



Essex County Council

Summons

To all Members of
Essex County Council

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

10:00	Tuesday, 16 May 2017	Council Chamber, County Hall, Chelmsford, CM1 1QH
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A handwritten signature in black ink, appearing to read 'Gavin Jones'.

Gavin Jones
Chief Executive

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

Telephone: 03330134565

Email: GovernanceTeam@essex.gov.uk

This meeting is open to the public and the press.

The agenda is available on the Essex County Council website, www.essex.gov.uk. On the home page select 'Your Council' and then 'Meetings and Decisions'. Finally, select 'Full Council' on the date shown above from the meeting calendar.

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If you are unable to attend and wish to see if the recording/webcast is available you can visit this link www.essex.gov.uk/Your-Council any time after the meeting starts. Any audio available can be accessed via the 'On air now!' box in the centre of the page, or the links immediately below it.

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

	Pages	
1	Election of Chairman	
2	Appointment of Vice-Chairman	
3	Apologies for Absence	
4	The Chief Executive's Report following the County Council Elections 2017	
	The Chief Executive to report on:	
	<ul style="list-style-type: none">• the return of members elected,• the notification of the memberships of the political Groups,• the consequent political proportionality on committees and• the names of Group Leaders and their Deputies.	
5	Declarations of Interest To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
6	Confirmation of the minutes of the meeting held on 14 February 2017	7 - 26
7	Chairman's Announcements and Communications	
8	Receipt of petitions	
9	The election of the Leader of the Council and the appointment by the Leader of the Deputy Leader and of members of the Cabinet	

10	To make appointments to committees in accordance with the wishes of the political groups (report to follow)	
11	To appoint the Chairmen of Committees (report to follow)	
12	To receive notice from the Leader of the Council of the three County Council nominations to the Health and Wellbeing Board (report to follow)	
13	To appoint the County Council's representative on the Essex Police and Crime Panel (report to follow)	
14	To appoint the County Council's representative on the Essex Pension Fund Advisory Board (report to follow)	
15	To appoint the County Council's representatives to the Essex Fire Authority (report to follow)	
16	Executive Statements	
17	Motions	27 - 28
18	Objection to the Network Rail (Essex and Others Level Crossing Reduction) Order Transport and Works Act Order	29 - 46
19	Pension Fund Investment Pooling	47 - 58
20	To receive a report of matters reserved to Council and to consider any recommendations	59 - 62
21	To receive the Leader's report of Cabinet Issues	63 - 66
22	Written questions by Members of the Council	
23	Oral questions to the Leader, Cabinet Member or the chairman of a committee	
24	Oral questions to the representative of the Essex Police and Crime Panel on any matter relating to the business of that Panel	

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| 25 | Oral questions to the representative of the Essex Fire Authority regarding the Report to the Constituent Authorities of the meetings dated 15 February and 12 April 2017 | 67 - 72 |
| 26 | The Chairman to announce the Special Meeting to consider the Appointment of Honorary Aldermen | |

Minutes of the meeting of the Full Council, held in the Council Chamber County Hall, Chelmsford, Essex on Tuesday, 14 February 2017

Present:

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

Prayers

The meeting was 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 Questions

The Chairman welcomed Mr Ingall, a resident of Harlow, who had registered to speak.

Mr Ingall addressed Council concerning the condition of the road surface at The Fortunes, Harlow. Mr Ingall explained that it was a narrow road, with parked cars and just sufficient space for cars to pass. The road had a number of potholes that had been reported over four years ago, inspected at intervals, but not repaired. The potholes were growing in depth and width and causing inconvenience. He reported that driving through the potholes was causing tyre and suspension damage to the cars and avoiding the potholes was endangering pedestrians and the parked vehicles. Mr Ingall questioned the criteria being used to assess the damage to the road surface, the danger to pedestrians and why the potholes had not been repaired.

Councillor Johnson, the Cabinet Member for Highways and Transport, replied that he was very grateful that Mr Ingall had attended Full Council as it gave him the opportunity to explain that all the roads throughout the County are monitored and inspected regularly, which allowed highways inspectors to prioritise defects for repair as they deteriorated. He was able to confirm that The Fortunes had been routinely inspected a few weeks previously and was scheduled for repair within the current financial year.

He advised that The Fortunes is in Harlow and, like Basildon, suffers from 'delineation', that is, a thin layer of tarmac, laid over concrete, gradually wearing away. This means that the road can often look as if it's failing, but in actual fact is quite a solid surface. He announced that a pilot programme was about to commence to trial a cost-effective way of treating this type of surface.

Councillor Johnson hoped that Mr Ingall was reassured that the roads in Essex are monitored, and that although some defects get prioritised over others, the aim is to maintain a high quality of all road surfaces across Essex.

The Chairman formally opened the meeting

The Chairman reminded those present that the meeting would be recorded and broadcast live over the internet.

1. Apologies for Absence

Apologies for absence were received on behalf of Councillor J Huntman.

2. Declarations of Interest

There were no declarations of interest.

The Chairman reminded Members of the advice given by the Monitoring Officer that any Member with arrears of Council Tax outstanding for two months or more must make a declaration and would not be entitled to vote on the Annual Budget but not prevented from taking part in the discussion. He also advised them on the need to declare any other interest relating to the Budget debate.

3. Confirmation of the minutes of the meeting held on 6 December 2016

Resolved:

That the minutes of the meeting held on 6 December 2016 be approved as a correct record and signed by the Chairman.

4. Chairman's Announcements and Communications

Recent Death

Former Councillor Guy Mitchinson

The Chairman informed Council that former Councillor Guy Mitchinson had died on 9 December 2016 at the age of 53. He had sent condolences on behalf of the Council and with several other Members had attended his funeral.

The Chairman informed Council that after a successful career in the City of London former Councillor Mitchinson had been elected a Harlow District Councillor from 1983 until 1987 and was elected to Essex County Council in 2009 to represent the Division of Harlow West. He had served as a member of the West Essex Area Forum, the Economic Development Committee and the Environment and Executive Scrutiny Committees. He had also served as a Magistrate and a volunteer for the Samaritans.

Members stood in remembrance.

Awards

Education Investor Awards 2016

The Chairman invited Councillor Spence, Cabinet Member for Finance, Housing and Planning, to present an award and Members were informed by him that the Council's trading organisation Essex Education Service (EES) were presented with the School Improvement Award at the Education investor Awards recently. The judges commented on the innovative online self-evaluation tool that had been introduced by EES that enabled schools to collaborate and sustain self-improvement. The Cabinet Member stated that EES do excellent work providing commercial services to schools across the County and congratulated them on achieving the award.

Journalism Students

The Chairman welcomed Multimedia Journalism students and their Tutor from Essex University to the meeting to observe the budget debate.

5. Receipt of petitions and deputations

The Chairman received petitions concerning:

- a request for traffic calming measures from the residents of Waltham Abbey presented by Councillor Gadsby; and
- potholes and highway maintenance from residents of 'The Fortunes' in Harlow presented by Councillor Danvers.

The petitions were passed for the attention of Councillor Johnson, Cabinet Member for Highways and Transport.

6. The Budget Report 2017/18

The Council received the Report on the Budget 2017/18:

Appendix A - Revenue Budget 2017/18 and Capital Programme 2017/18;
Appendix B - 2017/18 - 2019/20 Prudential Indicators, TMS and MRP Policy;
Appendix C – Pay Policy Statement 2017/18; and
Appendix D – Equality Impact Assessments.

The recommendations as set out in the Report and amended by the 'Addendum Revenue Budget 2017/18 and Capital Programme 2017/18' were moved by the Leader, Councillor Finch, and seconded by the Cabinet Member for Finance, Councillor Spence.

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

'Tackling the crisis in the NHS and social care

- Create a new Social Care Pressures earmarked reserve of £2.5m, subject to reducing the Transformation reserve by an equivalent amount. This can be drawn on to match fund joint initiatives with the NHS and care providers to speed the discharge of patients from hospital and increase the supply of urgently needed care outside hospital.

Supporting Essex's young people

- An increase of £350,000 in the budget provision for Youth Services (Education and Lifelong Learning portfolio) for the provision of youth service projects including support, mentoring and respite for young carers and school lunchtime clubs/drop in sessions run by youth workers. The increase is to be funded by a withdrawal from the Innovation Reserve in 2017/18 and thereafter added to the Medium Term Resources Strategy for action to be identified to determine a permanent funding solution, subject to the evaluation of the pilot.

- An increase of £86,000 in the budget provision for Passenger Transport (Highways and Transport portfolio) to continue transitional support for students in Uttlesford who are not entitled to free Home to School Transport. The increase to be financed by a withdrawal from the Transformation Reserve in 2017/18 and thereafter added to the Medium Term Resources Strategy for action to be identified to determine a permanent funding solution.

Investing in our infrastructure and keeping Essex safe

- An increase in the 2017/18 capital programme provision for Local Highways Panels (Highways and Transport portfolio) of £4m. This will be allocated to individual panels, to return their total funding to the 2015/16 level (i.e. to £8m).
- In addition, increase the 2017/18 capital programme provision for Local Highways Panels (Highways and Transport portfolio) by a further £2m to support more significant schemes proposed by the panels.
- The additional £6m referred to above will be funded by a transfer from the capital programme provision for Highways Infrastructure.

Reducing fly tipping

- An increase of £250,000 in the budget provision for Waste Disposal (Environment and Waste portfolio) to enable all Civic Amenity Sites once again to accept residents' DIY waste. This increase is to be funded from the Transformation Reserve in 2017/18 and thereafter added to the Medium Term Resources Strategy for action to be identified pending the outcome of the full review of the service.'

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

- 1) An additional £3,000,000 to reverse part of the All Age Increasing Independence savings planned for Adult Social Care and to restore and protect services to Vulnerable Adults, subject to increasing the budget for the Adult Social Care portfolio by £3,000,000.
- 2) An additional £3,000,000 to reverse part of the Health Investment in Prevention savings planned for Adult Social Care and to restore and protect services to Vulnerable Adults, subject to increasing the budget for the Adult Social Care portfolio by £3,000,000.
- 3) An additional £1,413,549 to reverse part of the Older People Intermediate Care Pathway saving and to restore and protect services to Vulnerable Adults, subject to increasing the budget for the Adult Social Care portfolio by £1,413,549.
- 4) An additional £934,000 to reinstate the funding for community equipment and reverse the Community Equipment Retail Pathway saving, subject to increasing the budget for the Adult Social Care portfolio by £934,000.

- 5) An additional £1,474,000 to switch street lighting on across ECC from 1am to 5am, subject to increasing the budget for the Highways & Transportation portfolio by £1,474,000.
- 6) An additional £900,000 to be made available through a hardship fund to support families that are 'just about managing' in order to alleviate home to school costs due to changes in the home to school transport policy subject to increasing the budget for the Education and Lifelong Learning portfolio by £900,000.
- 7) An additional £499,000 to reinstate the 2017/18 planned savings in the Mental Health budget focused on early intervention and improved access subject to increasing the budget for the Health portfolio by £499,000.
- 8) An additional £225,000 to pay for 'Careers Direct'; an early intervention scheme in house designed to offer mobile, adaptive, and targeted face-to-face careers advice for pupils studying from year eight to eleven working alongside the Essex Skills Board, subject to increasing the budget for the Education and Lifelong Learning Portfolio by £225,000.
- 9) An additional £100,000 to reverse the planned savings on Community Transport, subject to increasing the budget for the Highways and Transportation Portfolio by £100,000.
- 10) The above increases to be funded by an increase in Council Tax of 1.99% being recommended to the Council.
- 11) An additional £20,000 to pay for a one-off report investigating the impact of Social Isolation and Loneliness on the Essex Population. Subject to increasing the budget for the Leader by £20,000 funded by a necessary adjustment to the earmarked revenue Innovation Fund reserve being recommended to the Council.
- 12) An additional £20,000 to have a complete review of the funding formula and the intervention level of highway maintenance to readdress the pothole and foot path crisis in Essex. Subject to increasing the budget for the Highways and Transportation portfolio, funded by a necessary adjustment to the earmarked revenue Innovation Fund reserve being recommended to the Council.

