in the elections because they do not feel fully represented.

In the interests of democratic accountability, will council consider holding these Full Council meetings at 7.30pm evenings to give more people living or working in every area and district of Essex the opportunity to attend these meetings?

To get here for 10am from Canvey Island by public transport I have to leave home at 8am. I have to pay fares because I cannot use my bus pass until 9am. Door to door it is a two-hour journey for me. I do not drive."

Question 2: from Mr Jones, a resident of Great Dunmow, concerning the repair and subsequent protection of footpaths and byways.

'I have been a resident of Great Dunmow for the last 3 years and very fortunate to live within a short distance of the Flitch Way. The County, District, Town and Parish councils promote the Flitch Way for everyone to enjoy, without prejudice to age or ability.

The Flitch Way is a bridleway and National Cycle Route between Braintree and Bishop's Stortford. It is maintained by a County Park Ranger with the help of small band of dedicated volunteers.

The bridleway from Rayne stops to the East of Great Dunmow. The route then follows two byways known locally as Grange Lane; path number 35_5 & 18_57, along with a short footpath and footbridge across the river Chelmer.

The Flitch Way Action Group is currently in negotiations with stakeholders to extend the western section of the bridleway through Great Dunmow. However, Grange Lane will still be used as part of the recreational route, linking the two sections.

The surface of the lane is appalling for at least 400m and unsuitable for its intended use. It is too narrow to be classed as a Byway Open All Traffic (B.O.A.T). The drainage under the lane is blocked; causing it to flood, even in a heat wave! The surface becomes a mud bath in wet conditions and the many potholes are up to 1½ feet deep.

An Essex Police Officer has stated 'a serious collision' could occur between parties using the lane due to its width. I have seen motorbikes ridden across the footbridge to join the lane, instead of using the fording point!

Grange Lane is being used by motorised vehicles to enter and leave the Chelmer via a 45 to 60° eroded river bank, 20 metres from the actual fording point. The lane is also used to access the adjacent private land by whatever route, causing damage to ditches, trees and plants; leaving various vehicle parts and other litter behind.

The cause of the deterioration; width, surface and drainage is not due to 'fair, wear and tear' as I have been told by ECC. It is due to excessive abuse by irresponsible 'off roaders' who are attracted to the muddy conditions.

The irresponsible use on and adjacent to Grange Lane has been reported to ECC and the Police by local stakeholders and members of the public. ECC have made no attempt to implement a Traffic Regulation Order for temporary restrictions to protect the routes surface, even after a request was made by the Town and Little Dunmow Parish Councils in 2012.

I believe the state of the lane will prevent or deter members of the public from using the route for recreational purposes, including the enjoyment of the whole or part of, the Flich Way.

ECC can apply for a Public Space Protection Order, in accordance with powers granted under the Anti-Social Behaviour, Crime and Policing Act. This doesn't have to mean restriction of usage, but would make it an offence to act Anti-Socially on, or in the vicinity of the route.

I am certain the Highways Authority will comply with its legal responsibility to ensure the routes width; surface and drainage are conducive to their use as a footpath and Byway Open All Traffic.

Will ECC take steps to stop and deter future misuse of the byways and footpath to ensure safe use by all; including consideration to safeguarding the publicly funded repairs?'

Agenda item 9 Cabinet Issues

The Summary of Decisions of the Cabinet meeting held on 19 June 2018 was erroneously published as the minutes of that meeting. The full minutes of that meeting are attached as an appendix to this Order Paper.

Agenda Item 11 Written Questions

1. By Councillor Sargeant of the Deputy Leader and Cabinet Member for Infrastructure.

'To meet the changing local demographics of East Clacton and Holland on Sea, Essex County Council is expanding Holland Haven School from a 300 to a 420 school roll for the September 2019 intake; at a cost of £1.4 million.

I am very much in favour of this and thank the Cabinet Member for Education, Councillor Gooding, for being instrumental in achieving this.

However, before this considerable development takes place; please could the Council, within its £1.4 million programme, install a pedestrian crossing across the Frinton Road (the B Road and the link between Clacton and Frinton and Walton).

This will enable pupils to walk safely to and from school via the Frinton Road school gate that already exists (as do tactile kerbing slabs on both pavements).

