

# Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 10 May 2016

## Present

Chairman: Councillor J F Aldridge

Vice-Chairman: Councillor J G Jowers

### Councillors:

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

**Prior to the meeting:****Prayers**

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

**Public Questions**

The Chairman welcomed a member of the public who had registered to speak.

- a) Ms Rufaro Dakwa, a resident of Colchester

'My question is to do with the Children's Centre consultation held recently by Essex County Council.

I have observed that the Integrated Pre-Birth – 19 Health, Wellbeing and Family Support offer presented in the Consultation document is near identical to a service delivery model that is being offered by the organisation 4Children at Carousel Children's Centre in Braintree (CM7 3QZ).

The very high correlation between the two models leads me to believe that this similarity is not a coincidence, especially as the Carousel Children's Centre service delivery model predates the Early Years Review that is said to have informed the proposed Integrated Pre-Birth – 19 Health, Wellbeing and Family Support offer.

May I please have an explanation as to why the Carousel Children's Centre 'prototype', if we can call it that, was not mentioned or in any way presented to the public during the Children's Centre consultation as an in-practice example of the proposed offer?'

Councillor Madden thanked Ms Dakwa for her question. He stated that:

'The Carousel Children's Centre is housed in a building that also runs youth services, health services and a day nursery as well as children's centre services, and has worked in this way for many years.

4Children are the current provider of the Children's Centre services and also run the day nursery based in the building. The day nursery services and youth services that are run from the building are not included in the PB19 model, and therefore the Carousel Children's Centre has not been mentioned as an in-practice example of the proposed Pre-Birth to 19 Health, Wellbeing and Family Support model for this reason.

The Council's Early Years Review focused on not just improving what currently exists, but also sought opportunities to innovate. This means that the good practice from all of the service delivery offered as part of the Children's Centres (including Carousel CC) and the Healthy Child Programme will be included in the design of the PB19.'

**Councillor Hume formally opened the meeting in the Chair.**

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

**1. Election of Chairman**

It having been moved by Councillor R L Bass and seconded by Councillor R A Madden it was

**Resolved:**

That Councillor J F Aldridge be elected Chairman of the County Council for the forthcoming Municipal Year.

Councillor Aldridge made and signed the Declaration of Acceptance of Office.

**Councillor Aldridge took the Chair**

Councillor Aldridge thanked the Council for his election and thanked the past Chairman, Councillor Hume, and paid tribute to his achievements. Councillors Finch, Mackrory, Young, Pond, Le Gresley and Abbott echoed the Chairman's remarks and extended their congratulations to Councillor Aldridge.

Councillor Aldridge presented the past Chairman's badge to Councillor Hume who thanked members for their kind words, and congratulated Councillor Aldridge on his election.

Councillor Aldridge made a brief statement introducing his period of office.

**2. Appointment of Vice-Chairman**

It having been moved by Councillor M J Page and seconded by Councillor J Spence it was

**Resolved:**

That Councillor J G Jowers be appointed Vice-Chairman of the County Council for the forthcoming Municipal Year.

Councillor Jowers made and signed the Declaration of Acceptance of Office and thanked the Council for his appointment.

**3. Apologies for Absence**

Apologies for absence were received on behalf of Councillors G Butland, A Erskine, M D Fisher, C Guglielmi, S Lissimore, J W Pike, J M Reeves and R G Walters.

#### 4. **Declarations of Interest**

Councillor Smith declared an interest in relation to Motions before Council as he was a local organiser of the 'Vote Leave' campaign.

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

The Leader of the Council, Councillor Finch, welcomed Councillor Colin Sargeant as he had been returned as the Member for the Clacton East Division at the By-Election held on 31 March 2016 which was triggered by the vacation from office of the previous Councillor.

Councillor Chris Pond, the Leader of the Non Aligned Group, had given notice that Councillor Sargeant had joined the Non-aligned Group on the Council. This triggered a review of the political balance of the Council's committees and other bodies.

In addition, Councillor Andy Erskine had resigned from the UKIP Group and he and Councillor Pond had given notice that he had also joined the Non Aligned Group.

##### **Resolved:**

- (1) That the revised political balance of the Council be noted.
- (2) That the seat allocations to political groups be unchanged except that seat allocations to the Essex Fire Authority shall be:

Conservative 12	Liberal Democrat 3	Labour 2
UKIP 1	Non Aligned 1	Green 1

#### 6. **Minutes of the meeting held on 9 February 2016**

##### **Resolved:**

That the minutes of the meeting held on 9 February 2016 be approved as a correct record and signed by the Chairman, subject to a change on page 27 (Question 2) where the words 'Police Constable' were amended to 'Chief Constable'.