Summary of Proposals	£
All Age Increasing Independence	3,000,000
Health Investment in Prevention	3,000,000
Older People - Intermediate Care pathway	1,413,549
Community Equipment Retail Approach	934,000
Street Lighting	1,474,000
Hardship fund for those affected by Home to School policy changes	900,000
Mental Health	499,000
Careers Service	225,000
Community Transport	100,000
Isolation and Loneliness Study	20,000
Review of the funding formula and the intervention level of highway maintenance	20,000
Total Cost of proposals	11,585,549
Funded by:	
Increase in Council Tax by 1.99%	11,545,549
Innovation Reserve	40,000
Total proposed funding	11,585,549

- 13) Under Sections 42A and B of the Local Government Finance Act 1992, as inserted by the Localism Act 2011, there is a requirement to disclose the budget requirement and associated Council Tax requirement. This is set out below:
- a. The net revenue budget requirement to be set at **£863.5 million (m)** (net cost of services less general government grants) for 2017/18
 - b. The net cost of services to be set at **£924.2m** for 2017/18
 - c. The total council tax funding requirement be set at **£608.7m** for 2017/18

	2017/18 £
Net cost of Services	924,201,944
General Government Grants*	(60,693,598)
Budget requirement	863,508,346
Less funding available:	
RSG	73,875,659
NDR	168,652,126
NDR Surplus/(Deficit)	(822,688)
Council Tax Collection fund surplus	13,121,931
	254,827,028
Council tax requirement	608,681,318
Tax base	
(Band D equivalent properties)	513,135
Band D council tax	1,186.20

- d. That a 3% social care precept and 1.99% Council Tax increase be levied and therefore the Essex County Council element of the council tax for charge for a Band D property in 2017/18 will be **£1,186.20**. A full list of bands is as follows:

Council Tax Band	2016/17 £	2017/18 £
Band A	753.42	790.80
Band B	878.99	922.60
Band C	1,004.56	1,054.40
Band D	1,130.13	1,186.20
Band E	1,381.27	1,449.80
Band F	1,632.41	1,713.40
Band G	1,883.55	1,977.00
Band H	2,260.26	2,372.40

7. Adjournment

With the agreement of Council the Chairman adjourned the meeting at 11:31. The meeting reconvened at 11:38.

8. The Budget Report 2017/18 (continued)

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

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

In accordance with Standing Order 16.10.2 (Voting on budget decisions) the Motion as amended by the Addendum 'Revenue Budget 2017/18 and Capital Programme 2017/18' was put to a division by name and carried by 46 votes for, 18 against and 9 abstentions.

Those voting for the Motion were Councillors:

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

Those voting against the Motion were Councillors:

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

Those abstaining were Councillors:

J Abbott	M Ellis	M Hoy
A Bayley	F Ferguson	N Le Gresley
D Blackwell	K Gibbs	C Sargeant

Resolved:

Revenue and Capital Budget:

1. That the net revenue budget requirement be set at **£852 million (m)** (net cost of services less general government grants) for 2017/18 – Appendix A (page 16)
2. That the net cost of services be set at **£912.7m** for 2017/18 – Appendix A (page 16).
3. That the total council tax funding requirement be set at **£597.1m** for 2017/18 – Appendix A (page 16).
4. That a 3% social care precept be levied but with no further changes to council tax, therefore the Essex County Council element of the council tax for charge for a Band D property in 2017/18 will be **£1,163.70**. A full list of bands is as follows:

Council Tax Band	2016/17 £	2017/18 £
Band A	753.42	775.80
Band B	878.99	905.10
Band C	1,004.56	1,034.40
Band D	1,130.13	1,163.70
Band E	1,381.27	1,422.30
Band F	1,632.41	1,680.90
Band G	1,883.55	1,939.50
Band H	2,260.26	2,327.40

5. That Full Council approve the council tax for each category of dwelling and the precepts on each of the council tax billing authorities for 2017/18, together with the final tax base, as set out in the table below:

Billing Authority	2017/18 Final Tax Base Band D Equivalent	2017/18 Gross precept £000
Basildon	59,466	69,201
Braintree	51,547	59,985
Brentwood	32,084	37,336
Castle Point	30,077	35,001
Chelmsford	64,395	74,937
Colchester	61,132	71,140
Epping Forest	53,029	61,710
Harlow	25,032	29,130
Maldon	23,869	27,776
Rochford	31,421	36,565
Tendring	45,860	53,367
Uttlesford	35,224	40,990
Total for ECC	513,135	597,136

6. That Full Council agree to the proposed total schools budget of **£545.9m** for 2017/18 as set out on page 13 of Appendix A, which will be funded by the Dedicated Schools Grant.
7. That the underlying balance on the General Balance be set at **£59.2m** as at 1 April 2017 (Appendix A, page 66).
8. That the capital payments guideline be set at **£263.4m** for 2017/18.
9. Based on the information in the provisional Local Government Finance Report, Full Council noted that the increase in council tax is not such as to trigger a referendum

Prudential Indicators, Treasury Management Strategy and Minimum Revenue Provision for Debt Repayment Policy:

10. That the 2017/18 - 2019/20 Prudential Indicators and limits, together with updated limits for 2016/17 be as set out in Appendix B.
11. That the Treasury Management Strategy for 2017/18 be as set out in Appendix B.
12. That the policy for making a prudent level of revenue provision for the repayment of debt (the Minimum Revenue Provision policy) be as set out in Appendix B.

Pay Policy Statement:

13. The Pay Policy Statement for 2017/18 be as set out in Appendix C.

Additionally:

14. That once the final Local Government Finance Settlement is known, the Section 151 Officer be authorised:
- (a) to transfer any increase in funding beyond that included in the provisional Local Government Finance Settlement, to the General Balance; and
 - (b) to fund any decrease in funding from the General Balance.

9. Adjournment

With the agreement of Council the Chairman adjourned the meeting for luncheon at 13:10. The meeting reconvened at 14:00.

10. Financial Regulations and Scheme of Delegation for Financial Management

Councillor Spence, Cabinet Member for Finance, Housing and Planning, presented a report seeking approval to the revised Financial Regulations and Scheme of Delegation for Financial Management.

Resolved:

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

11. To receive the Leader's report of Cabinet Issues

Councillor Finch, the Leader of the Council, presented a report concerning matters considered by Cabinet since the last Council meeting.

Cabinet Members responded to questions as follows:

Participation in the North Essex Garden Communities Project

Councillor Whitehouse asked Councillor Spence, Cabinet Member for Finance, Housing and Planning, if the North Essex Garden Communities Project could be expanded to encompass other parts of the County?

The Cabinet Member replied that the project could perhaps be considered for other parts of the County, for example Harlow or Epping, and the County Council was willing to be involved.

M11 Junction 7A Harlow – Public Consultation Outcome and Designation of Preferred Route Status

Councillor Danvers asked Councillor Bentley, the Cabinet Member for Economic Growth, Infrastructure and Partnerships, what assurances could he give about the management of this project to avoid chaos on the roads and what was the anticipated time period for the project?

The Cabinet Member replied that the junction would greatly improve the prosperity in Harlow and the wider economy of this area by making it more accessible and alleviating congestion. The improvement is backed by the Government, by the County Council and the people of Harlow. He paid tribute to Councillor Bass, the former Cabinet Member for Highways, who had persisted with this scheme and the A120 improvements. Councillor Bass replied by giving his congratulations to Councillor Bentley.

12. To receive a report of matters reserved to the Council

Councillor Finch, the Leader of the Council, presented the report of matters reserved to Council. In relation to the item on Pooling of Pension Fund Investment Management Arrangements Councillor Bass, Chairman of the Essex Pension Fund Steering Board, explained that he had hoped to bring to Council a final Inter-Authority Agreement but there were ongoing discussions. He requested that Council note the decision and at a later meeting approve specific recommendations.

Resolved**Updated Scheme of Delegation to Officers**

- (1) That with effect from 3 April 2017 the Constitution be amended as set out in the appendix to the report (additions shown underlined, deletions shown struck through).
- (2) That as a transitional arrangement, all delegations which were in force on 2 April 2017 shall continue to have effect with respect to any post which currently has delegated powers, until that post is deleted or until 31 December 2017, whichever is the sooner.

Development of pooling proposals

That Council notes the developments with regard to the pooling of pension fund investment management arrangements and that Council will be asked to agree to delegate certain decisions relating to this pooling and approve an Inter Authority Agreement which will be brought to a future meeting of Council once the shadow ACCESS joint committee has made a final recommendation to the 11 authorities on either a Collective Investment Vehicle or Collective Joint Procurement arrangement.

13. Written Questions

The published answers to the 22 written questions submitted in accordance with Standing Order 16.12.1 were noted.

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

- (6) Councillor Mackrory asked Councillor Walsh, the Cabinet Member for Environment and Waste, if he could give an assurance that when the HSE survey was available he would share it with all members of the Council.

The Cabinet Member replied that he would so do.

- (13) Councillor Clempner asked Councillor Spence, the Cabinet Member for Finance, Housing and Planning, if he would reconsider the opening times of the Essex Records Office that were inconsistent and confusing.

The Cabinet Member replied that the variations in opening times were designed to enable different user groups the opportunities to use the facilities. He would ask officers to re-examine the opening times but he believed that they had been carefully designed. However, they will be reviewed over time.

- (14) Councillor Harris asked Councillor Johnson, the Cabinet Member for Highways and Transport, why Walnut Tree Way in his Division which previously had been showing on the website as scheduled for repairs by January had been removed from the list.

The Cabinet Member replied that Walnut Tree Way had indeed been withdrawn from the schedule because additional work to pavements had also been identified and so it had been rescheduled for a later date to avoid disrupting the area twice.

- (17) Councillor Aspinell asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he was aware that there were now 12 broken lamp-holders in a quarter of a mile stretch of the A128 in his Division. He added that it was a dangerous situation as cars overtaking find an unlit concrete obstacle in the middle of the road. He asked when the repairs would be undertaken.

The Cabinet Member thanked Councillor Aspinell for his patience and informed him that the lights were scheduled for repair by the end of March 2017.

- (20) Councillor Abbott asked Councillor Johnson, the Cabinet Member for Highways and Transport, if when he had used the phrase 'total obstruction requiring action' was he suggesting that if the obstruction was only partial then the County Council would not deal with it. He also enquired what specific legal obligation was there on the County Council to clear such vegetation.

The Cabinet Member replied that he could not answer the legal matter but he would seek advice and would write to him directly. He also expressed regret that Councillor Abbott did not attend the Cabinet Member 'surgeries' at County Hall to raise such matters with him personally.

- (21) Councillor Abbott asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he should not check that the Highway's Inspectors were correctly applying the criteria for repairs as he believed otherwise.

The Cabinet Member replied that he would look into this. He again invited Councillor Abbott to one of his highways surgeries.

- (22) Councillor Lodge asked Councillor Gooding, The Cabinet Member for Education and Lifelong Learning, if he could sleep at night in the knowledge that the Council, by using a narrow interpretation of the criteria, were requiring up to a quarter of the income of families who were 'just about managing' to be spent on home to school transport.

The Cabinet Member replied that he slept very well in the knowledge that all the children who were entitled to tax-payer funded home to school transport in Essex received it.

14. Questions of the Leader, Cabinet Member or the chairman of a committee upon any matter relevant to the business of Council

1. Councillor Aspinell asked Councillor Finch, the Leader of the Council, for his assistance with a matter that had arisen in Brentwood in a cul-de-sac road where thousands of children were travelling every day on a busy road with very narrow pavements. He believed that the Cabinet Member had commissioned a report in order to determine a better way forward.

Councillor Finch, the Leader of the Council, replied that he would speak with the Cabinet Member for Education and Lifelong Learning to see what could be achieved.

Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, added that he and Councillor Aspinell had been working together to find a solution to this problem. He pledged to continue to seek a solution, helped by the Borough Council and the schools affected.

2. Councillor Bayley asked Councillor Johnson, the Cabinet Member for Highways and Transport, if it were true that the cones marking the road closures on the A130 running south from the A12 now could not be removed as, having been there for so long, they had achieved historic status.

The Cabinet Member replied that it was not true.

3. Councillor Hoy asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he was aware that Beeches Road, Rawreth, had been blocked by fly-tipping and it wasn't until the next day that the Council was notified which meant

that there was disruption during the rush-hour. He asked if he could look at the communication issues so that it could be 'smarter' and such blockages could be removed more quickly in future.

The Cabinet Member replied that it was difficult to speak of communication being 'smarter' when the only communication he had received on this matter had been from Councillor Hoy. However, he added, no route should be blocked by inconsiderate dumping of waste and he would examine the issue.

4. Councillor Hoy asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, if he would consider changing the age criteria for use of Youth buildings. There were a number of groups, including Scouts and schools, who would use the premises but were prevented from doing so because of the restrictions imposed.

The Cabinet Member replied that he was aware of this issue and he recalled that Councillor Hoy had asked a similar question on a previous occasion. There were, he explained, some challenges in changing the age range for using a Youth Centre because of the safeguarding issues but he would be happy to explore ways that the particular youth centre to which Councillor Hoy referred could be being fully utilised.

5. Councillor Goggin asked Councillor Spence, the Cabinet Member for Finance, Housing and Planning, if he could explain how the Council builds the 'Invest to Save' portfolio without negative effects upon service propositions?

The Cabinet Member replied that Invest to Save is about saving costs, as the Council is doing with the independent living programme while investing in housing units that otherwise wouldn't be built in order to enable people to live independently and having a much better quality of life than in residential care. Other aspects that he would like to see more of are ways of earning revenues that save the taxpayers money and other areas of potential investment. He added that there is more work to do, but a start had been made.

6. Councillor Higgins asked Councillor Johnson, the Cabinet Member for Highways and Transport, if she would receive a response to the question she asked at the last meeting concerning the bridge on the Ipswich Road in Colchester before she left the Council.

The Cabinet Member replied that he would give a written reply to her question before she left.

7. Councillor Buckley asked Councillor Spence, the Cabinet Member for Finance, Housing and Planning, if he could explain how on the one hand the Council is disposing of properties whilst on the other hand developing sites for residential use will have a benefit to both taxpayers and service users

The Cabinet Member replied that the disposal of property was a matter for the Leader but what the Council is trying to do is to be more imaginative. the Council has been creating a directory of all public holdings of land across Essex to see if they can be linked in with

others to create a land assembly where the value of the whole is greater than would be the value of individual plots.

