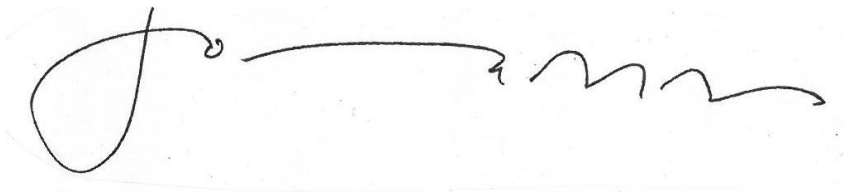


# Summons

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.

<b>10:00</b>	<b>Tuesday, 10 December 2013</b>	<b>Council Chamber, County Hall, Chelmsford, Essex</b>
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**Joanna Killian**  
**Chief Executive**

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**Officer Support to the Council:** Andy Gribben, Governance Officer  
**Telephone:** 01245 430044  
**Email:** [andy.gribben@essex.gov.uk](mailto:andy.gribben@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](http://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.

The agenda and associated documents can be provided on request in alternative formats such as large print, Braille and on disk.



Essex County Council



The meeting will be preceded by Prayers led by The Reverend Canon Philip Need the Director of Ordinands in the Diocese of Chelmsford.

		<b>Pages</b>
<b>1</b>	<b>Apologies for Absence</b>	
<b>2</b>	<b>Declarations of Interest</b> To note any declarations of interest to be made by Members	
<b>3</b>	<b>Confirmation of the minutes of the meeting held on 15 October 2013</b>	<b>5 - 32</b>
<b>4</b>	<b>Chairman's Announcements and Communications</b>	
<b>5</b>	<b>Receipt of petitions and deputations (if any)</b>	
<b>6</b>	<b>Executive Statements</b>	
<b>7</b>	<b>To receive a report of matters reserved to the Council and to consider any recommendations</b>	<b>33 - 52</b>
<b>8</b>	<b>Motions (standing order 16.11.2)</b>	<b>53 - 54</b>
<b>9</b>	<b>To receive the Leader's report of Cabinet Issues</b>	<b>55 - 58</b>
<b>10</b>	<b>To receive the report of Overview and Scrutiny Issues</b>	<b>59 - 62</b>

**Questions (Standing Order 16.12)**

- a) Written questions (Standing Order 16.12.1)
- b) Oral questions of the Leader, Cabinet Member or the chairman of a committee upon any matter relevant to the business of the Council
- c) Oral questions of the representative of the Essex Police and Crime Panel
- d) Oral questions of the representative of the Essex Fire Authority on any matter relevant to the business of that Authority.

# Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 15 October 2013

## Present

Chairman: Councillor K Twitchen

Vice-Chairman: Councillor N Hume

## Councillors:

J Abbott	D Finch	D Louis
J F Aldridge	R Gadsby	M Mackrory
W Archibald	K Gibbs	R A Madden
Mrs S Barker	R J Gooding	M Maddocks
R L Bass	I Grundy	M McEwen
A Bayley	C Guglielmi	M McGeorge
K Bentley	D Harris	Mrs V Metcalfe
D Blackwell	A M Hedley	A Naylor
K Bobbin	G Helm	Lady Newton
R G Boyce	Mrs T M A Higgins	P Oxley
A Brown	R Hirst	M J Page
M Buckley	P Honeywood	C C Pond
G Butland	R C Howard	Mrs J M Reeves
J Chandler	M Hoy	S Robinson
P Channer	J Huntman	C Seagers
K Clempner	A J Jackson	K Smith
T Cutmore	E C Johnson	J Spence
M Danvers	J G Jowers	Mrs A Turrell
J A Deakin	J Knapman	S Walsh
T Durcan	N Le Gresley	J Whitehouse
M Ellis	S Lissimore	A Wood
A Erskine	J Lodge	J A Young
	R Lord	

The meeting was preceded by prayers led by Sisters Moira and Margaret – Canonesses of the Holy Sepulchre (living and working on the Melbourne Estate)

**1. Apologies for Absence**

Apologies for absence were received on behalf of Councillors B Aspinell, M D Fisher, I Henderson, D J Kendall, J W Pike and R G Walters.

**2. Declarations of Interest**

Councillor S Walsh declared personal interests in item 13b (written questions) as his wife was employed by the European Parliament and he was a member of the Lee Valley Regional Park Authority.