#### 7. **Chairman's Announcements**

##### **Recent Deaths**

The Chairman informed Members that Councillor Bill Archibald had died on 6 April at the age of 84 and the funeral had taken place on 26 April. Councillor Archibald had been elected to Basildon District Council (BDC) in 1963 and was

Leader of BDC from 1971 to 1973 and Chairman of BDC from 1973 to 1974. He was first elected to the County Council in 1973 to represent Basildon Fryerns and was re-elected in 2013 to represent Laindon Park & Fryerns. During his long service he had served on numerous committees including the Essex Police and Fire Authorities, been Chairman of the Policy and Resources Committee and Vice-Chairman of the Enterprise Board. He had also been appointed a Deputy Lieutenant in 1985 and in 1996 was Chairman of the Council.

The Chairman informed Members that former Councillor Anthony Stockley had died on 18 March. He had been elected to the Council on 4 May 1989 and as well as representing the Division of Rochford West served on both the Education and Social Services Committees. He had also been appointed to a number of Outside Bodies including Age Concern Essex, Rochford District Arts Council and the University of Essex, University Court.

The Chairman informed Members that former Councillor Pat Wawn had died on 10 April at the age of 92. She had been elected to Saffron Walden Rural District Council in 1970, Uttlesford District Council in 1973 and Essex County Council in 1977 to represent Stansted. As a County Councillor she had served as Chairman of the Libraries Committee as well as being a member of the Education, Planning and Social Services Committees and had also been appointed to the Consultative Committee on Stansted Airport, the Lee Valley Regional Park Authority and many other Outside Bodies until her retirement in 1989. She had been appointed a Deputy Lieutenant in 1996.

Members stood in remembrance.

### **Her Majesty's Birthday**

The Chairman reported that a letter had been sent by Councillor Hume to Her Majesty to congratulate her on behalf of the County Council and the people of Essex on the occasion of her birthday.

Councillor Bentley presented to the Chairman a hand-painted dish bearing a portrait of Her Majesty, Queen Elizabeth, given to the Council by a company from Jiangsu, China, with whom the Council had links as a trading partner. The company had been visiting Essex and had presented the dish to the Council in commemoration of Her Majesty's birthday.

### **Appointments**

The Chairman, on behalf of the Council, congratulated the Executive Director for People Commissioning, Mr Dave Hill, on his appointment as President of The Association of Directors of Children's Services as from April 2016.

The Chairman congratulated Councillor Hirst on his election to the post of Police and Crime Commissioner for Essex.

At the invitation of the Chairman, the Leader, Councillor Finch, announced that the Council had been accredited again by the LGA as 'Excellent' for Embedding

Equalities and had in fact improved since the last assessment which was a tribute to the hard work undertaken by Members and officers of the Council and Mr Shammi Jalota, Head of Equalities and Diversity.

## **8. Executive Statement**

The Leader of the Council, Councillor Finch, delivered an Executive Statement on 'Shaping our Council for the Future' and stated that savings will need to be made over the next four years while still protecting the vulnerable and elderly and ensuring that the Council is financially stable. Other matters that require attention are Devolution and the Integration of Health and Social Care.

In order to achieve these goals the Council will need to work closely with partners and residents to help modernise, re-shape and design the Council so it can embrace the digital future. The Leader announced changes to the membership of the Cabinet and the Portfolios intended to help the Council achieve this.

In response to the findings of the Independent Remuneration Panel report the Leader had reviewed and clarified the roles of Deputies to Cabinet Members.

## **9. Motions**

The Chairman ruled that the two Motions 'Academy Schools' and 'Concerns Regarding the Education White Paper' should be taken as one debate.

### **Academy Schools**

It was moved by Councillor Julie Young and seconded by Councillor Dave Harris that:

'This authority values and recognises the hard work that teachers, support staff and governors contribute on a daily basis across the County and their devotion to maintaining the highest standards of learning. We do however have concerns that governance structures in Essex academies are not fit for purpose. More needs to be done to ensure that the performance of academies is properly scrutinised and that the institutions are meeting the needs of the communities they serve.

The Labour Group is committed to the concept of community driven schools that provide high quality learning environments irrespective of economic background or ability. Education is a fundamental right and every child should have the best start in life, without being subject to a postcode lottery. The future of Essex children should be left to choice, not chance. Opportunity, not availability.

In the spirit of local decision making, Essex should act as a pilot authority to reinstate democratic accountability for local academy schools.

Therefore, this authority commits to:

- Challenge current government plans to force academisation upon Essex families.
- Further lobby the Secretary of State to review governance and financial accountability structures in the existing Essex academies programme to ensure that the importance of scrutiny and due process is recognised at every level.
- Review the permanent exclusions system, as well as the admissions process, to ensure that vulnerable pupils are not being targeted in the interests of performance.
- Value and commit to protect the wealth of experience and local knowledge that comes from LEA appointed governors and elected parent governors to maintain their good work on governing bodies across the County.
- Commit to supporting teachers and governors in their efforts to raise attainment in Essex schools.'