This would in itself increase the number of local schoolchildren walking/scootering/cycling to and from school each day – instead of being driven and causing traffic and parking issues. The crossing would also assist people of all ages crossing the busy Frinton Road to reach the bus stops, shops, library, public hall, pub and seafront – 24/7. This is in keeping with the Council’s published Sustainable Travel and Environmental objectives.

There are already serious parking and traffic issues well known to the Highways and the Parking Partnership from the current 300 school roll which needs resolving. To this end, I have engaged with the school and Sustrans to encourage greater walking, scootering and cycling to school, however, many parents without a safe crossing, are reluctant to allow their children to cross the busy road by these modes. Little wonder road surveys indicate low foot fall crossing.

At a recent full Council meeting you extolled the virtues of creative thinking to everyone in the Chamber. Quite right. Essex County Council must allow Highways and Education to shake off the old silo mentality and work in a co-ordinated and joined up approach! There are 15 months for Essex County Council to be ahead of the curve by planning and being ready for the 420 children and staff (an extra 120 pupils and new staff; and probably as many cars) to descend on the school.

Please could some of the £1.4 million be diverted to provide a pedestrian crossing as, after all, the safety of our residents is our primary concern.’

2. By Councillor Young of the Cabinet Member for Health and Adult Social Care

‘I read in the press last week of three Care Homes earmarked for closure: Trippier House in my Division, the Poplars in Walton and Well House in Brightlingsea. All claim that Essex County Council owes them money as from March 2017 and they are losing thousands of pounds per month. Not only is Trippier House home to my most vulnerable residents it provides employment to many of my constituents. Can I have the portfolio holder’s assurance that Essex County Council is paying care providers what is needed to accommodate our most vulnerable residents, and that all that can be done is being done to save these homes from closure.’

3. By Councilor Young of the Cabinet Member for Education

‘My constituents in Wivenhoe are once again feeling the effects of the change in the Home to School Transport Policy from catchment school to nearest school as we witness Hedingham Omnibus Company pulling out of the 87 Service most students switched to when free school transport ceased. This means that worried parents have little option but to pay £600 per child to get a place on a commissioned service

run by 'New Horizon' or 'Heddinghams'. The Labour Group tabled a motion calling on Essex County Council to start franchising their own services for bus transport. Can I ask the portfolio holder how this idea is progressing and could he look at the Wivenhoe to Brightlingsea route as a pilot for such a franchise arrangement? At the moment, parents face high costs or worry over capacity and this isn't fair.'

4. By Councillor Scordis of the Deputy Leader of the Council and Cabinet Member for Infrastructure

'Regarding the new proposals for the A120, can the portfolio holder explain why option D was chosen and why the preferred options of Braintree and Colchester Council, B and C were rejected? Were the Garden Communities considered in the process?'

5. By Councillor Scordis of the Deputy Leader of the Council and Cabinet Member for Infrastructure

'Please can the portfolio holder tell me how much is being spent this financial year on cycling infrastructure and how many cycling routes are currently planned?'

6. By Councillor Henderson of the Deputy Leader of Council and Cabinet Member for Infrastructure

'Could the portfolio holder confirm if he has assessed with Ringway Jacobs the viability of using recycled mixed plastic waste to repair Essex roads and potholes as other Councils are considering this lower-cost option. The mix is cheaper and longer lasting than conventional tarmac surfacing and could reduce the amount spent on maintenance and help to deal with the ever-increasing concerns on how to reduce and dispose of waste.'

7. By Councillor Mackrory of the Deputy Leader and Cabinet Member for Infrastructure

'Does ECC have a policy for recovering the cost of replacing highway infrastructure from vehicle drivers caused by road traffic collisions?
If so how much has been recovered over the last five years and from how many incidents?'

8. By Councillor Mackrory of the Cabinet Member for Health and Adult Social Care

‘With the number of Care Homes closing nationwide and now in Essex, what contingency plans are in place to accommodate displaced residents?’

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

‘What new initiatives are Essex County Council promoting and funding to tackle the problem of loneliness across the County?’

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

‘The number of young people suffering from mental health issues is on the increase across Essex. However, it is very difficult for County Councillors and Youth Strategy Groups to obtain detailed analysis of the different mental health issues in their areas. Will the Cabinet Member take action to try and ensure that this information is made readily available to help us target limited resources to the areas most needed?’

11. By Councillor Baker of the Leader of the Council

‘The Government is due to meet on the weekend of the 7th/8th July 2018. My understanding is that a draft White Paper will be discussed and agreement sought by the Government on its plans on leaving the EU in March 2019.