8. Councillor Harris asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, if the roads around what will become the new school on the old site could be designed and improved to have good roads and access, coupled with safety around a school.

The Cabinet Member replied that the Council was looking at ways that cycling routes could be incorporated into the design of local access to the new school.

9. Councillor Lissimore asked Councillor Spence, the Cabinet Member for Finance, Housing and Planning, if he could explain the capital funding for schools in the Council's budget. At present, regardless of the school buildings being transferred to an Academy status, the borrowing cost of building the schools appeared to remain with the Council and fall to the Essex taxpayers. She asked if the Cabinet Member would continue to lobby Government to ensure that funding is fair for Councils and taxpayers?

The Cabinet Member replied that the issue was the residual net borrowing costs following the building of a school and it seemed to him unfair that after a school is built, should it transfer to an Academy Trust, the cost of the initial borrowing for the building of the school remained with the taxpayer. He stated that he, the Leader and others have been, and would continue to lobby Government on the matter.

10. Councillor Bobbin asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he was aware that the traffic cones on the A130 were very dirty and difficult to see at night? He also asked when the third lane might be opened.

The Cabinet Member replied that the repairs to the banks are ongoing and will extend into early summer. He would look at the problem of the cones.

11. Councillor Howard asked Councillor Bentley if he was aware that the South Essex Strategic Highways Board was due to examine very seriously two schemes to improve Canvey Island: those two schemes were access to Canvey Island and the last stage of the development of Roscommon Way. He asked that, as this was the last Council meeting in which he would participate, Councillor Bentley would ensure that these schemes were looked at sympathetically.

Councillor Bentley stated that he understood that access to and from Canvey Island was very important. He paid tribute to Councillor Howard for his 32 years of service and his role as a champion for Canvey Island. He promised to do his utmost to continue the work.

12. Councillor Abbott asked Councillor Johnson, the Cabinet Member for Highways and Transport, in the context of localism, if it were true, as he had been informed by Members Enquiries, that if someone volunteered to clear away vegetation from the footway they would be committing an offence. He asked if the Cabinet Member thought that such a response was helpful and did the advice extend to volunteers clearing litter, or repairing or replacing fallen signs?

The Cabinet Member replied that, in his view, unless such actions posed a danger to the individual or others, such actions should be applauded. However, he would find out the legal position and send a written reply to Councillor Abbott.

13. Councillor Abbott asked Councillor Walsh, the Cabinet Member for Environment and Waste, if he agreed with the Council's policies to reduce road congestion, improve air quality, reduce carbon emissions and increase recycling. If so, can he explain why residents of Witham and the surrounding areas who present themselves at Witham Recycling Centre with clean domestic material are being turned away and directed to other centres because the drivers happen to have a trailer on the back of their car or they drive a van?

The Cabinet Member replied that drivers of vans would not be permitted to use the Witham Centre because it is a smaller site. He pointed out that the policy had been well advertised since October 2016 and the matter had arisen on a previous occasion in the Chamber. He stressed that garden waste was acceptable in all the sites but if drivers were using a van they would not be admitted.

14. Councillor Twitchen asked Councillor Walsh, the Cabinet Member for Environment and Waste, if he was aware that a local newspaper had quoted Councillor Hoy as stating that recycling centres would no longer accept garden waste. She asked if the Cabinet Member would find time to inform Councillor Hoy on the facts and, more generally, she requested that all Members when speaking to the press should get their facts straight.

The Cabinet Member replied that he was certain Councillor Hoy and all Members were aware of the facts but should there be any need for clarification he would be glad to provide it. He took the opportunity to thank Councillor Twitchen for her work, as his portfolio deputy and mentor. He also thanked her for her attention to the country parks service, the results of which pay testament to her work and that of the Parks staff.

With the approval of the Chairman Councillor Hoy clarified that the press had not reported his comments accurately.

15. Councillor Pond asked Councillor Johnson, the Cabinet Member for Highways and Transport, what replacement route would be available once the 167 Bus was withdrawn on 11 March and when might an announcement be expected on a possible replacement.

The Cabinet Member replied that he had no control over bus routes that were not provided by the Council. He would inform Councillor Pond once matters had progressed.

16. Councillor Pond asked Councillor Johnson, the Cabinet Member for Highways and Transport, if the recently received awards for highways were in recognition of the depth of the potholes on the Council's roads and the number of displaced kerbs, or perhaps the numbers of pedestrians who had fallen? He wondered if the Cabinet Member would only act in response to an impending legal case?

The Cabinet Member replied that he cared very much about the roads, pavements and infrastructure but as he had a finite budget he was compelled to ensure that repairs were targeted at high priority and dangerous locations.

17. Councillor Knapman asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he had any indication of when the standing water in the middle of Vicarage Lane might be remedied?

The Cabinet Member replied that this matter had arisen at a recent highways surgery and he had asked officers to investigate. He would reply directly to Councillor Knapman when he knew more.

18. Councillor Knapman asked Councillor Johnson, the Cabinet Member for Highways and Transport, if when older lampposts have been replaced and left with their stumps sawn off and a hole, the old lighting furniture was simply left behind as a financial saving?

The Cabinet Member replied that if the councillor had reported it he would be grateful or alternatively send him an email and officers will deal with it. He was particularly concerned if there was a hole left. Cut lampposts taped over are not deemed as dangerous and workmen return to them when more urgent work has been finished.

19. Councillor Kendall asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he shared his concerns about the quality of pothole repairs recently opened up again in Brentwood and was the quality inspection and control regime fit for purpose?

The Cabinet Member replied that he believed the quality inspection and control was indeed fit for purpose. He clarified that potholes were not intended to be a finished job but only a temporary fix until the road can be resurfaced and some of them last longer than others because of weather conditions and other factors.

20. Councillor Kendall asked Councillor Madden, Cabinet Member for Adults and Children, if he could clarify what specific support was available to residents with disabilities and special needs when completing their personal budget form?

The Cabinet Member replied that he would respond directly to Councillor Kendall.

Councillor Bass, whilst noting that he was unable to ask a question of the Chairman nevertheless wondered if the Chairman might consider introducing a dress code for Members when attending Full Council.

The Chairman acknowledged his suggestion but declined to respond.

15. Questions of the representative of the Essex Police and Crime Panel on any matter of that Panel

There were no questions.

16. Questions of the representative of the Essex Fire Authority regarding the Report to the Constituent Authorities 7 December 2016

There were no questions.

17. Chairman's Concluding Remarks

The Chairman invited Councillor Finch, the Leader of the Council to make some concluding remarks.

Councillor Finch thanked all Members present for an interesting four years and wished them all good fortune.

The Chairman added that it had been another interesting day and also a sad day as it had been the last meeting for a considerable number of Members. He thanked all Members for their hard work and he wished all those not returning to the Chamber good luck. He looked forward to greeting those who did return.

Chairman

Motions

1 Council Priorities

Moved by Councillor David Finch and seconded by Councillor Kevin Bentley.

'This Council gives its support to the administration's priorities of a low tax and effective organisation focussed on:

- Growing the economy
- Taking care of the old and vulnerable
- Protecting children from harm
- Providing the best possible education for all children'

2 The Formula for Road Maintenance

Moved by Councillor David Harris and seconded by Councillor Julie Young.

'This Council needs to review its policy in regard to the formula for road maintenance in Essex. It acknowledges that estate roads are in an appalling condition and seeks to address this by rearranging the formula from mileage of road maintenance to usage as it used to be. This would be at no extra cost to the authority but would give the majority of Essex residents living in urban areas a fair deal.'

Network Rail proposed closure of level crossings – Objections to application for Transport and Works Act Order

Report by Councillor David Finch, Leader of the Council.

Enquiries to Andrew Cook, Director, Highways and Transportation or Alastair Southgate, Transport Strategy Manager telephone 07585 909494 email: alastair.southgate@essex.gov.uk

1. Purpose of Report

- 1.1. The purpose of this report is to seek endorsement of the objections to the changes to level crossings carrying footpaths across railway lines in Essex which are proposed as part of the Transport and Works Act 1992 Order (TWAO) application by Network Rail to the Department of Transport. The objections support the Council's duties as highway authority to protect the rights of the public to use the footpath network.

2. Issues

- 2.1. For several years Network Rail have been considering the safety impacts or level crossings carrying footpaths and bridleways across their railway lines.
- 2.2. The stated purpose of the Anglia Level Crossing Reduction Strategy is to improve safety, allow Network Rail to more effectively manage their assets, reduce the ongoing maintenance liability of the railway and help enable various separate potential enhancement schemes in the future. Network Rail has developed the Strategy to further consider options to provide alternative means of crossing the railway to help expedite the process. In particular the Network Rail strategy stated to provide the following benefits:
 - Improve the safety of level crossing users;
 - Deliver a more efficient and reliable railway, which is vital in supporting the regional and UK economy;
 - Reduce the ongoing operating and maintenance cost of the railway;
 - Reduce delays to trains, pedestrians and other highway users;
 - Improve journey time reliability for all railway, highway and other rights of way users.
- 2.3. The principles underlying the Anglia Level Crossing Reduction Strategy are in line with ECC's long term transport strategy supporting economic growth.

- 2.4. ECC has a responsibility to protect and maintain the Public Rights of Way (PRoW) network, ensuring that it is accessible and safe for users, providing opportunities for healthy living and contributing to the local economy.
- 2.5. To date, some individual changes have been achieved by processes carried out using the County Council's powers under section 119A of the Highways Act 1980 with the Council's support. In those cases applications for changes to specific crossings have been made following consultation and advertisements.
- 2.6. More recently Network Rail decided that since they wish to close a considerable number of crossings, they would do so by making bulk applications under the Transport and Works Act 1992, a statutory procedure which results in an order which can cover multiple crossings.
- 2.7. Network Rail has identified 57 crossings in Essex which they wish to close or remove some traffic. All of these affect public rights of way (ie footpaths, bridleways or byways open to all traffic). Network Rail believe it is possible to close or downgrade the crossing by:
- Diverting public users to an nearby alternative means to cross the railway;
 - Providing a new public route as a nearby alternative means to cross the railway;
 - Amending the existing public right to cross the railway to include or exclude certain user groups
- 2.8. In consultation with the Cabinet Member the Council has maintained informal objections on 26 proposals - 16 where commuted sums for additional future maintenance contribution by Network Rail had yet to be agreed and 11 where the fundamental merits or principles of the proposal were considered to be unacceptable. Proposals were unacceptable for a number of reasons including:
- The excessive length of the proposed diversion route or lack of alternative routes.
 - Diversion routes requiring people to walk in the carriageway or on a verge which is unsuitable to be used for walkers.
 - The proposed closure of crossings where the Council believes that alternative mitigation measures would be achievable and more appropriate, for example a new bridge or installation of a pedestrian warning system, but Network Rail has refused to agree to this. Lack of clarity concerning future maintenance liability for structures, surfacing of alternative routes and other assets proposed as a result of new routes being implemented under the Transport and Works Act Order, often to be resolved by Network Rail providing a commuted sum to fund this.

Additionally, the Council requested but not been supplied with additional information or detail relating to 10 of the proposals.

- 2.9. Since then officers have continued to meet with Network Rail. Network Rail developed a specific communications plan for Essex and the programme has passed through a public consultation process.
- 2.10. ECC officers have not been able to achieve a satisfactory solution on the following crossings and it is proposed to object to these proposals:
- Footpath 12 and 22, Benfleet (E30 Ferry and E31 Brickyard – Main Line)
 - Footpath 23, Rettendon (E38 Battlesbridge – Branch Line)
 - Footpath 7, Alresford (E42 Sand Pit – Branch Line)
 - Footpaths 4 and 5, Alresford (E43 High Elm – Branch Line)
 - Footpath 19, Wrabness (E48 Wheatsheaf – Branch Line)
 - Footpath 11, Wakes Colne (E51 Thornfield Wood – Branch Line)
 - Footpath 21, Mount Bures (E52 Golden Square – Branch Line);
 - Footpaths 27, 28 and 42, Ardleigh (E56 Abbots - Main Line).
- 2.11. A more detailed analysis of each the above sites is included at Appendix 1 to the report, but in each case the County Council considers that the safety advantages of closing the crossing – which appear limited, particularly where the crossings are located on branch lines in locations where highway users have very good visibility and audibility of approaching trains - are outweighed by a combination of the loss of amenity and the increase in safety risk to users of the highways network.
- 2.12. In addition the County Council proposes to maintain a holding objection to all crossings where commuted sums in respect of work and maintenance liability are still to be agreed in line with the Commuted Sum Framework.
- 2.13. Network Rail has now applied for an order under the Transport and Works Act. The matter is now with the Department for Transport and the deadline for the receipt of objections to the Essex proposals is 12 May 2017. A holding objection has been submitted (this is permitted under Department for Transport guidance) and this will be confirmed if the Council passes the necessary resolution.
- 2.14. The Secretary of State for Transport may exchange written representations between relevant parties, hold a hearing or appoint an inspector and hold a Public Inquiry before a final decision is made. Network Rail is hoping that an order will be made by October 2018, after which construction work can take place.