### **Concerns Regarding the Education White Paper**

With the agreement of the seconder and of the Council, the Motion as published was altered and consequently it was moved by Councillor Mike Mackrory and seconded by Councillor Jon Whitehouse that:

'This Council notes:

- the high quality of schools in Essex, where 84% of academies and 85% of maintained schools are now good or outstanding;
- the excellent relationship between the Council and schools, all focused on delivering the best education possible so that each of the young people of Essex can attain their full potential;
- the invaluable role of elected parent governors and local authority governors, acting as "critical friends" to both support head teachers and hold them to account; and
- the relatively small number of Primary/Junior/Infant schools in Essex that have thus far chosen to become an academy.

This Council therefore welcomes the recent announcement by the Education Secretary that the forced academisation of all schools by 2022 will be removed from the recently published Education White Paper "Educational Excellence Everywhere".

However the Council remains concerned that the following proposals remain:

- to force all "coasting" schools to become academies, irrespective of each school's wishes;
- to allow the excessive transfer of land and buildings not required for educational purposes to 125-year lease holdings by academy trusts;
- to remove the requirement for schools to elect parent governors;

- to leave local authorities with the responsibility for various aspects of the education system, including provision of sufficient school places, whilst apparently "freeing schools from local authority control"; and
- to allow head teachers more flexibility in relation to using unqualified teachers.

This Council believes that the Education White Paper as originally drafted was seeking to force onto Essex schools the choices which Central Government believes are best for them but which they are not choosing to take for themselves, when there is no evidence that academy status always helps schools to deliver better education outcomes.

This Council further believes that forcing schools to become academies against their wishes is undemocratic and should be left to local people and local councillors to decide, and that the resulting education system will become ever more contrary to the goal of localism.

This Council therefore welcomes the constructive representations made by the Cabinet Member for Education and Lifelong Learning to the Secretary of State, along with those made by other counties such as Hampshire, Oxfordshire and West Sussex, asking her:

- instead to design a system which allows academy and non-academy schools to co-exist in a sustainable way, to ensure school places and education quality can be delivered for all our young people;
- to think again about allowing schools to remove elected parents from their governing bodies when we should be encouraging them in their role and influence in school management;
- to think again about all of the other measures which collectively put at risk the quality of teaching and education outcomes.

This Council further resolves to ask the Leader of the Council to write to all Essex MPs and Working Peers requesting their support for the representations made to the Education Secretary by the Cabinet Member for Education and Lifelong Learning.'

The Motion moved by Councillor Young and seconded by Councillor Harris having been put to the meeting was declared to be lost.

The Motion moved by Councillor Mackrory and seconded by Councillor Whitehouse having been put to the meeting was declared to be carried.

The Chairman ruled that the two Motions 'EU Referendum' and 'European Union (EU) Referendum' should be taken as one debate and ruled that should the first Motion be carried, in accordance with Standing Order 16.16 the second Motion would not be put to the vote.



## **EU Referendum**

It was moved by Councillor Stephen Canning and seconded by Councillor Malcolm Buckley that:

‘This Council welcomes the fact that the Government is providing the people of Essex with the opportunity to participate in an In/Out Referendum on the EU, in line with its pre-election promise.

It resolves accordingly that this be left to the judgement of the people rather than the County Council itself expressing a corporate view on the issue.’

## **European Union (EU) Referendum**

It was moved by Councillor Nigel Le Gresley and seconded by Councillor Jamie Huntman that:

‘Given the massive additional costs to this Council and Essex residents of having to comply with such EU legislation as the Procurement Rules, Agency Working Time Directive, the Energy Efficiency Directive, Waste Framework Directive and several other EU laws that impact directly on local people;

Given the likely sanction cost to this Council for any failure in complying with such EU legislation;

Given also the potentially crippling impact on various public services provided by local authorities that may result from the proposed EU/USA 'Transatlantic Trade and Investment Partnership' (TTIP) and highlighted by both the LGA and UNISON, among many others;

This Council believes that the removal of such burdens would significantly enhance its ability to fulfil its obligations to Essex residents, thereby improving services to them, and accepts that this would only be possible if Britain was outside of the European Union and regained control of its laws.’

The Motion moved by Councillor Stephen Canning and seconded by Councillor Malcolm Buckley was put to the meeting and declared to be carried.

In accordance with Standing Order 16.16 the Motion moved by Councillor Nigel Le Gresley and seconded by Councillor Jamie Huntman was not put to the vote.

## **10. Adjournment**

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

The meeting reconvened at 14:00pm.

## 11. Motions continued

### Delivering First Class Services

It was moved by Councillor John Spence and seconded by Councillor Kevin Bentley that:

‘Delivering cost effective, first class services to the people of Essex is the cornerstone of the work of this County Council with particular concern for children, the elderly and the vulnerable. This will require us to continually adapt our services for the needs of the modern world and fast changing technologies. It also requires us to work creatively and imaginatively with communities and other partners.