My questions relate to the above White Paper and to the critical need for members of ECC to work together in order to achieve the best outcome for the people of Essex following our leaving the EU.

1. Could the Cabinet Member provide a summary of the key features of the White Paper as it relates to the work of local authorities and to ECC in particular; and
2. Would the Cabinet Member stress the need to members of the Cabinet to consider once again setting up a cross-party working group, comprising members and senior officers of ECC, in preparation for the UK exiting the EU in order to mitigate the risks and capture the opportunities for UK and EU citizens, businesses and major organisations, in particular hospitals, universities, sea ports and airports, across Essex?

I would respectfully refer the Cabinet Member to the previous questions I have asked in relation to the UK leaving the EU at the July 2017, December 2017 and February 2018 meetings of the Full Council.’

12. By Councillor Smith of the Deputy Leader and Cabinet Member for Infrastructure

‘It has been many months since the new traffic lights were installed for the Westley Green housing development, at the junction of Dry Street and the Nethermayne (A176). Will the Cabinet Member for Highways please step in now and ensure that these traffic lights are activated to prevent further accidents?’

13. By Councillor Smith of the Leader of the Council

‘On Brexit Day (29 March 2019) will Essex County Council be fully supporting communities across the County celebrate our liberation from the EU with the same spirit of V.E. Day?’

14. By Councillor Abbott of the Deputy Leader and Cabinet Member for Infrastructure

‘In his letter of 8th June 2018 to the North Essex Local authorities regarding his Examination of their joint Section 1 Local Plan, the Inspector found against those authorities on multiple grounds in respect of the quality of evidence used for their proposals for a series of "Garden Communities" (GCs) along the A120 corridor.

Whilst the Inspector set out the known uncertainty regarding funding for the A120, he also clearly stated that the full development of the West Tey settlement (by far the largest of the GCs) would rely on the A120 as an "essential link" and that the different route alignments of the A120 have "quite different implications" for the relationship between the A120 and West Tey.

Does the Cabinet Member therefore accept that one of the Inspector's strongest concerns about the GCs was the lack of certainty on supporting major transport infrastructure? And in that context, can the Cabinet Member explain why his recommendation on behalf of ECC (as a partner authority to the North Essex Local Authorities) is to support Route D for the A120 between Braintree and the A12 which would have no direct relationship with West Tey?’

15. By Councillor Abbott of the Deputy Leader and Cabinet Member for Infrastructure

‘As I have previously raised with successive Cabinet Members at Full Council, a number of rural footpaths (public rights of way) in the areas I represent continue to become routinely blocked at this time of year from encroaching thick vegetation such as brambles and nettles. This can lead to them becoming impassable and that results (as currently) in justified complaints from residents.

Whilst accepting the resource pressures that ECC is under, has the Cabinet Member considered the legal implications of the one cut per year policy which can lead to some footpaths becoming obstructed to the point where they cannot be used - effectively interfering with highway rights?

What time limit does ECC apply in requiring private owners to remove obstructions that they are responsible for?

How is the obstruction of rural footpaths compatible with the priorities of supporting healthy living and giving residents positive choices in getting about without using their cars?

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

‘Bearing in mind the changes now being consulted on for Harwich and Clacton Hospital, could the portfolio holder respond on behalf of Essex County Council, after studying the detail of the co-situation information supplied, keeping the interests of North East Essex residents to the fore.’

17. By Councillor Harris of the Deputy Leader and Cabinet Member for Infrastructure

‘Could an update be given on numbers/percentages of street lights in Essex converted to LED please?’

Minutes of a meeting of the Cabinet held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Tuesday 19 June 2018

Present:

Councillor	Cabinet Member Responsibility
D Finch	Leader of the Council (Chairman)
S Barker	Customer and Corporate
R Gooding	Education and Skills
S Lissimore	Culture and Communities
L McKinlay	Finance, Commercial and Traded Services
D Madden	Children and Families
G Mohindra	Economic Development
J Spence	Adults and Health
S Walsh	Environment and Waste

Councillors J Aldridge, M Durham, A Erskine, M Mackrory, A Turrell, L Wagland and J Young were also present.