3. Financial implications

- 3.1 As part of the TWAO process the Secretary of State can include an order for costs from either party. This means that ECC could seek to recover its costs but could also be held liable to pay the costs of Network Rail in relation to unsuccessful objections. In practice we are unlikely to have to pay costs unless we have behaved unreasonably. Any costs will be met from existing budgets.

4. Legal implications

- 4.1 The effect of section 239 of the Local Government Act 1972 as applied by section 20 of the Transport and Works Act 1992 is that a local authority can only object to a Transport and Works Act order by a resolution of full Council passed at a meeting of which 10 days' public notice has been given
- 4.2 Ultimately the Secretary of State will decide whether or not to make the orders; this is a matter over which he has discretion after considering arguments put forward by objectors.

5. Equality and Diversity implications

- 5.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 6.3 The equality impact assessment indicates that the proposal to object to Network Rail's application for a Transport and Works Act Order contained within this report will not have a disproportionately adverse impact on any people with a particular protected characteristic such as age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation but the Council will expect Network Rail to demonstrate that the Equality and Diversity implications of their proposals have been appropriately considered. Some of the proposals to which the Council is objecting will have a disproportionately adverse effect on highway users with restricted mobility as they will require path users to climb stairs up embankments and walk on the carriageway.

6. Recommendations

- (1) That the County Council objects to the application for the Network Rail (Essex and Others Level Crossing Reduction) Order and in particular to

- Footpath 12 and 22, Benfleet (E30 Ferry and E31 Brickyard – London Tilbury and Southend Main Line);
- Footpath 23, Rettendon (E38 Battlesbridge – Southminster Branch Line);
- Footpath 7, Alresford (E42 Sand Pit – Walton/Clacton Branch Line);
- Footpaths 4 and 5, Alresford (E43 High Elm – Walton/Clacton Branch Line);
- Footpath 19, Wrabness (E48 Wheatsheaf – Harwich Branch Line);
- Footpath 11, Wakes Colne (E51 Thornfield Wood – Sudbury Branch Line);
- Footpath 21, Mount Bures (E52 Golden Square – Sudbury Branch Line);
- Footpaths 27, 28 and 42, Ardleigh (E56 Abbots – Great Eastern Main Line).

- (2) That the County Council objects to all other crossing closures proposed where the County Council has not yet reached agreement with Network Rail on the commuted sum to be paid for the future maintenance of the new highways network to be created as part of the proposals.
- (3) That the Director, Highways and Transportation may take any steps to progress the objections and the Director, Legal and Assurance may take steps to arrange for the County Council to be represented at public inquiry.
- (4) That the Director, Highways and Transportation be authorised to withdraw the Council's objections in whole or in part after consulting the Cabinet Member with responsibility for highways

Appendix 1 - Summary of objections to be raised to the Network Rail (Essex and Others Level Crossing Reduction) Order

1. Footpath 12 and 22, Benfleet (Network Rail reference E30 Ferry and E31 Brickyard)

Location:	Benfleet, Castle Point
Network Rail ref:	E30 and E31 Brickyard
Affected Right of Way:	Footpath 12 Benfleet and Footpath 22 Benfleet
Other impacts:	Footpaths 22, 31 & 75, Bridleway 60 Benfleet
Description and reason for objection	<p>Both E30 and E31 cross the railway line to the east of Benfleet station. This route is widely used providing access to Hadleigh Country Park. It forms a circular walk along the Thames Estuary, a through route connecting the country park with Canvey Island and a through route between Benfleet and Canvey Island. The proposed alternative route is much longer and urban in character and would result in a serious loss of amenity.</p> <p>Loss of both E30 and E31 would represent a significant loss of amenity.</p> <p>If the application for E31 is withdrawn then it would not be necessary to maintain an objection to E30.</p>
Route Length	<p>The current route length to use crossing E31 from the junction with Footpath 31 to junction with Bridleway 60 is 291m</p> <p>Diversion length approximately 1079m, being 622m public right of way (inc.39m shared with the marina access road) and 457m footway.</p> <p>The proposed alternative is significantly longer with an additional length of approximately 788m.</p>
Safety issues	<p>People using the E31 crossing have good visibility in both directions and there are safe waiting areas. Crossing E30 is currently subject to a temporary closure order made by ECC due to limited lines of sight and the availability of crossing E31.</p>

	Walkers using the alternative will need to walk on the access road to the marina and may be required to walk in the carriageway on occasions. The proposed route crosses the entrance to the station car park presenting additional risk to pedestrians especially at peak times.
Other issues	The diversion route is more urban in character and requires the public to walk 39m along a road and to cross the access to the station car park.
Proposed Action	Object to proposals to close E30 and E31 to maintain access between Canvey Island and Hadleigh Country Park. If the application for E31 is withdrawn then it would not be necessary to maintain an objection to E30.

2. Footpath 23 at Rettendon (Network rail reference: E38 Battlesbridge)

Location:	Battlesbridge, Rettendon, City of Chelmsford.
Network Rail ref:	E38 Battlesbridge
Affected Right of Way:	Footpath 23 Rettendon
Other impacts	Footpath 8 Runwell
Description and reason for objection	<p>E38 is located to the west of Battlesbridge on the Southminster branch line.</p> <p>It is proposed that the crossing will be closed and the path diverted on to A1245, using the A1245 bridge across the railway. This involves steep ascent and descent up the A1245 embankment, for which Network Rail propose to provide steps. There is no footway on the bridge. A 60mph speed limit applies to the A1245 in this location which is a busy and fast road.</p> <p>The loss of crossing E38 would represent a significant loss of amenity. The diversion route is seven times as long as the existing route. The necessary provision of steps by could also limit the accessibility of the public right of way to some users and no equality impact assessment has been provided. Network Rail has not supplied details of barrier amendments or a new barrier design that meets safety requirements.</p>

Route Length	<p>The current route length that Network rail wishes to extinguish is 49m.</p> <p>The diversion to achieve same connections as above is 344m with 195m proposed new footpath and 149m new footpath/footway alongside the A1245.</p> <p>The proposed alternative is significantly longer with an additional length of approximately 295m</p>
Safety issues	The proposed route requires walking on or adjacent to the A1245. The bridge lacks appropriate pedestrian facilities and carries a road with a 60mph speed limit. There are no detailed plans to provide them.
Other issues	Road walking alongside the A1245 plus steps up to/down from the A1245.
Proposed Action	To object to Network Rail's proposal to close E38.

3. Footpath 7, Alresford (Network rail reference: E42 Sand pit)

Location:	Alresford, Tendring.
Network Rail ref:	E42 Sand pit
Affected Right of Way:	Footpath 7 Alresford
Other impacts:	Footpath 16 Elmstead
Description and reason for objection	<p>E42 is located to the west of Alresford on the Clacton / Walton branch line. Footpath 7 passes northwards from Alresford Road crossing the railway line to provide access towards Elmstead Footpath 16 and connecting public right of way including woodland walks.</p> <p>Network Rail's proposal diverts walkers on to a new field edge footpath and then on to the verge adjacent to Alresford Road. Walkers are required to cross the railway via the Alresford Road bridge which is narrow and where there is no footway or appropriate refuge area giving rise to a significant safety risk. At this point Alresford Road is subject to the National Speed Limit (60mph)</p>

	<p>ECC's safety assessment recommends that the proposed route is not used unless a formal footway is provided along Alresford Road. In practice this would require either widening of the current bridge or the provision of a separate adjoining footbridge.</p> <p>In addition the loss of crossing E42 would represent a significant loss of amenity as it replaces country walking with roadside walking.</p>
Route Length	<p>The current route length that Network Rail wishes to extinguish is 329m.</p> <p>The diversion length to achieve same connections as above is 802m or 535m to connect to Bridleway 13 Alresford .</p> <p>Additional walking required is therefore 206m for Network Rail's option and 473m to retain existing connections.</p>
Safety issues	<p>The safety assessment identified a number of road safety issues:</p> <ul style="list-style-type: none"> • Use of the existing highway bridge does not enable pedestrians to step off the carriageway to avoid vehicles. The likelihood of being clipped by vehicles is exacerbated by the restricted width of the bridge number of HGVs and buses using this route. • The new footpath requires pedestrians to enter onto Alresford Road on a blind bend which is an historic casualty reduction site owing to the number of accidents. • NR propose that a 40mph speed limit is imposed in this location; however, the highways view is that many drivers are unlikely to comply with this limit in this location without enforcement. The police have limited resource to enforce. In any event, and a 40 mph limit will not improve visibility or provide a refuge for pedestrians.
Other issues	<p>The route northwards towards Elmstead Footpath 16 and connecting public right of way including woodland walks is made substantially less convenient.</p>
Proposed Action	<p>To object to Network Rail's proposal to close E42.</p>

4. Footpaths 4 and 5 Alresford, (Network rail reference: E43 High Elm)

Location:	Alresford, Tending.
Network Rail ref:	E43 High Elm
Affected Right of Way:	Footpaths 4 and 5 Alresford
Other impacts:	Footpath 20 Frating
Description and reason for objection	<p>E43 is located to the east of Alresford on the Clacton / Walton branch line. The route passes northwards from the edge of Alresford crossing the railway line to provide access towards Footpath 20 Frating and connecting public right of way including woodland walks.</p> <p>The proposed alternative is 6 times as long with an additional length of approximately 1,015m and requires significant road walking; approximately 543m of footway alongside the B1027, 2 road crossings over the B1027 both at or close to junctions, and the crossing of other roads/private vehicle access roads.</p> <p>Footpath 4 would become a dead end path. Access to the very attractive woodland section of Footpath 4 would become a dead end. The access to the wider countryside via Footpath 20 Frating is rendered inconvenient.</p> <p>The proposed route is inappropriate and the loss of E43 would represent a significant loss of amenity.</p>
Route Length	<p>The current route length of the section Network Rail wishes to extinguish is 202m.</p> <p>The diversion length to maintain connectivity is 1,217m</p> <p>The proposed alternative is significantly longer with an additional length of approximately 1,015m</p>
Safety issues	<p>The safety assessment identified a number of road safety issues:</p> <ul style="list-style-type: none"> • The B1027 has a 40mph limit but is wide and has a high traffic flow. • The location of the existing footway on the diversion route means that pedestrians are required to cross the B1027 twice. • The plans for pedestrian islands do not contain enough detail to enable assessment. Potential hazards

	<p>with these refuges include injuries from: walkers being clipped by passing motorists, motorists colliding with the island bollards, increased risk during darkness if not illuminated or no bollards, trip hazards and additional risks for partially sighted users.</p> <p>The crossing is on a branch line with slower, less frequent trains.</p>
Other issues	<p>The alternative route requires significant road walking; approximately 543m of footway alongside the B1027, 2 road crossings over the B1027 both at or close to junctions, and the crossing of other roads/private vehicle access roads.</p> <p>The proposed route also makes use of 390m of existing the Footpath (FP5 Alresford) shared with an access road to homes and businesses.</p> <p>Footpath 4 becomes a dead end path. Access to the very attractive woodland section of Footpath 4 as well as the access to the wider countryside via Footpath 20 Frating is rendered inconvenient.</p>
Proposed Action	To object to Network Rail's proposal to close E42.

5. Footpath 19, Wrabness

Location:	Wrabness, Tendring.
Network Rail ref:	E48 Wheatsheaf
Affected Right of Way:	Footpaths 19 Wrabness
Other impacts	Footpaths 1,4,12 & 13 20 Wrabness
Description and reason for objection	<p>E48 is located west of Wrabness on the Harwich branch line. Wrabness is a popular walking area with access to the Stour estuary and the recent addition of the nearby 'Julie's House' (an art installation/landmark property by the Essex artist, Grayson Perry) adds to the number of visitors and potential public right of way users. E48 provides access to the wider public right of way network including those with estuary views and a wooded area to the north of E48.</p>

	<p>The proposed diversion requires a significant diversion to the east, is approximately three times as long and requires 608m walking along Dimbolls Hall Lane and Church Road most of which has no footway.</p> <p>The proposed route is significantly less convenient and the loss of E43 would represent a significant loss of amenity.</p>
Route Length	<p>The length of the route NR wish to extinguish is 369m</p> <p>The proposed diversion to achieve the same connectivity as above is 1,056m, of which 608m uses existing roads and 448m is a proposed new footpath.</p> <p>The proposed alternative is significantly longer with an additional length of approximately 687m</p> <p>The proposed route necessitates a significant diversion eastwards before returning to connect with the retained section of Footpath 19.</p>
Safety issues	<p>The safety assessment identified a number of road safety issues:</p> <ul style="list-style-type: none"> • a lack of footway and relatively high verges may make it difficult for pedestrians to step off the carriageway, especially in summer. Pedestrians passing each other may step into the path of oncoming vehicles. • Ditch crossing where the proposed new footpath meets Church Road may be a hazard and hedges may obscure visibility. • The footway over the vehicle bridge on Church Road is narrow <p>The crossing is on a branch line with slower, less frequent trains.</p>
Other issues	<p>Wrabness is a popular walking area with access to the Stour estuary and the recent addition of the nearby 'Julie's House' (an art installation/landmark property by the Essex artist, Grayson Perry) adds to the number of visitors and potential public right of way users. Access to the wider network and other local public right of way including those with estuary views and access is substantially less convenient by the use of this diversion proposal and the wooded area north of the railway line, though retained as part of Footpath 19 may as a consequence not be enjoyed and used.</p>
Proposed Action	<p>To object to Network Rail's proposal to close E48.</p>