We invite all parties to join us in committing to innovation; bringing forward new ideas that enable us to preserve the best traditional services, adapt them to meet modern demands and offer the best value to the taxpayers of Essex.’

It was moved by Councillor Mike Danvers and seconded by Councillor Ivan Henderson that the Motion be amended to read as follows:

‘Delivering cost effective, first class services to the people of Essex is the cornerstone of the work of this County Council with particular concern for children, the elderly and the vulnerable. This will require us to continually adapt our services for the needs of the modern world and fast changing technologies. It also requires us to work creatively and imaginatively with communities and other partners.

However, first class services require creative and targeted investment. It is simply not feasible to continue to cut back investment whilst maintaining an exemplary quality of service delivery. People in Essex, particularly those most vulnerable, have disproportionately felt the effect of scale-backs to vital services. This Council will therefore work to lobby Central Government, fighting to ensure that Essex residents see the investment they deserve and need.

We invite all parties to join us in committing to innovation; bringing forward new ideas that enable us to preserve the best traditional services, adapt them to meet modern demands and offer the best value to the taxpayers of Essex.’

Councillor Pond declared an interest as an Honorary Fellow of the Chartered Institute of Library and Information Professionals.

Upon being put to the meeting the amendment was declared to be lost.

Upon being put to the meeting the Motion was declared to be carried.

## 12. Changes to appointments of Cabinet and Deputies

Councillor Finch, the Leader of the Council, asked Council to note that he had made reference in his Executive Statement to changes to the appointments of Cabinet Members and their Deputies.

## 13. Membership of Committees

The Council received a report of the Political Groups' appointments to the following committees:

- Corporate Scrutiny Committee
- People and Families Scrutiny Committee
- Place Services and Economic Growth Scrutiny Committee
- Health Overview and Scrutiny Committee
- The County Council Members on the Essex County Council and Essex Fire Authority Joint Standards Committee
- Development and Regulation Committee
- Audit Committee
- Essex Pension Fund Investment Steering Committee (the members of the Committee will be the County Council representatives on the Essex Pension Fund Strategy Board)
- Committee to consider applications to undertake certain duties by Members and Foreign Travel by Officers.

Councillor Henderson requested that Councillor Durcan's name be removed from the list of Members on the Corporate Scrutiny Committee and replaced with his own. He also requested that his name be removed from the list of Members on the Place Services Economic Growth Scrutiny Committee and replaced with that of Councillor Durcan.

### **Resolved:**

That the Political Groups' representatives to committees be as set out in the report presented to Council and as amended.

## 14. Chairman of Committees

The Council received a report to elect the Chairmen of the following committees:

- Corporate Scrutiny Committee
- People and Families Scrutiny Committee
- Place Services and Economic Growth Scrutiny Committee
- Health Overview and Scrutiny Committee
- The Essex County Council and Essex Fire Authority Joint Standards Committee
- Development and Regulation Committee
- Audit Committee
- The Scrutiny Board

- The Essex Pension Fund Investment Steering Committee
- The Committee to consider applications to undertake certain duties by Members and Foreign Travel by Officers

**Resolved:**

That the Chairmen of the Committees be elected as set out in the report presented to Council.

**15. Appointments to the Health and Wellbeing Board**

The Council received a report of the appointments to the Health and Wellbeing Board.

Council noted that the Leader had appointed Councillors K Bentley, A Brown and G Butland as members of the Essex Health and Wellbeing Board with Councillors S Barker, R Gooding and D Madden as the named Substitutes.

**16. Appointments to the Essex Police and Crime Panel**

The Council received a report of the appointment to the Essex Police and Crime Panel.

**Resolved:**

That Councillor J Jowers be appointed as a member of the Essex Police and Crime Panel.

**17. Appointments to the Essex Pension Fund Advisory Board**

The Council received a report of the appointment to the Essex Pension Fund Advisory Board.

**Resolved:**

That Councillor S Walsh be appointed as a member of the Essex Pension Fund Advisory Board.

**18. Appointments to the Essex Fire Authority**

The Council received a report of the Political Groups' appointments to the Essex Fire Authority.

**Resolved:**

That the Political Groups' representatives to the Essex Fire Authority be as set out in the report presented to Council.

#### **19. List of Outside Bodies for amendment to the Constitution**

Councillor Finch, the Leader of the Council presented a report that would be an amendment to the Constitution at Appendix 3 to the Scheme of Allowances and set out those bodies, not part of the Council's Committee structure, where attendance at meetings is deemed to be an approved duty. The expectation is that the list be updated regularly.

The list of Bodies had been reviewed and was set out in the Appendix to the report. The Leader paid tribute to Councillor Barker who had undertaken the review.