1. Membership, Apologies, Substitutions and Declarations of Interest.

The report of Membership, Apologies and Declarations was received and the following were noted:

1. There had been no changes in membership since the last meeting;
2. Apologies for absence had been received from Councillors Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure, Ivan Henderson, Leader of the Labour Group (substituted by Julie Young) and Chris Pond, Leader of the Non-aligned Group.
3. The following declarations of interest were made:

Councillor Mackrory declared a personal interest in agenda item 4 (Annual Report 2017-18) as he represented an electoral division in Chelmsford and wished to ask a question concerning potential improvements to the Army and Navy Roundabout (minute 4 below refers).

2. Minutes: 22 May 2018

The minutes of the meeting held on 22 May 2018 were agreed as a correct record and signed by the Chairman.

3. Questions from the public

None.

4. Annual Report 2017 - 18 (FP/142/05/18)

(Councillor Mackrory declared an interest in this item – minute 1 above refers)

The Cabinet was asked to approve the Council's Annual Report which provided a commentary on progress made during 2017/18 in delivering the aims outlined in the 2017-21 Organisation Strategy and shared end of year performance information against organisation targets.

The Leader of the Council stated that, having noted Members' comments, he would arrange for political Group Leaders and others as appropriate to receive a briefing in relation to future reports on similar issues, prior to their consideration by Cabinet.

Cabinet Members provided the following information in response to questions and comments by Councillors Mackrory, Turrell and Young:

- The creation of an additional 60 school places for pupils with Autistic Spectrum Disorder was the start of a process to expand special school provision, including the establishment of eight Autism Hubs.
- There would be a focus on identifying resources for existing, as well as new, infrastructure. The Cabinet Member for Infrastructure was assessing all major pinch points, including the Army and Navy roundabout in Chelmsford, with a view to addressing concerns regarding traffic congestion.
- 'Stability of placements of children in care: three placements or more' was a national Key Performance Indicator. In Essex, the rate had reduced and was currently within target. The majority of placements were stable, with children experiencing a single placement.
- The rate of Delayed Transfer of Care (DTOC) occurrences in Essex was one of the lowest in the country.
- The Cabinet Member for Children and Families undertook to ensure that the required safeguarding checks were being carried out for those involved in the Community Volunteering initiative.
- Expenditure on pre-paid cards was restricted to certain items in order to assist card users. No complaints had been received in relation to this issue.

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- Smart Technology was not intended to reduce social workers' visits to clients, but to enable people to remain in their own homes, with the reassurance that they could contact someone for assistance between scheduled visits. Loneliness and social isolation were issues of concern which would be addressed as part of the new Joint Health and Wellbeing Strategy.
 - In general, the recently issued Planning Inspector's report on the proposed garden communities was not viewed as a setback. Arrangements would be made for members to receive a briefing from North Essex Garden Communities Ltd. Several meetings had been held with the Secretary of State to press the Council's case in favour of the development.
 - Although the Council was not responsible for the collection of trade waste, the Cabinet Member for Environment and Waste undertook to ascertain whether information on recycling rates and trends for this type of waste was available.
 - The number of new jobs created in 2017/18 as a result of inward investment in Greater Essex was above target (although it had declined in comparison with 2016/17) and unemployment in the region was low.
 - The Leader of the Council advised that action was being taken to lobby the Government to provide additional resources for Adult Social Care.
 - The Leader of the Council commented that, although the current annual report did not make reference to gang culture, this may change in future years should the issue become more significant.
 - The Cabinet Member for Children and Families undertook to provide a written response to Councillor Turrell clarifying whether numbers of families attending the recently established Family Hubs had declined in comparison with the numbers accessing the former model of service provision. He emphasised that the service was no longer building-based and was designed to be accessed without the need to visit a Hub or other venue.
 - Written replies would be provided to Councillor Mackrory as follows:
 - From the Cabinet Member for Economic Development to clarify the information provided in relation to real gross value added (GVA);
 - From the Cabinet Member for Adults and Social Care regarding rates of readmission to hospital within 28 days of discharge.

- From the Cabinet Member for Children and Families regarding the rationale for the closure of the Brentwood Foyer; and
- From the Cabinet Member for Education and Skills regarding the decline since 2016/17 in the percentage of residents aged 16-64 with level 3 or above qualifications and the measures being planned to address this.

Resolved:

That the Annual Report 2017/18 be approved in the form attached as Appendix 1 to report FP/142/05/18, for publication on the Council's website.