6. Footpath 11, Wakes Colne (E51 Thornfield Wood)

Location:	Wakes Colne, Colchester Borough
Network Rail ref:	E51 Thornfield Wood
Affected Right of Way:	Footpaths 11 Wakes Colne (Colchester)
Other impacts	Footpaths 11,12, 13 Wakes Colne & 24 Mount Bures
Description and reason for objection	<p>E51 is located to the north of Wakes Colne on the Marks Tey to Sudbury branch line. The crossing is part of an extensive network of rights of way within the Stour Valley and is close to the Dedham Vale Area of Outstanding Natural Beauty (AONB). The area attracts large numbers of walkers and tourism is a significant component of the local economy.</p> <p>Footpath 11 and the Thornfield Wood crossing is an important east-west connection that accesses the very pleasant walk through Thornfield Wood, which also has permissive routes through it, as well as linking to safe, off-road routes such as Footpath 13 to the south.</p> <p>The proposal would see the creation of 949m of new footpaths to enable crossing of the railway line via a substantial diversion to Jankes Green Lane. The proposed diversion route is almost 31 times the distance of the existing route.</p> <p>The diversion proposal is so substantially less convenient as to be unreasonable and will serve to deter usage and enjoyment of the connecting network and the loss of E51 would represent a significant loss of amenity.</p>
Route Length	<p>The length of the route that Network Rail wishes to extinguish is 38m.</p> <p>The length of the diversion to achieve the same connectivity as above via the proposed route is 1,188m, via a substantial diversion to the north.</p>

	The proposed alternative is significantly longer with an additional length of approximately 1,150m. Road walking and road crossing is required using Jankes Green Lane where walkers are likely to have to walk in the carriageway as not parts of the verge are walkable and Network Rail have no plans to tackle.
Safety issues	<p>The safety assessment identified a number of road safety issues:</p> <ul style="list-style-type: none"> • The verge is very high and there is no opportunity to step out of the path of vehicles leading to the risk of vehicles striking pedestrians and injuries. • The proposed route is used by large agricultural vehicles. <p>The crossing is on a branch line with slower, less frequent trains and the location is quiet, away from habitation, making it easier to hear approaching trains.</p>
Other issues	<p>Footpath 11 and the Thornfield Wood crossing is an important east-west connection used to access the very pleasant walk through Thornfield Wood, which also has permissive routes through it, as well as linking to safe, off-road routes such as Footpath 13 to the south. The diversion proposal is so substantially less convenient as to be unreasonable and will serve to deter usage and enjoyment of the connecting network</p> <p>It was discernible from the site inspection that a ditch crossing and tree clearance would be required on the proposed new route north of Footpath 24 Mount Bures towards Jankes Green lane. The route is currently ploughed up to field boundaries.</p>
Proposed Action	To object to Network Rail's proposal to close E51.

7. Footpath 11, Wakes Colne (E52 Golden Square)

Location:	Mount Bures and Wakes Colne, Colchester Borough
Network Rail ref:	E52 Golden Square
Affected Right of Way:	Footpaths 21 Mount Bures & Footpath 7 Wakes Colne (Colchester)
Other impacts	Footpaths 2 and 8 Wakes Colne Footpaths 22 & 23, Bridleway 35 Mount Bures

<p>Description and reason for objection</p>	<p>E52 is located to the south of Mount Bures on the Marks Tey to Sudbury branch line. The crossing is part of an extensive network of rights of way within the Stour Valley and is close to the Dedham Vale Area of Outstanding Natural Beauty (AONB). The area attracts large numbers of walkers and tourism is a significant component of the local economy.</p> <p>Footpaths 7 and 21 are crucial east-west links in the wider network, links which the NR proposal does not reasonably compensate for the loss of crossing E52.</p> <p>The proposal would see the creation of 1,440m of new footpaths to enable crossing of the railway line via a significant diversion using Dowling Road & Roberts Hill/Fordham Road. The proposed diversion route is three times the distance of the existing route</p> <p>The diversion proposal is so substantially less convenient and hazardous as to be completely unreasonable and will serve to deter usage and enjoyment of the connecting network and to in effect truncate the network east to west. The loss of E52 would represent a significant loss of amenity.</p>
<p>Route Length</p>	<p>The length of the route that Network Rail wishes to extinguish is 700m</p> <p>The length of the diversion to achieve the same connectivity as above via the proposed route is 2,370m .</p> <p>The proposed alternative is significantly longer with an additional length of approximately 1,670m. 930m of road walking and road crossing is required using Dowling Road & Roberts Hill/Fordham Road where walking in the carriageway is likely due to the variable nature of the verge.</p>
<p>Safety issues</p>	<p>The safety assessment identified a number of road safety issues:</p> <ul style="list-style-type: none"> • The verge is non-existent and the route heavily tree-lined. There is no opportunity to step out of the carriageway to avoid vehicles leading to pedestrians being struck by vehicles and injury. • Many agricultural vehicles noted using the route. • The proposed new footpath to replace Footpath 7 exits onto Chappel Road by a property boundary hedge with resultant poor visibility for pedestrians and drivers and the consequent possibility of a collision. <p>The crossing is on a branch line with slower, less frequent trains and the quiet location, away from habitation, is an aid to hearing approaching trains.</p>

Other issues	Footpaths 7 and 21 are crucial east-west links in the wider network, links which the NR proposal does not reasonably compensate for the loss of E52.
Proposed Action	To object to Network Rail's proposal to close E52.

8. Footpaths 27, 28 and 42, Ardleigh (E56 Abbots)

Location:	Ardleigh, Tendring
Network Rail ref:	E56 Abbots
Affected Right of Way:	Footpaths 27, 28 & 42 Ardleigh (Tendring)
Other impacts	Footpaths 7,8,10,11,12,29,31,39,49 & 51
Description and reason for objection	<p>E56 is located to the south-east of Ardleigh on the London to Norwich mainline (Great Eastern mainline). The crossing provides footpath access linking Ardleigh to the west of the railway with an extensive rights of way network radiating out from the eastern side of the crossing.</p> <p>Footpath 27 and Abbots crossing have a pivotal position in the local public right of way network and the diversion route is substantially less convenient and in no way mitigates the potential loss of this crossing point. The diversion route is also significantly longer than the existing route and a large proportion of the route is on footways adjacent to roads, the character of the proposed route is completely different from the rural route Network Rail is seeking to replace.</p> <p>The importance of E56 to the local public right of way network means that ECC believes that a pedestrian bridge should be considered at this location.</p>
Route Length	<p>The length of the route that Network Rail wishes to extinguish is 900m.</p> <p>The length of the diversion to achieve the same connectivity as above via the proposed route is 2,320m including 160m along Little Bromley Road, 1,526m of new footpath and 634m using existing footways adjacent to Harwich Road.</p>

	The proposed alternative is significantly longer with an additional length of approximately 1,420m.
Safety issues	<p>The safety assessment identified a number of road safety issues:</p> <ul style="list-style-type: none"> • The verge is relatively high and there would be little opportunity for pedestrians to step out of the carriageway to avoid vehicles, especially in summer, leading to pedestrians being struck by vehicles and injury. The same issue applies where pedestrians wish to pass.
Other issues	<p>The diversion route is significantly longer than the existing route and a large proportion of the route is on footways adjacent to roads, the character of the proposed route is completely different from the rural route Network Rail is seeking to replace.</p> <p>Footpath 27 and Abbots crossing has a pivotal position in the local public right of way network and the diversion route is substantially less convenient and in no way mitigates the potential loss of this crossing point.</p> <p>The crossing was well used until recently when it was temporarily closed by ECC at the request of Network Rail as a result of local residents objecting to passing trains sounding their horns as they approached the crossing. The only way to stop the sound was to close the crossing. The loss of this right of way is however viewed as a significant loss to local public rights of way and the Council believes that a bridge should be installed at this location.</p> <p>The Great Eastern mainline is a 100mph railway with very frequent trains including long freight trains.</p>
Proposed Action	To object to Network Rail's current proposal to close E56. The importance of E56 to the local public right of way network means that ECC believes that a pedestrian bridge should be provided at this location.

Approval of Proposals for Pension Fund Investment Pooling

Report by Councillor David Finch, Leader of the Council

Enquiries to Paul Turner, Director, Legal and Assurance, paul.turner@essex.gov.uk telephone 03330 134591 or Kevin MacDonald, Director for Essex Pension Fund kevin.mcdonald@essex.gov.uk telephone 01245 431301.

1. Purpose of Report

- 1.1 This report follows a report considered by Council on 14 February 2017 relating to pension fund pooling.
- 1.2 Essex County Council is an administering authority for the statutory Local Government Pension Scheme which provides pensions for most local government employees in Essex as well as for some other related bodies. Employees and Employers pay into the scheme and the Council invests the money to pay future pensions. At present each administering authority invests its money separately, but the Government has asked authorities to group together to pool investments.
- 1.3 There are a number of pools available but the Council has been involved in the creation of the proposed ACCESS Pool. This report asks Council to approve the steps necessary to join the ACCESS Pool in order to implement the Government's proposals for pooling of pension fund investments.

2. Background and Proposal

- 2.1 In 2015 the Government announced it would ask Administering Authorities to make proposals to pool LGPS investments. The Department for Communities and Local Government (DCLG) subsequently published its criteria for pooling investments focusing on 4 elements:
 1. Scale – pools of assets are created with at least £25bn of assets per pool.
 2. Strong Governance – authorities are charged with defining the mechanisms by which they can hold the pool to account.
 3. Reduced costs – including estimated savings over the next 15 years.
 4. Improved capacity to invest in infrastructure through pooling.
- 2.2 In 2016 the Government published Regulations which allow the Secretary of State to direct an administering authority to change its investment strategy or direct that part or all of its investment function is undertaken by another organisation if the Secretary of State determines that a fund is

failing to act in accordance with guidance issued, including the guidance to pool investments according to the criteria above.

- 2.3 In July 2016 the Essex Investment Steering Committee agreed to support the principle that Essex should become a member of the ACCESS pool proposal to Government in July 2016. Accordingly the Council has already signed a non-binding Memorandum of Understanding with the 10 other authorities in the pool to underpin the initial work of establishing the pool. ACCESS contains the following funds:

Cambridgeshire	Kent
East Sussex	Norfolk
Essex	Northamptonshire
Hampshire	Suffolk
Hertfordshire	West Sussex
Isle of Wight	

- 2.4 ACCESS's July 2016 submission was based on pooling investments via a Collective Investment Vehicle (CIV) that would be administered and maintained by a third party Operator, which was believed at that time to be the Government's preferred means of investment pooling. The third party Operator would be collectively managed by the pension funds by use of a joint committee made up of one elected Councillor member from each authority.
- 2.5 Following representations by Essex and other ACCESS Funds to the Secretary of State for Communities and Local Government in September 2016, all the ACCESS funds agreed that the Government's pooling criteria could be better met without the cost and complexity of a CIV Operator, through collaborative joint procurement where each council would buy investments together in a co-ordinated way but without using a CIV. ACCESS put forward an amendment to its July 2016 submission in December 2016 to base the pool on collaborative joint procurement. In February 2017 the Council considered a report advising that discussions were continuing and that a report would need to be brought back to the meeting of the Council in May 2017 in order to make a final decision on the way forward.
- 2.6 Between January 2017 and March 2017 further correspondence was exchanged with Department for Communities and Local Government. On 22 March 2017 the Minister wrote to say that his expectation was that there should be a single entity '*at the heart of the pool, appropriately regulated by the FCA*' and went on to express the opinion that:

'establishing a well-known existing structure such as an FCA regulated operator and collective investment vehicle minimises regulatory and tax risks and provides the greatest assurance to authorities, scheme members and local taxpayers'.

- 2.7 The Minister said that he would not support the collaborative joint procurement approach and stated that he expected ACCESS to proceed with the Collective Investment Vehicle approach as originally proposed.
- 2.8 At its meeting on 4 April 2017, the Essex County Council Investment Steering Committee - the Committee of the Council which, amongst other things, oversees pension fund investments - considered the 22 March 2017 letter. In the view of the Committee, this letter made it clear that ACCESS would need to pursue the Collective Investment Vehicle approach to pooling.
- 2.9 At its 19 April 2017 meeting, the shadow ACCESS joint committee concluded that the Minister's 22 March 2017 meant that that if ACCESS did not pursue a CIV approach then the 11 ACCESS member authorities were exposing themselves to a high risk of a direction from the Secretary of State unless they implemented pooling via a Collective Investment Vehicle.
- 2.10 As a result, the shadow ACCESS joint committee made its final recommendation to the 11 ACCESS Administering Authorities which was that the ACCESS approach to pooling pension fund investment management arrangements be a Collective Investment Vehicle.