Councillor Pond requested that the 'Essex Bus Strategy Board' and the 'Essex Enfield, and Hertfordshire Border Liaison Group' be added to the list. He also requested that there be an amendment to the list such that the 'Locality Board – Epping' should read 'Locality Board – Epping Forest'.

#### **Resolved:**

That the list of Approved Bodies as set out in the Appendix to the report and as amended at the meeting be substituted for the list currently set out as Appendix 3 to the Scheme of Allowances in the Constitution.

#### **20. Adoption of Revised Code of Member Conduct**

Councillor Cutmore, Chairman of the Essex County Council and Essex Fire Authority Joint Standards Committee, presented a report seeking adoption of a Revised Code of Member Conduct.

#### **Resolved:**

1. That the revised Code of Conduct appended to the report be adopted with effect from 11 May 2016.
2. That the current Code of Conduct continue to apply to conduct up to and including 10 May 2016.
3. That the Nolan Principles set out in Paragraph 3.3 of the Constitution be updated to reflect those in the appendix to the new Code of Conduct.

#### **21. Approval for Extended Absence**

Councillor Finch, the Leader of the Council, presented a report seeking approval for extended absence for Councillor Pike due to ill health.

**Resolved:**

That, in accordance with Section 85 of the Local Government Act 1972, the Council approve Councillor Joe Pike's continued absence from meetings due to reasons of ill-health.

**22. Cabinet Issues**

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

Cabinet Members responded to questions as follows:

**(2) Long term options for the Meals on Wheels Service**

- a) Councillor Young asked Councillor Finch, the Leader of the Council, if he considered it 'innovative' to pass the additional costs of the service on to the user and if he could clarify if the Council was running a Meals on Wheels Service or not?

The Leader replied that the provision of a 'Meals on Wheels' service was not a statutory requirement but it would continue to be provided and the Council would subsidise it. He considered that it was also worth noting that in 2003 there were 2,500 meals provided daily but that figure had now fallen to 690 meals daily.

- b) Councillor Deakin asked for an assurance from Councillor Madden, the Cabinet Member for Adults and Children, if all persons who were in need of the service would continue to receive it, that only those third-party providers who were accredited would be engaged and that their service-delivery would be monitored. She also asked to whom should service-users turn if the standard of meals was not as it should be?

Councillor Deakin declared an interest as her father was a user of the Meals on Wheels service.

The Cabinet Member replied that the service-delivery would continue to be provided to those who had a need. In various areas this provision may be by different means. This would be closely monitored as would be the accreditation of providers and he urged all Members to advise him of any vulnerable residents in their Divisions who might benefit from the service so their needs might be assessed.

**(3) Garden Settlements in North Essex**

- a) Councillor Le Gresley congratulated Councillor Finch, the Leader of the Council and the Cabinet Members on the proposals for Garden Settlements and asked if this had the potential to take the pressure off other local developments.

The Leader thanked Councillor Le Gresley for his remarks and replied that he believed the proposed Garden Settlements would take the pressure off other local developments.

- b) Councillor Lodge asked Councillor Finch, the Leader of the Council, why Uttlesford District Council had been omitted from the proposals as they were about to make a decision in principle on this matter shortly.

The Leader replied that he had been unaware that Uttlesford District Council had asked to be a participant and if they so wished, then they would be welcome.

#### **(4) Installation of LED Lanterns.**

- a) Councillor Robinson asked Councillor Johnson, the Cabinet Member for Highways and Transport Delivery, why LED lights were not routinely installed as part of new developments?

The Cabinet Member replied that the County Council was not bound under any legislation to provide any street-lighting to new developments and perhaps this was something residents and developers should be discussing with the district authorities,

- b) Councillor Young asked Councillor Johnson, the Cabinet Member for Highways and Transport Delivery, if the Council could react more quickly when local residents reported that the newly installed LEDs were too bright?
- c) Councillor Danvers asked Councillor Johnson, the Cabinet Member for Highways and Transport Delivery, if the Council was tendering for the provision of LED lighting?

The Cabinet Member replied that the Council was already working with its partner to provide lighting and additional tendering was not required.

- d) In response to a request from Councillor Harris, Councillor Johnson, the Cabinet Member for Highways and Transport Delivery, agreed to pass on his thanks to the project manager who, following a complaint, had reduced the power of an LED light.
- e) Councillor Abbott requested that Councillor Johnson, the Cabinet Member for Highways and Transport Delivery, and Councillor Finch, the Leader of the Council, consider the fact that LED lights were different and a light pollution factor that is 10-times stronger than conventional lights and as a matter of policy they should be dimmed on installation.

Councillor Barker also requested that on installation LED lights should be dimmed to 50% of their potential brightness.

The Cabinet Member replied that it was his intention that LED lights should be dimmed to 25% of their potential brightness on installation and, in addition, in certain locations shields would be installed to protect residents from the light.