5. Procurement of Integrated Domestic Abuse Services (FP/124/04/18)

The Cabinet's approval was sought for the Council to work with the Police, Fire and Crime Commissioner for the joint procurement of integrated domestic abuse services. The services concerned (Domestic Abuse Community Services (DACS) and Independent Domestic Violence Advisors Services (IDVA)) would cover the ECC, Southend and Thurrock Council areas, with all services outside of ECC's area to be funded by the Police, Fire and Crime Commissioner.

The Cabinet Members for Children and Families and Health and Adult Social Care provided the following information in response to questions asked by Councillors Mackrory, Young and Turrell:

- A 70:30 price:quality weighting was usual for contracts of this type. Workshops would be held in advance of the final procurement to enable interested parties to contribute to the definition of quality in this context. One of the aims of the joint procurement was to improve the quality of service delivered, and the proposal to structure the procurement into four 'lots', with the possibility of up to four different suppliers, was expected to help achieve this.
- The relationship between the Council and the Police, Fire and Crime Commissioner, including issues of funding and accountability, would be governed by a Collaboration Agreement. In addition, both the Council and the Police were represented on the Southend, Essex and Thurrock Strategic Abuse Joint Strategic Board
- Issues relating to the need for clarity with regard to the proposed business rate retention scheme and the indicative reduction in Public Health Grant for 2019/20 were understood. The Council was firmly committed to public health, which was to be treated with due regard as

part of the new Joint Health and Wellbeing Strategy scheduled for launch in Summer 2018.

- A written response would be provided to Councillor Turrell clarifying the voluntary termination arrangements referred to in paragraph 6.2.4 of the report and confirming whether provision for an exit strategy would be included within the contract.
- Although historically Essex had experienced high levels of domestic abuse, this was being tackled in a forward thinking and effective way by the Southend, Essex and Thurrock Domestic Abuse Strategic Board established by the previous Police and Crime Commissioner together with the Chief Constable.

Resolved:

1. That the Council should jointly procure and commission the Integrated Domestic Abuse Services with the Police, Fire and Crime Commissioner (PFCC) on the following basis:
 - Essex County Council (ECC) to enter into a collaboration agreement with the PFCC before the contract is awarded;
 - A competitive procurement using a single stage procurement process under which the Council will evaluate all bids;
 - Up to four contracts being awarded, one for each of the lots set out in paragraph 3.13 of report FP/124/04/18; and
 - Contract(s) commencing on 1 April 2019 with a duration of five years and an option to extend for a further two years to 31 March 2026.
2. That the Cabinet Member for Adults and Children may decide on the award of the contract(s) following completion of the procurement process subject to the prior completion of a collaboration agreement between the PFCC and ECC for the parties to commit to funding domestic abuse services in Essex, Southend and Thurrock. For the avoidance of doubt, the Council will only commit to fund these services in Essex and no funds will be provided to fund these services in Southend and/or Thurrock. Only the PFCC will commit funds for service to be provided in the areas of Southend and Thurrock. Express provisions to that effect shall be included in the collaboration agreement between the two partners.

6. Essex Hate Crime Prevention Strategy 2018-2021 (FP/162/05/18)

The Cabinet's endorsement was sought for the Essex Hate Crime Prevention Strategy 2018-2021. The purpose of the Strategy was to tackle hate crime in Essex and recognise the work undertaken by the multi-agency Strategic Hate Crime Prevention Partnership.

In presenting the report, the Cabinet Member for Culture and Communities commented that the Strategy was intended to facilitate the exposure of hate crime and to ensure that victims knew where support was available.

The following points arose from consideration of the report:

- No detail had been provided regarding the measures planned to ensure enforcement of the Strategy.
- The organisation of regular events would assist in the promotion of community cohesion. It would also be helpful for the Strategy to capture examples of existing good practice in this area.
- The Cabinet Member for Culture and Communities undertook to provide a written response to Councillors Young and Mackrory regarding the strategy in place for targeting resources in particular areas and providing details of events taking place throughout the County.

Resolved:

That the work undertaken by the Strategic Hate Crime Prevention Partnership to develop a three-year county-wide strategy for tackling hate crime be endorsed.

7. Decisions taken by or in consultation with Cabinet Members (FP/151/05/18)

The report of decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet was noted.

8. Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Tuesday 17 July 2018 at 10.00am.

The meeting closed at 10.50am.

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Chairman
17 July 2018