3. Summary of the pooling proposals

- 3.1 Investment pooling is intended to create the scale that will enable access to lower Investment Manager fees and deliver cost savings to LGPS funds. In the pooled investment structure individual funds, like Essex, will still be responsible for their own investment strategy and asset allocation decisions.
- 3.2 The Councils will jointly procure a CIV operator who will be responsible for creation of the CIV and appointing a suitable number of Investment Managers in order to meet the requirements of all of the funds' investment strategies.
- 3.3 The CIV operator will create sub-funds and contract with the investment managers selected by the pool. Individual authorities will then be able to select investment managers for their fund from those that have been selected by the pool.
- 3.4 There will be initial setup costs for the project to create the pool, agree the relevant legal documents and appoint the necessary suppliers. The ACCESS authorities have agreed that the cost of establishing the pool would be shared equally between the 11 ACCESS funds. Essex's estimated share of these costs is £160,000 – which will be met by from the Pension Fund and not from the County Council's annual revenue budget.
- 3.5 The costs above do not include transition costs of moving current investments into the CIV since these will depend on the specific portfolios and investment managers selected by the CIV. These costs could be

significant if the Fund has to move all its investments from one fund manager to another.

- 3.6 Savings are expected by reductions in future investment management fees. The ACCESS July 2016 proposal estimated cumulative savings across the pool of £13m by 2021 and between £26m - £30m by 2033.

4. Inter-Authority Agreement

- 4.1 The ACCESS funds have jointly commissioned the external legal firm Eversheds Sutherland to provide assistance in drafting a legally binding Inter Authority Agreement ('IAA') for the pooling of investments.
- 4.2 The IAA is based on principles that were agreed by the ACCESS pension funds at the outset of their collaboration in February 2016, including:
- working collaboratively,
 - all Councils/Funds having an equitable voice in governance,
 - avoiding unnecessary complexity, and
 - running economically and applying value-for-money considerations.

- 4.3 The most significant principles in the IAA are as follows:

Governance

- 4.4 The ACCESS Pool will be governed by a Joint Committee constituted under s101 of the Local Government Act 1972 and made up of one elected councillor nominated by each authority from their pension committee. The Joint Committee (or Joint Governance Committee as it will be known) will be 'hosted' by one of the ACCESS local authorities. The host authority will undertake the secretariat function for the Joint Governance Committee. It is proposed that Kent County Council will be the initial host authority. A Chairman and Vice-Chairman of the Joint Governance Committee will be appointed by the members of the Joint Governance Committee. Each elected member will have one vote in any decision requiring a vote, and decisions will be carried by a simple majority with the Chairman having a casting vote if necessary. The full draft constitution of the Joint Governance Committee is attached at Appendix 1.
- 4.5 The specific functions that are proposed to be delegated to the Joint Governance Committee are specified in Appendix 2.

Procurement

- 4.6 The Joint Governance Committee will oversee the procurement of an Operator. The procurement will be undertaken by a 'Lead Authority' (Kent County Council) on behalf of all of the ACCESS authorities. Whilst the Joint Governance Committee will oversee the procurement process and make a recommendation on the preferred supplier, each of the 11 ACCESS local authorities will make their own decision to enter into a

contract with the Operator. At Essex it is proposed that this decision will be taken by the Investment Steering Committee.

Cost Sharing

- 4.7 It is the aim of the ACCESS Pool that costs are shared equitably between the member funds. Some costs will be shared equally between the member funds, or costs will be shared according to the value of investments by each fund as follows:
- 4.8 Costs to be shared equally between the member funds:
- The pool establishment costs including strategic and technical advice, legal advice, project management costs and the costs associated with running the procurement process to appoint a CIV Operator .
 - Any set-up costs charged by the Operator for the overall creation of the sub-fund structure.
 - The ongoing costs of managing and governing the pool including the host authorities' costs of hosting the Joint Governance Committee and providing the secretariat function, the cost of any external advice commissioned by the Joint Governance Committee and any re-procurement processes for either the CIV Operator or investment manager framework.
- 4.9 Costs in relation to funds' investments will be shared according to the value of each fund's investments as charged by the CIV Operator for the sub-funds in which each fund is invested.
- 4.10 Other costs will not be shared and will be borne by the fund that they are incurred by, which includes:
- Each fund's costs of participating in the pool, such as attendance at meetings.
 - Any transition costs of moving assets to or within the pool.

Withdrawal and termination

- 4.11 Any fund can withdraw from the IAA and therefore the ACCESS Pool by giving 12 months' notice to expire on 31 March. Following the signing of the IAA, any fund that wishes to withdraw from the pool will be liable for its share of the costs (not relating directly to investments) for the remainder of the contract period of the CIV Operator unless otherwise agreed by the Joint Committee

Other Provisions

- 4.12 The IAA will cover a number of other standard areas including dispute resolution, information and confidentiality, data protection, freedom of information, equal opportunities, and change in identity of Administering Authorities.

5 Timescales

- 5.1 The Government has made it clear that it expects LGPS funds to begin transferring their investments into pools by no later than April 2018. In order for the ACCESS Pool to meet this deadline, the procurement processes for a CIV Operator will need to commence very soon. The ACCESS Pool has committed to move forward in a way that will meet the Government's April 2018 deadline.
- 5.2 A decision from the County Council is required to delegate the relevant functions to the Joint Committee.

6. Recommendations

- 6.1 That the Council enters into to the ACCESS Pool Inter Authority Agreement and thereby a participant in the ACCESS Pool Joint Governance Committee (of which the Constitution and Terms of Reference are set out at Appendix 1 and Appendix 2 to this report) for the purposes of pooling pension fund investment management arrangements.
- 6.2 That Council resolves to delegate functions to the ACCESS Joint Governance Committee as specified in Appendix 1 with effect from the date of the execution of the Inter Authority Agreement.
- 6.3 That the constitution is amended by the insertion of the following text at the end of paragraph 13.2:
- ‘The ACCESS Pension Fund Pool Joint Governance Committee will exercise council functions in accordance with the terms of the delegations granted to it by full Council from time to time’.
- 6.4 That attendance of a meeting of the ACCESS Pool Joint Governance Committee as a member of that Committee shall be added to the list of approved duties in appendix 3 of part 26 of the Constitution.
- 6.5 That the Executive Director for Corporate and Customer Services (section 151 Officer) in consultation with the Chairman of the Investment Steering Committee be authorised to agree minor changes to the IAA agreement if she considers them necessary in order to achieve the agreement.

Draft Constitution of the Joint Committee

Part 1 Membership

1. The Joint Committee shall consist of one elected councillor appointed by each Council. The member so appointed must, at the time of the appointment, be an elected councillor serving as a member of the Committee of a Council which discharges the functions of that Council as pension administering authority.
2. Each Council may appoint a substitute. Any substitute must meet the eligibility requirements in paragraph 1. The substitute may attend any meeting of the Joint Committee or any of its sub-Committees in place of that authority's principal member if notice that the substitute will attend is given to the Secretary of the Joint Committee by the Council concerned
3. Where a substitution notice is in effect with respect to a particular member at a particular meeting, the substitute shall be a full member of the Joint Committee for the duration of the meeting in place of the principal member
4. Each Council may remove its appointed member and appoint a different member by giving written notice to the Secretary to the Joint Committee.
5. Each appointed member shall be entitled to remain on the Joint Committee for so long as the Council appointing them so wishes, but shall cease to be a member if he or she ceases to meet the eligibility criteria in paragraph 11 or if that Council removes the appointed member.
6. Any casual vacancies will be filled as soon as reasonably practicable by the Council from which such vacancy arises by giving written notice to the Secretary to the Joint Committee or his or her nominee.
7. The Joint Committee may co-opt any other person whom it thinks fit to be a non-voting member of the committee. The Joint Committee may from time to time make rules as to:
 - 7.1 Registration and declaration of interests by co-opted members.
 - 7.2 Standards of behaviour required to be observed by co-opted members when acting as such.
8. The Chairman of the Joint Committee will be appointed from time to time by the members of the Joint Committee. Subject to paragraph 5, the Chairman of the Joint Committee shall hold that office until their replacement is appointed which shall be at the first meeting to take place after the second anniversary of their appointment.
9. The Vice-Chairman of the Joint Committee will be appointed from time to time by the members of the Joint Committee. Subject to paragraph 5, the Vice-Chairman of the Joint Committee shall hold that office until their replacement is appointed which shall be at the first meeting to take place after the second anniversary of their appointment.
10. The Joint Committee may appoint sub-committees from among its membership as it thinks will help it to enable it to fulfil its remit. The Joint Committee may delegate its responsibilities to such sub-committees. Sub-Committees may co-opt non-voting members.
11. The Joint Committee may set up working groups to advise it on matters within its remit. Such working groups may be formed of members or officers of the constituent authorities or any other third party as the Joint Committee sees fit. Such working groups are advisory only and the Joint Committee may not delegate its responsibilities to such working groups.

12. Each member of the Joint Committee and any Sub-committee shall comply with any relevant code of conduct of their Council when acting as a member of the Joint Committee.
13. The Chairman may direct the Secretary to call a meeting and may require any item of business to be included in the summons.
14. Any 5 members of the Joint Committee may by notice in writing require the Chairman to call a meeting to consider a particular item of business and if the Chairman fails to do so within 20 working days of receipt of the notice then those 5 members may direct the Secretary to call a meeting to consider that business.
15. The Committee may, if the law permits, arrange for attendance at meetings via video conferencing. Any such attendance shall be in accordance with the law and any other requirements imposed by the Joint Committee from time to time.

Part 2 Proceedings

16. Time and Place of Meetings

The Joint Committee will meet at least four times each year. All meetings of the Joint Committee will take place at a suitable venue and at a time to be agreed by the Councils.

17. Notice of and Summons to Meetings

The Secretary to the Joint Committee will give notice to the public of the time and place of any meeting in accordance with Part VA of the Local Government Act 1972. At least five clear days before a meeting, the Secretary to the Joint Committee will send a summons by email and if a member so requests by post to every Member at their last known address. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

18. Chairing of Joint Committee

The Vice Chairman shall preside in the absence of the Chairman. If there is a quorum of members present but neither the Chairman nor the Vice-Chairman is present at a meeting of the Joint Committee, the other members of the Joint Committee shall choose one of the members of the Joint Committee to preside at the meeting.

19. Quorum

- 19.1 The quorum of a meeting will be at least 8 members who are entitled to attend and vote.
- 19.2 If there is no quorum present at the start of the meeting the meeting may not commence. If after 1 hour from the time specified for the start of the meeting no quorum is present then the meeting shall stand adjourned to another time and date determined by the Secretary.

20. Voting

20.1 Majority

Each elected member shall have one vote. Co-opted members will not have a vote. Any matter will be decided by a simple majority of those members of the Councils represented in the room at the time the question is put. In the event of equality of votes the person presiding at the meeting will be entitled to a casting vote under paragraphs 39(1) and 44 of Schedule 12 of the Local Government Act 1972.

20.2 By Substitutes

The member appointed as a substitute shall have the same voting rights as the member for whom he or she is substituting. Where notice of substitution has been given for a particular meeting the principal member may not vote unless the notice of substitution is withdrawn before the start of the meeting.

20.3 Show of hands

The Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

20.4 Recording of individual votes

The minutes of the meeting shall record how a member of the Committee voted on a particular question if, at the time that the vote is taken or immediately thereafter, that member asks the Secretary or his or her representative at the meeting to record his vote.

21. Minutes

21.1 The Secretary to the Joint Committee shall arrange for written minutes to be taken at each meeting of the Joint Committee and shall present them to the Joint Committee at its next meeting for approval as a correct record. At the next meeting of the Joint Committee, the Chairman shall move that the minutes of the previous meeting be signed as a correct record. If this is agreed, the Chairman of the Joint Committee shall sign the minutes. The only part of the minutes that can be discussed is their accuracy.

21.2 Draft minutes or a summary of the decisions taken at the meeting and a note of the actions arising shall be circulated to the Committee and to each Council by email no later than 7 days after the date of the meeting.

22. Any elected member of the Councils who is not a member of the Joint Committee may speak at a meeting of the Joint Committee if the Chairman of the Joint Committee invites him or her to do so but an elected member of the Councils who is not a member of the Joint Committee shall not be entitled to vote at a meeting of the Joint Committee.

23. Meetings of the Joint Committee shall be open for members of the public to attend unless the Joint Committee determines that it is necessary to exclude members of the public in accordance with Part VA of the Local Government Act 1972 or the Joint Committee determines that it is necessary to close the meeting to the public because of a disturbance.

23.1 Copies of the agenda for meetings of the Joint Committee and any reports for its meetings shall be open to inspection by members of the public at the offices of the Councils with the exception of any report which the Secretary to the Joint Committee determines relates to items which in his or her opinion are likely to be considered at a time when the meeting is not to be open to the public.

24. Minutes of the meeting shall be published by the Host Authority to the extent required by Part VA of the Local Government Act 1972.

25. If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will arrange for their removal from the meeting room and will suspend the meeting until the member of the public has left or been removed.

26. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

27. Overview and Scrutiny

27.1 Each Council has overview and scrutiny committees which have the right to scrutinise the operation of the Joint Committee and the Joint Committee and the Host Authority will co-operate with reasonable requests for information from any of the Councils' overview and scrutiny committees.