The report of Cabinet Issues was received and adopted.

### **23. Urgent Business - Appointment of Interim Monitoring Officer**

With the agreement of Council the Chairman introduced a matter of urgent business proposing that Mr Paul Turner, Principal Lawyer (Governance) should be appointed as the Council's Monitoring Officer on an interim basis. Mr Turner had been Deputy Monitoring Officer since April 2013 and had acted as monitoring officer or deputy at other local authorities.

The reason for the urgency was that the Council is required to appoint a monitoring officer under section 5 of the Local Government and Housing Act 1989. The office had become vacant following the recent departure of the previous monitoring officer.

#### **Resolved:**

- (1) That Paul Turner, Principal Lawyer (Governance) be appointed as the Council's Monitoring Officer on an interim basis and that this be noted in paragraph 4.4 of the Constitution.
- (2) That during the interim period, references in the Constitution to the Director of Corporate Law and Assurance be read as references to the Monitoring Officer.

### **24. Council Issues**

Councillor Finch, the Leader of the Council, presented the report of matters reserved to Council.

#### **Resolved:**

#### **1. Change in Key Decision Threshold/Officer Delegations**

That the Constitution be amended as set out in Appendix 'A' to the report.

#### **2. Technical amendments to the Constitution**

- (1) That paragraph 15.1.1 of the Constitution be amended to say:

'This Scheme of Delegation also allows any officer identified in this scheme of delegation to authorise any other officer of the Council (identified by name or description) to exercise any of their delegated powers, subject to any



conditions or limitations or exceptions which they may specify. All such authorisations shall be recorded in a register kept by the Monitoring Officer.'

**(2)** (a) That paragraph 20.15 (ii) of the Constitution be amended to read:

- '(ii) Subject to paragraph (xix) any decision taken by
- (a) the Cabinet;
  - (b) any Member of the Cabinet; or
  - (c) any joint body or partnership specified in paragraph 13.3
- may be called-in to the Overview and Scrutiny Committee whose remit includes the subject-matter of the decision. A decision may be called-in by
- (a) any Member of the relevant Overview and Scrutiny Committee;
  - (b) any Member of the Council who has the support of a further three Members of the Council; or
  - (c) with the agreement of the Chairman of the Relevant Overview and Scrutiny Committee, any Member of the Council who represents a Division which is particularly affected by the decision in question.

(b) that paragraph 20.15(v) of the Constitution be amended to say:

'A decision is called-in if during the period specified in (iv) above a valid written call-in notice is received which specifies the reasons for the call-in. The proper officer shall then call a meeting of the Committee on such date as he decides (where possible after consultation with the Chairman of the Committee) and in any case within ten clear working days of receipt of the request to call in.'

**(3)** Insert, after paragraph 15.3.7(ix) of the Constitution:

- (x) To be the Proper Officer to receive and manage the determination of complaints of failure by Members to comply with the Code of Conduct and to advise the Joint Standards Committee and Sub-Committee thereon.
- (xi) To investigate complaints against councillors or to arrange for such an investigation to be carried out or to seek a decision from the Standards Committee on whether to investigate and to notify.
- (xii) To determine that no further action be taken following a finding that there has been no breach of the Code, subject to consulting an Independent Person.
- (xiii) To grant applications for dispensations to members with respect to their or their spouse's interest which arises as a result of membership of another public body.

- (xiv) To grant dispensations under the Code of Conduct or the Localism Act 2011 after consulting an Independent Person and the Chairman of the Joint Standards Committee.

(4) (a) Amend the first sentence of paragraph 13.4 of the Constitution to say:

'The Executive is responsible for exercising the following Local Choice Functions in accordance with arrangements made by the Leader:'

- (b) Insert, at the end of 13.4(ii):

Any such appointments must be notified for information to the Council.

(5) To replace paragraph 7.3.2 of the Constitution (Duties and Responsibilities of Deputy Cabinet Members) with:

- (i) To oversee a specific area or areas of responsibilities within a Cabinet portfolio, as allocated by the Leader in consultation with the Cabinet Member, but not to make any formal decisions or sign Cabinet Member Actions.
- (ii) To undertake tasks in relation to the portfolio, as allocated by the Cabinet Member, subject to any specific requirements of the Council's constitution or Terms of Reference of external bodies.
- (iii) To assist the Cabinet Member in monitoring performance in specified areas relating to the allocated portfolio.
- (iv) To attend Cabinet, and report to Cabinet, in the absence of the relevant Cabinet Member, but Deputies cannot vote.
- (v) The expected minimum time commitment for the role is 2 days a week (or 0.4 FTE).

### 3. Change to Scheme of Delegations made following restructure

That the following changes be formally approved by the Council as required by paragraph 1.7 of the Constitution.

<b>Delegation</b>	<b>Transferred to</b>
To exercise the Council's functions relating to employment policies and practice.	Executive Director for People Commissioning
To exercise the Council's functions relating to publication of material and relations with the press.	Executive Director for People Commissioning
To exercise the Council's powers to trade and to make any decision which the Council may make as a shareholder in any company.	Executive Director for Corporate and Customer Services

## **5. Disclosure and Barring Service (DBS) Checks for Members**

- (1) That the policy attached at Appendix 'B' to the report be adopted with effect from May 2017.
- (2) That as an interim measure the following are asked to agree to undergo a DBS check now, if they have not already been the subject of a check by the County Council:
  - the Cabinet
  - Deputy Cabinet Members for Adults and Children, Health and Education and Lifelong Learning
  - All members who are newly-appointed to governing bodies
  - All members of fostering and adoption panels.

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

The published answers to the 21 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:

- (4) Councillor Higgins asked Councillor Johnson, the Cabinet Member for Highways and Transport Delivery, if she were to ring the Emergency Number again should she expect her call to be answered?

The Cabinet Member replied that she should expect to have her call answered within sixty seconds.

- (5) Councillor Robinson asked Councillor Finch, the Leader of the Council, for further clarification as he disagreed that it was a matter of law and order but was in fact about managing the Council's estate properly and not leaving properties vacant for too long.

The Leader replied that it was in the interests of the Council that where there was property that could be occupied, it was or if it was to be disposed of, then that was done in a timely fashion. However, if Councillor Robinson wished to speak to him regarding individual properties about which he had concerns then he would be pleased to meet with him.

- (9) Councillor Young asked Councillor Madden, the Cabinet Member for Adults and Children, whether he shared her concern about the written response as it would appear that the Council is targeting the 30% of families who do not use children's centres at the expense of the 70% of families who do.

The Cabinet Member, whilst noting that the consultation exercise was not just about children's centres but about providing a range of services to young people in the 0-19 age-range, replied that the consultation exercise showed that there were a large number of vulnerable people not using the

children's centres. He suggested that there would be a useful debate once the consultation process was complete.

- (10) Councillor Harris asked Councillor Madden, the Cabinet Member for Adults and Children, if there would be any monitoring of the effect on the 72% of priority families that are currently engaged once the emphasis had been placed on reaching the 28% currently not being reached?

The Cabinet Member replied that the consultation exercise was complete and there was currently being undertaken an analysis of the results. Once the analysis was complete he would share the results with all members and then would be the time to have more questions and a debate.

- (11) Councillor Henderson asked Councillor Madden, the Cabinet Member for Adults and Children, how were priority groups going to be reached? How can turning the Jaywick Centre into a childcare centre help reach those priority groups? He believed that, contrary to what the Cabinet Member had said, it was about buildings as it is the support services and equipment that are in those buildings that are important to the priority families.

The Cabinet Member replied that however difficult it may be it was important that the Council tried to reach the most vulnerable groups. The Council has got to think differently and be more flexible to provide a service without walls. But he urged members to await the results of the consultation process and he was sure that at that time there would be a debate in the Chamber.

- (12) Councillor Young asked Councillor Madden, the Cabinet Member for Adults and Children, if he would clarify his response or answer the question verbally as she did not believe that he had addressed that part of her question concerning the 'safe and well check.'

The Cabinet Member stated that she had made a valid point as the 'safe and well check' is a critical part of the assessment of the vulnerable person and it would continue through each of the agencies being employed to deliver Meals on Wheels.

- (13) Councillor Durcan asked Councillor Finch, the Leader of the Council, if he could define what might be the 'right devolution deal' and what might be the blocks to achieving it?

The Leader replied that the 'right deal' was based on ensuring that all the councils involved were comfortable with the elements of any offer to the Government. The parties have to ensure they are asking for the right things to ensure the funding and are then able to further put powers back to the Districts. He added that there was quite a large amount of work required before going back to the Government with an offer, hopefully in early June.

- (14) Councillor Henderson asked Councillor Madden, the Cabinet Member for Adults and Children, what were the existing criteria for being entitled to an essential living fund as it would appear that there was a £160,000 underspend and he knew of some deserving cases that had been refused assistance.

The Cabinet Member replied that he would be pleased to look at any individual case brought to his attention.

- (16) Councillor Bobbin asked Councillor Finch, the Leader of the Council, (in the absence of the Cabinet Member for Health) if he could ensure that money was available to the right services to ensure there was assistance to all who needed it irrespective of location.

The Leader replied that the Council conducts a strategic needs assessment that looks at the profile of the population to determine if there are areas of deprivation and then resources are targeted to the areas of most need.

- (17) Councillor Harris asked Councillor Johnson, the Cabinet Member for Highways and Transport Delivery, if there was an independent audit of every repair, every filled pothole and every renewed surface or was it the case that only some were examined?

The Cabinet Member replied that the auditing was undertaken through a process of sampling.