27.2 The decisions of the Joint Committee are not subject to call-in.

28. Regulation of Business

28.1 Any ruling given by the Chairman as to the interpretation of this constitution with respect to the regulation of proceedings at meeting shall be final.

- 28.2 Subject to the law, the provisions of this Constitution and the terms of any contract, the Joint Committee may decide how it discharges its business.

Draft Terms of Reference of the Joint Committee

Part 1 Functions in relation to the Operator

1. **Specifying Operator services:** Deciding, in consultation with the Councils, the specification of services and functions that the Operator will be required to deliver including the sub-funds and classes of investments required to enable each Council to execute its investment strategy.
2. **Procuring the Operator:** agreeing the method and process for the procurement and selection of the Operator.
3. **Appointing the Operator:** Making a recommendation to the Councils as to the identity of the Operator and the terms upon which the Operator is to be appointed.
4. **Reviewing the Performance of the Operator:** Keeping the performance of the Operator under constant review and making arrangements to ensure that the Joint Committee is provided with regular and sufficient reports from the Officer Working Group to enable it to do so including but not limited to:
 - 4.1 the performance of the Operator against its contractual requirements and any other performance measures such as any Service Level Agreement (SLA) and key performance indicators (KPIs) and Officer Working Group recommendations on any remedial action;
 - 4.2 sub-fund investment performance;
 - 4.3 investment and operational costs including the annual review of investment manager costs;
 - 4.4 performance against the strategic business plan agreed by the Councils.
5. **Managing the Operator:** The Joint Committee shall:
 - 5.1 Make recommendations to the Councils on the termination or extension of the Operator Contract and
 - 5.2 Make decisions about any other action to be taken to manage the Operator Contract including the giving of any instruction or the making of any recommendation to the Operator including but not restricted to recommendations on investment managers (within any regulatory constraints that may apply).
6. **Appointment of Advisers**
 - 6.1 The Joint Committee may appoint such professional advisers on such terms as it thinks fit. Any procurement of advisers must comply with the constitution of the Authority designated to undertake the procurement and that Authority will enter into a contract with the appointed adviser on behalf of the Authorities.
 - 6.2 The Joint Committee may appoint such professional advisers on such terms as it thinks fit. Any procurement of advisers must comply with the constitution of the Authority designated to undertake the procurement and that Authority will enter into a contract with the appointed adviser on behalf of the Authorities.
 - 6.3 The Joint Committee shall decide which tasks shall be performed by the Client Unit and which Council shall manage the Client Unit including the employment arrangements for employees in the Client Unit.

Part 2 Functions in relation to management of Pool Assets

7. The Joint Committee shall make recommendations to the Councils on the strategic plan for transition of assets that are to become Pool Assets.

Part 3 Functions Concerning Pool Aligned Assets

8. Making recommendations to the Councils about Pool Aligned Assets (including proposals concerning the migration of investments-such as passive investments via life fund policies-to become Pool Aligned Assets) in accordance with this Agreement or any other delegation to the Joint Committee by the Councils.

Part 4 Functions concerning Business Planning and Budget

9. Make recommendations to the Councils about the annual strategic business plan for the Pool
10. Determine the budget necessary to implement that plan and meet the expenses of undertaking the Specified Functions (insofar as they will not be met by individual transaction costs paid by Councils to the Operator) in accordance with Schedule 5 hereof.
11. Keep the structures created by this Agreement under review from time to time and make recommendations to the Councils about:
 - 11.1 the future of the Pool;
 - 11.2 any changes to this Agreement; and
 - 11.3 as to the respective merits of continuing to procure operator services by means of a third party or by creation of an operator owned by the Councils.
12. The Joint Committee is required to commence the first review of this Agreement by the second anniversary of its first meeting.
13. The Joint Committee is required to undertake a review of the Pool and this Agreement:
 - 13.1 to be completed 18 months before the expiry of each and every Operator Contract including as a result of the exercise of any option to terminate the Operator Contract;
 - 13.2 whenever a Council gives notice of withdrawal under clause 12 of this agreement.

Council Issues

1. Amendments to the Constitution

1.1 Scheme of Allowances for payment of updates DBS

The current Members' Allowance Scheme as shown in the Constitution was approved by Council on 13 October 2015 following the Recommendations of the Independent Remuneration Panel.

Currently, the Scheme, as shown in *Appendix 2 of the Constitution* includes a provision:

'Data Requirement Fee

Where a Member is required to register with the Information Commissioner's Office as a data controller the cost of this fee will be met by the Council'

Since the approval of the Scheme the Council has adopted a policy asking all elected Members to undergo Disclosing and Barring Service checks (formerly known as CRB checks) and such a service incurs an annual fee which members have to pay themselves.

It is proposed that the 'Data Requirements Fee' paragraph in the Members' Allowance Scheme be replaced to take account of this change.

Recommendation

That the paragraph 'Data Requirement Fee' in the Members' Allowances Scheme be re-named and amended to:

'Unavoidable Fees and Charges

Where a Member is required to register with the Information Commissioner's Office as a data controller the cost of this fee will be met by the Council.

Where a member incurs expenditure with the Disclosing and Barring Service (DBS) with respect to checks arising from requests made by the Council, that expenditure may be claimed subject to the production of evidence of payment.'

1.2 Change to ‘Cabinet Approvers’ – Members’ Expense Claims

Currently, paragraph 26.12 of the Constitution states that:

[Members] ‘Claims must be approved by an authorising officer: the Monitoring Officer for Cabinet Members and the Chairman and Vice-Chairman; the Democratic Services Team for all other Members.’

This reliance on the Monitoring Officer to personally approve expense claims gives rise to practical problems should the Monitoring Officer be unavailable on critical monthly dates and provides insufficient flexibility for the Council’s ongoing reorganisation.

It is proposed that the Constitution, paragraph 26.12 be re-written to permit the Monitoring Officer to make an appropriate delegation of this duty.

Recommendation

That the Constitution, paragraph 26.12 be amended to:

‘All Members’ claims must be checked and approved by an authorising officer of the Democratic Services Team. Claims made by Cabinet Members, the Chairman or Vice-Chairman, must also be approved by the Monitoring Officer or such other officer as the Monitoring Officer may nominate for this purpose.’

2 Statutory Scrutiny Officer

The role of the Scrutiny Officer is to improve governance, democracy and involvement in local government. The Scrutiny Officer is a statutory appointment under Section 9FB of the Local Government Act 2000.

The Scrutiny Officer has a number of statutory duties promoting and supporting the council’s overview and scrutiny committees.

In order to give a clear message about the importance and transparency of the function, the government determined that the local authority may not designate any of the following as the scrutiny officer:

- the Head of the Paid Service
- the Monitoring Officer
- the Chief Finance Officer

The overview and scrutiny function is supported by the Democratic Services Team. The current Scrutiny Officer is the Scrutiny and Corporate Governance Manager who will leave the Council’s employment in the next few weeks. It is proposed the Head of Democratic Services is appointed to the role of Statutory Scrutiny Officer.

Recommendation

That the Head of Democratic Services be appointed as the Statutory Scrutiny Officer with immediate effect and that paragraph 4.4 of the constitution be amended accordingly.

3 Review of Local Pension Board for Essex

Essex County Council is the administering authority for the Essex Pension Fund – the name for the Local Government Pension Scheme (LGPS) in Essex.

There are three bodies involved in the management of the Essex Pension Fund:

- a. the Essex Pension Fund Strategy Board – made up of 7 County councillors together with a number of other representatives of other employers and employee representatives.
- b. the Essex Pension Fund Investment Steering Committee, a committee of the Council made up of 7 County Councillors; and
- c. the Essex Pension Fund Advisory Board (PAB) which is a statutory advisory body comprising an equal number of employer and employee representatives with an independent Chairman.

The PAB was set up in 2015 as a result of a legal requirement imposed by regulations. As the PAB was at that time an entirely new body Council, agreed that a governance review should be undertaken after its first 18 months to consider whether any changes should be made.

The review has taken place and the only change recommended is that the PAB should appoint a Vice Chairman so that there is a person ready to chair meetings in the absence of the Chairman. This report asks the Council to make the change to the Constitution which is needed to implement this recommendation.

It is proposed that a vice chairman be appointed by PAB from its members annually at the first meeting of the board after each annual meeting of the Council. The role of the vice chairman will be to chair the PAB meetings in the absence of the chairman. They will not have a casting vote to reflect the role of the chairman so the vice chairman will not change the balance of control of the PAB.

Recommended:

That the Constitution be amended as follow to insert a new paragraph after paragraph 8.1.8 3 (E):

‘(F) The Board shall appoint a Vice Chairman annually from amongst its members at the first meeting of the Board after each annual meeting of the Council.’

4 Dates of Future Council meetings

On 12 July 2016 Members approved the dates of future meetings of Council. It has since been noted that the meeting agreed to be held on 8 May 2018 is a Tuesday immediately preceded by a Monday Bank Holiday. The Chairman has concluded that it would be prudent to amend the date of that meeting to 15 May 2018.

Recommended

1 That the meeting of the Council previously arranged for 8 May 2018 be moved to 15 May 2018.

2 That it be noted that forthcoming meetings of the Council will be held on Tuesdays at 10am on:

11 July, 10 October and 12 December 2017,
13 February, 15 May, 10 July, 9 October and 11 December 2018,
12 February, 14 May, 9 July, 8 October and 10 December 2019,
11 February, 12 May, 14 July, 13 October and 8 December 2020.

The Leader's Report of Cabinet Issues

This report details the main issues considered by the Cabinet at its meetings on 21 February and 21 March 2017.

1. Extension of the NHS Health Checks and Senior Health Checks

From 1 April 2013, local authorities took over responsibility for public health, including the national NHS Health Check programme, previously the responsibility of Primary Care Trusts. The provision of NHS Health Check risk assessments is a mandatory requirement for all local authorities in England. It is a public health programme for people aged 40 – 74 which aims to keep people well for longer. In Essex, a similar programme of Senior Health Checks is offered to people aged 75 – 84, based on evidence confirming the associated benefits.

The Cabinet has agreed to extend the contract for Lead Provider of NHS Health Checks and Senior Health Checks, currently held by Anglian Community Enterprise (ACE), for an additional two years (2018 – 2020). The extension will help to improve the health and wellbeing of residents in Essex and address key public health issues. Cabinet has also agreed to vary the terms of the contract to enable the achievement of savings of £250k per annum for three years.

2. Changes to Housing Related Support Services

The Cabinet has approved proposals to extend by 12 months the existing contracts for the provision of floating support to prevent homelessness, support provided at shelters and other accommodation for the homeless and supported living schemes for adults with disabilities. It has also agreed not to replace or re-procure contracts for a number of sheltered support, community alarms, home improvement agencies and intensive housing management contracts following their expiry on 31 March 2017 and 30 June 2018.

The changes had been designed to improve the effective use of public funds by facilitating the targeting of provision on individuals with the greatest need.

3. Expansion of Secondary Schools in Chigwell and Loughton

In the light of growing demand for additional secondary school places in the Chigwell and Loughton areas, the Cabinet has agreed proposals for the expansion of West Hatch High School, Chigwell by two forms of entry (300 pupils) from a seven form entry school (1,050 pupils) to nine forms of entry (1,350 pupils) from September 2018.

Proposals have also been approved to expand Roding Valley High School, Loughton by one form entry (150 pupils) from an eight form entry school (1,200 pupils) to nine forms of entry (1,350 pupils), including the establishment of new Post-16 provision with a further 150 pupil places (75 per year group) for September 2018.

4. Procurement of Residual Waste Disposal Services

The Cabinet has approved arrangements for the procurement of short and medium term contingency waste disposal services for residual waste. This forms part of business as usual contingency planning measures, in place to mitigate any risks to the Council's ability to meet its statutory obligation as the Waste Disposal Authority.

It has been agreed to procure frameworks for the disposal of residual waste in the short term (using the Accelerated Open Procedure) and the medium term (using the Open Procedure). Authority to implement arrangements under the Frameworks has been delegated to the Executive Director for Corporate and Customer Services, in consultation with the Cabinet Member for Environment and Waste.

5. Procurement of Semi-Independent Accommodation for Young People in Care

The Cabinet has agreed to procure a framework contract for the provision of accommodation and support for children and young people, and their families, in the following circumstances where the Council is obliged to provide accommodation:

- Semi-independent accommodation;
- Unaccompanied asylum-seeking children; and
- Persons with no recourse to public funds.

The framework contract will replace the current spot-purchasing arrangements to deliver a compliant framework incorporating suitable terms and conditions that enable the Council to manage suppliers to deliver better outcomes for young people. It will also provide optimal value for money from public funds.

6. Education Transport Contract Extensions and Awards 2017

Cabinet has approved proposals in relation to the extension and procurement of education transport contracts totalling £21.86m which are due to expire in July 2017. These contracts represent 100% of the total value of home to school transport contracts currently in place and required for September 2017.

Authority has been given to carry out the necessary contractual and procurement processes to ensure that suitable transport arrangements are in place for September 2017 onwards, to fulfil the Council's statutory and policy-based obligations to provide transport to school for children.

7. Day Opportunities Re-procurement

Day Opportunities are services that provide a chance for adults with disabilities and older people to take part in activities outside their home, as well as enabling a break for unpaid carers. The Council currently spends around £19m for about 1,800 people to access Day Opportunities each year as part of care and support packages.