- (18) Councillor Ellis asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, if the action following the Motion passed at Council on 13 October 2015 concerning Parking around Schools was going to take place shortly?

The Cabinet Member replied that the matter was complex but was being examined.

- (19) Councillor Abbott asked Councillor Brown, The Cabinet Member for Corporate, Communities and Customers, if when Councillor Finch, the Leader of the Council, had referred to the written answer to the 'custodians of the Community Hall' what he had meant was Silver End Village Hall the owners of which were Braintree District Council.

The Cabinet Member replied that she did not have that information to hand and so would advise him after the meeting.

- (20) Councillor Abbott asked Councillor Madden, the Cabinet Member for Adults and Children, if the families in Witham, having been consulted about the potential changes to children's centres, supported the closure? Had they supported moving the service into Witham Library and reducing it to a third-tier service less than that provided in Maldon and Halstead?

The Cabinet Member replied that the families in Witham had been consulted together with others throughout the County and the results of that consultation and any recommendations arising would be brought back to the Chamber as well as through other governance routes for debate.

**26. Questions of the Leader of the Council, Cabinet Members and Committee Chairmen**

1. Councillor Harris asked Councillor Johnson, the Cabinet Member for Highways Delivery, if he would meet to discuss the Willows Estate in Colchester and the complaints he had received from residents who were unhappy about the quality of the resurfacing work that had been undertaken.

The Cabinet Member replied that he would be happy to do so.

2. Councillor Pond asked Councillor Johnson, the Cabinet Member for Highways Delivery, if he would meet with him to discuss the request from Loughton Town Council to provide full night lighting on Friday and Saturday nights within a half mile radius of the station.

The Cabinet Member replied that he would be happy to speak to Councillor Pond about this matter outside the Chamber.

3. Councillor Barker asked Councillor Finch, the Leader of the Council, if it would be possible to be advised of the dates of future meetings of Council for the next two years.

The Leader replied that he believed that was an excellent idea and he would ask officers to examine possible dates for the next three years and urged Members to avoid those dates for holidays and minor appointments.

4. Councillor Howard asked Councillor Madden, the Cabinet Member for Adults and Children, if he could arrange an urgent meeting with him in order to discuss a particular individual in his Division who had recently suffered a severe stroke and had had a leg amputated.

The Cabinet Member replied that he believed the Director of Adult Operations had been informed of this case and he would be pleased to meet with Councillor Howard to discuss the case.

5. Councillor Mackrory asked Councillor Finch, the Leader of the Council, when might Members have the opportunity to comment on the proposals for Devolution and the offer that the Leader was to put to the Government.

The Leader replied that it was important that not only the Members of the Council but the residents of Essex were informed of developments and he would ensure that Members had the opportunity to comment before a proposal to Government was sent.

6. Councillor Abbott asked Councillor Finch, the Leader of the Council, if he did not agree that the price of development might be radical reform of governance arrangements. Could he confirm that this might include the creation of an elected Mayor for Essex and Cabinet and could not this be just another complexity and would it not be better to simply devolve powers to the County and Districts?

The Leader replied that there had been a Motion to Council about Devolution last year. Since that time there have been meetings with the Districts on the initiative which had been constructive but there had not been unanimous agreement. The evidence is that the creation of Mayors energises an area but some people are anxious about one directly-elected person having so much power. He had been trying to establish with the Districts what model might be best for Essex. They are not yet in a position where they can make an offer. There is still a lot of work to do.

7. Councillor Buckley asked the Cabinet Member for Education and Lifelong Learning, regarding the Young Essex Assembly (noting that the Council had supported the Assembly since its inception in 2003) if the Cabinet Member would give his assessment of the value of the Young Essex Assembly and could he give some commitment regarding its future and what he might expect it to deliver over the coming years?

The Cabinet Member replied that the Council had indeed supported the Assembly although in recent years it has moved into the commissioning areas of the Council and had somewhat languished in the doldrums. However, it has now transferred to the Youth Service which is pleasing and it was certainly his intention to revitalise the Assembly as it was important to engage young people in the political process. He stated that he would like to bring some proposals to Council for approval and he urged members to engage with their local Young Essex Assembly representatives in order to find out what they are thinking.

## **27. Questions of the representative of the Essex Police and Crime Panel**

There were no questions of the representative.

## **28. To note the reports of the Essex Fire Authority's meetings of 17 February and 13 April 2016 and to ask questions of the Authority's representative**

The reports of the meetings of 17 February and 13 April 2016 were received.

1. Councillor Young asked Councillor Hedley, the representative of the Essex Fire Authority, if he could clarify precisely how many firefighters were currently employed in the Service in Essex?

Councillor Hedley replied that he did not have the figure to hand but he would provide it to Councillor Young after the meeting.

The meeting closed at 16:00

Chairman  
12 July 2016