Some aspects of the current, traditional, delivery model are not working well and the Cabinet has therefore approved proposals which will move towards a whole system change to enable a shift to a person-centred, progressive model of provision. A framework of providers will be procured from 1 October 2017 to deliver services that support vulnerable adults to improve employability, maintain and develop skills, reduce isolation and enable breaks for unpaid carers. These new contractual arrangements will offer improved support for a total investment of £17m in 2017/18, representing a saving of £2m.

8. Southend, Essex and Thurrock Dementia Strategy

The UK population is ageing; people are living longer and, as a result, the number of people experiencing ill health and being diagnosed with long term health conditions such as dementia is growing. This has potentially significant implications for expenditure on Adult Social Care.

Extensive engagement across Essex has shown that the current system is failing to support people to live well with dementia and retain independence, resulting in more people spiralling into crisis and being admitted to acute or long term care settings. In order to address this, a new pan-Essex, multi-partner Strategy for Dementia has been developed, which outlines the strategic direction of travel for the dementia system in Essex over the next five years.

The Cabinet has adopted the Strategy, which sets out a plan, developed around nine priorities, with the aim of using existing resources differently to improve outcomes for people living with dementia, thereby reducing demand on the wider health and social care system. Partners will work together to approach the challenge of dementia collectively, which will not only ensure a better experience for people living with dementia, but also avoid duplication across organisations and ensure a more effective use of resources.

9. Direct Award of a new Short-Term Support in the Community Service

After an injury or illness, or as people get older, some may find it difficult to regain and maintain their independence. Reablement is a short-term service that helps people to regain their independence by supporting them with activities such as personal care and daily living tasks. At present, there are some adults with complex health and social care needs, such as dementia or challenging behaviour, who may not have the same potential to regain their independence, and for whom the current Reablement service is unsuitable. These people are currently supported by a patchwork of interim services across the County.

With a view to replacing the existing, disparate provision with a consistent, Essex-wide service, the Cabinet has agreed to the direct award of a contract for

Short Term Support in the Community to Essex Cares Ltd (ECL) from 1 July 2017 for a maximum period of 46 months. This arrangement will ensure that the Council continues to meet its statutory duties in relation to intermediate care and reablement, as set out in the Care Act 2014.

10. Agreement of Indicative Expenditure Plan for NHS Commissioned Services within the Essex Better Care Fund Plan for 2017/18

The Better Care Fund (BCF) was announced by NHS England in 2013. It was intended to provide an opportunity to transform local services through better integrated care and support. Health and Wellbeing Boards have been obliged to submit BCF Plans since then to cover the 2015/16 and 2016/17 financial years that met mandated minimum financial values and demonstrated achievement of a series of NHS England National Conditions.

The next BCF Plan will be required to cover the next two years (2017/18 and 2018/19), with a likely expected publication date around June 2017. There has been a delay in publication of the relevant formal NHS England policy and guidance, and the announcement of the financial allocations, and this has posed a risk to providers being commissioned from 1 April 2017.

In order to mitigate this risk, and in view of the Council's role as the Pooled Fund Holder for all BCF funds, Cabinet has approved the indicative expenditure within the BCF financial plan and agreed the issue of purchase orders for the provision of NHS Clinical Commissioning Group (CCG) commissioned BCF services in 2017/18. This is conditional upon the receipt of funding from the CCGs and the receipt of letters of confirmation that the CCGs will make the necessary payments to ECC.

Cabinet has also authorised the Executive Director of People Commissioning to agree the final BCF Plan.

Councillor David Finch
Leader of the Council



Essex Fire Authority

Report to the Constituent Authorities of the meetings on 15 February and 12 April 2017

The items reported below are the main issues considered by Essex Fire Authority at its meetings on 15 February and 12 April 2017. Full details of all the matters considered, together with the minutes of the meetings, can be viewed on the Essex County Fire and Rescue Service website, www.essex-fire.gov.uk.

1. 2017/18 Budget

The Authority considered the revenue and capital budgets for 2017/18, together with information on the budget and business planning process and on the formula grant settlement, share of national non-domestic rates, council tax base and collection account for 2017/18.

The Authority noted that the Government funding settlement figures were still provisional and were expected to be formally endorsed in the near future. It was confirmed that if these did change it would not affect the precept. Following the Fire Authority's decision in June 2016 to support Option 2 of the Service change options, the budget had been prepared based on a Council tax increase of 1.99%.

The Authority agreed the budget for 2017/18 as follows:

	2016/17 Budget	2017/18 Budget
Net Expenditure	£71,304k	£70,128k
Decrease from 2016/17		-£1,176k
Precept	£41,224k	£42,822k
Band D Council Tax Increase from 2016/17	£67.68	£69.03 1.99%

1. A net expenditure budget of £70.128m;
2. A precept of £42.822m;
3. A Band D council tax of £69.03 (an increase of £1.35 or 1.99%);
4. The bands of Council Tax are shown in the following table.

Council Tax Band	2016/17	2017/18 with 1.99% Increase
A	£45.12	£46.02
B	£52.64	£53.69
C	£60.16	£61.36
D	£67.68	£69.03
E	£82.72	£84.37
F	£97.76	£99.71
G	£112.80	£115.05
H	£135.36	£138.06

5. Capital expenditure budget of £11.890m in 2017/18.

2. Charging

The Authority considered the arrangements for charging for the provision of specific services and agreed the areas where charges will be applied. The proposed tariff and charging arrangements were agreed with a 1% increase for implementation from 1 April 2017.

3. Local Business case for Joint Governance of Police and Fire and Rescue in Essex

The Authority considered a report from the Acting Chief Fire Officer which presented the Local Business Case for greater collaboration between Police and Fire and Rescue Services in Essex. The business case assesses the three options set out in the Policing and Crime Act 2017 and proposes the option of joint governance, based on that assessment. Joint Governance would involve the Police and Crime Commissioner taking on the role of the Fire Authority. The Policing and Crime Act, which had received Royal Assent on the 31st January 2017, placed a duty on emergency services to collaborate and also enabled Police and Crime Commissioners to take on responsibility for the Fire and Rescue Services in their area where a local case is made.

There had been a number of opportunities for the Authority to engage with the process so far. Additionally, following some concerns and questions raised with regard to the future role of a Police, Crime and Fire Panel and the need to hold the Police and Crime Commissioner to account in a new governance structure, a task and finish group had been established comprising Members of both the Fire Authority and Police and Crime Panel to consider how such a Panel may work if established.

Following development of the Local Business Case, a 12 week consultation period was now proposed running from 16th February to 10th May 2017. Feedback from this consultation would be considered prior to finalising the Local Business Case, for submission to the Home Secretary on 19th May 2017.

The Authority has noted the progress made in the development of the Local Business Case and engagement with Fire Authority Members, the consultation and engagement strategy setting out the approach and activity for the consultation period and the proposed timeline. If the Local Business Case is

agreed by the Home Secretary the proposed go live date for the new governance arrangements will be 1st October 2017. The Authority supported the formal consultation on the Local Business Case by a majority.

4. Cultural Review Progress Report

The Authority has received an update on progress with regard to delivery of the work programme required to improve the culture within Essex County Fire and Rescue Service.

5. The Thomas Review and Essex County Fire & Rescue Service Response (ECFRS)

In early 2014, Adrian Thomas was commissioned by the then Fire Minister to undertake an independent review of conditions of service for Fire and Rescue Services in England. The review formally launched in October 2014 and concluded in February 2015, however the final report had only recently been published in November 2016.

The Authority noted the response of ECFRS to the 45 recommendations contained within the Review, noting that the Service was in a reasonably strong position with regard to addressing the recommendations due to the work already ongoing.

6. Programme 2020

The Authority noted the report of the Acting Chief Fire Officer providing an update on the progress of 2020 which was established in February 2015 to oversee the work of ECFRS in pursuit of the Authority's strategic priorities: Service Led, Community Focussed, Values Driven and Financially Sustainable.

7. Delegation Review

The Authority considered the proposed amendments to update and improve the Constitution, scheme of delegations and standing orders, following a review of the Constitution and taking into account matters raised by Members.

With regard to the scheme of delegations for the Chief Fire Officer, the Authority noted the limit of £100,000 with regard to acquiring, re-use or disposal of land and buildings.

8. Approach for the independent exit review of progress made against the Lucas Review recommendations

The Authority considered a report which brought forward a number of recommendations with regard to how any potential withdrawal by the Expert Advisory Panel would benefit from an independent 'Exit Review' to confirm that change has been sufficiently embedded to the extent that the Panel's support as critical friend and monitoring role is no longer required. The suggested timeframe

for the review was during the summer months with a report presented to the September meeting of the Authority.

Members expressed the view that it would be beneficial for current Members of the Authority to be involved in the discussion on the report from the exit review for the purpose of continuity, even if they were no longer Members of the Authority following the local Elections.

The Authority agreed to appoint Sir Ken Knight to lead an 'Exit Review' and assess overall progress against the recommendations contained in the Lucas Report, and approved the proposed approach for the Review.

9. Changes to the Governance Structure of EFA (Trading) Ltd

The Authority has approved changes to the memorandum and articles of association of EFA (Trading) Ltd, to change the status of the company to a Community Interest Company and to facilitate anticipated governance changes for Essex County Fire and Rescue Service.

The Authority was advised that as a Community Interest Company (CIC) EFA (Trading) Ltd would be able to seek external funding to support community safety work. When the company was originally established CIC status did not exist, but it is now possible to apply to re-register as a CIC. The company would cease being 'profit-making' and use the profit to support safety work.

The Authority has also agreed to change the name of the company to 'Essex Fire Community Interest Company' and to remove the current distinction between Category A (Member) and Category B (Officer) directors. The Finance Director and Treasurer was authorised to make the necessary changes on behalf of the Authority.

10. Progressing the Lucas Review Recommendations for the Essex Fire Authority Members; specifically in relation to the outcomes of facilitated SOLACE workshops

In response to a number of recommendations in the Lucas Review (September 2015) specifically relating to Essex Fire Authority Members, the Society for Local Authority Chief Executives (SOLACE) had been commissioned to provide a series of workshops for Members and Officers in two phases. The Authority considered a report by SOLACE outlining activities and outputs from the two phases of Member and Officer development.

The report also presented a proposal from the SOLACE for an Induction Programme for Members of the Essex Fire Authority. Given the consultation currently being run by the Police and Crime Commissioner (PCC) on a potential change of governance, it was appropriate that the Programme be considered by the PCC and any future members of the Police, Fire and Crime Panel, should this body exist in the future.

The Authority noted the report and the commitment by Members to develop their role as political leaders of the Fire Service in Essex, Southend and Thurrock.

The SOLACE proposal for an Induction and Development Programme for Members of the Authority was accepted and adopted.

11. Service Strategy Progress Report – September 2016 to March 2017 and Performance Management Framework

The Authority considered a report on the progress that the service has made against the Authority's Strategy for the Service which was approved in September 2016. The report also brought forward a proposal for a Performance Management Framework for the Authority and Service. The report provided an update on each theme and activity since the Strategy had been approved and was put forward for Members to note the progress and positive start to delivering the strategy.

Work was also being undertaken to develop a new Performance Management Framework. Reporting on this would be presented to the Authority in the future. The Framework picked up on the responsibilities under the National Framework to compare performance with other services. The focus in the past had been mainly regarding the operational function, however the approach now was across the service including the back office function. This Framework links back to the recently approved values and looks to embed the process of plan and do and review and revise, learning from areas for improvement and good practice.

Following agreement of the Framework, working with the Audit, Governance and Review (AGR) Committee, performance indicators would be put together service wide, also picking up areas for improvement through the cultural review work.

The strategy was preparing the service for possible governance changes. The status quo would not be an option going forward.

When the approach had been finalised there would be a more detailed report and update looking at where improvements were required and where the service was performing well. Members welcomed a more detailed report at a future meeting.

By a majority vote, the Authority noted the progress that the Service had made against the Authority's Strategy and adopted the proposed Performance Management Framework for the Authority and Service.

12. Progress report on the delivery of the work programme required to improve the culture within Essex County Fire and Rescue Service

The Authority noted a progress report on the delivery of the work programme required to improve the culture within the Essex County Fire and Rescue Service. This supports the resolutions reached by the Authority at its meeting of 7th October 2015.

The report set out the progress which had been made since the last report. A self-assessment had been produced which was an honest appraisal of where the service thinks it is with this work and what is holding it back from further progress. Work was also underway to progress the process of moving from 'Rank to Role' and the Management Review.

Members' attention was drawn to the significant achievement of signing the dispute resolution agreement which was a significant milestone.

The work of the Women's Forum Steering Group continued and the inaugural meeting of the Diversity Action Group had taken place. The Talent Pool/Promotion Service had been launched and the Assessment and Development Centres were being developed for all Grey and Green Book roles to provide a consistent, fair and transparent way of identifying, developing and promoting talent. The first set would be running through until June 2017. The Employee Engagement Survey had been completed at the start of the year and the results were expected. Early indications were that there were some positive signs of improvement.

**Councillor Anthony Hedley
Chairman**