**3. Minutes of the meeting held on 9 July 2013**

**Resolved:**

That the minutes of the meeting held on 9 July 2013 be approved as a correct record and signed by the Chairman.

**4. Recent deaths**

The Chairman informed Council of the death of former Conservative Councillor Terry Fawell who had represented Rochford (North) and that she had sent condolences to his family.

He was first elected to Essex County Council in 1977 and served until 6 May 1993. He was a member of the Education, Personnel and Highways Committees and also served on Rochford District Council, Hawkwell Parish Council and was Governor of NE London Polytechnic.

The Chairman also informed Council of the death of former Conservative Councillor Colin Finn who was elected in 2001 to represent Loughton St Johns.

He retired from Essex County Council in May 2009 but continued to be a Loughton Residents Association Councillor with Epping Forest District Council.

Members stood in their memory.

**5. Awards**

The Chairman on behalf of the Council received from Councillor D Madden, the Cabinet Member for Families and Children, an award won by The Essex Children in Care Council for 'most inspiring project' at the 'Who Cares? Trust's 'Listen Up!' event on 10 July. Their short film 'I Can' was made to highlight, support, and encourage young people in care. The film is available to view on the ECC YouTube channel.

The Chairman also informed members that the County Council had won the Municipal Journal Award for Innovative Finance in June for work on the first Local Authority-based Social Impact Bond.

## **6. Local Democracy Week**

The Chairman reminded Council that it was Local Democracy Week. On Monday 14 October 2013, secondary school children from across Essex had attended a very informative conference at County Hall; in the afternoon the young people had asked questions to a panel of Members. On Friday 18 October 2013 there would be a similar event organised for primary school children. Local Democracy Week is an opportunity to promote young people's engagement with democracy.

## **7. Presentation of Petitions**

The Chairman received a petition from Councillor M Mackrory to introduce traffic calming measures on Arbour Lane, Chelmsford and two petitions from Councillor K Smith; the first for the restoration of a bus service in Langdon Hills and the second for the installation of street lighting along Middle Hall Path of Kingswood.

## **8. Motions**

### **Highway Maintenance**

It was moved by Councillor J Young and seconded by Councillor K Bobbin that;

'We welcome the renewed focus of this Authority on Highways.

The new Vision for Essex gives a commitment to develop and maintain infrastructure and this means our roads and pavements must be improved ensuring safety is paramount.

We call upon the Administration to review the contract with Ringway Jacobs as we believe that it is neither flexible nor agile and as such cannot respond to technical advancements which would lead to better outcomes for Essex roads and pavements. Our guiding principles must be quality, safety and value for money and this contract needs to reflect these aspirations.'

It was moved by Councillor R L Bass and seconded by Councillor E Johnson

that the Motion be amended to read as follows:

‘We welcome the renewed focus of this Authority on Highways.

The new Vision for Essex gives a commitment to develop and maintain infrastructure and this means our roads and pavements must be improved ensuring safety is paramount.

We acknowledge that the Administration continues to review the contract with Ringway Jacobs to ensure that it leads to better outcomes for Essex roads and pavements. Our guiding principles must be quality, safety and value for money and this contract needs to continue to reflect these aspirations.’

Upon being put to the meeting the amendment was declared to be carried and so became the substantive Motion.

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

### **Executive Arrangements**

Prior to the Motion being put Councillor M Mackrory withdrew the subsequent Motion ‘Changing from Cabinet to the Committee System’.

It was moved by Councillor J Lodge and seconded by Councillor C Pond that

‘This Council believes there is merit in a return to the committee system so as to involve many more elected councillors in decision-taking, and that an all-party committee, advisory to the Chairman, be established to consider changing the existing system, to consider, amongst other matters, a return to the committee system, or a hybrid executive/committee system, whereby cabinet decisions be not actioned (save in cases of emergency) until committee affirmation has been obtained.’

It was moved by Councillor M Mackrory and seconded by Councillor T Higgins that the Motion be amended to read as follows:

‘This Council welcomes the aim of the Localism Act 2011 to allow power to be exercised at the lowest practical level, close to the people who are affected by the decisions. The Act contains provisions that allow local authorities to change from the Cabinet system, previously mandatory, to alternative systems.

This Council is keen to embrace and utilise all the talents and ideas that Members have to offer, cross party, as it faces up to the serious financial



challenges ahead and explore new ways of working that make decision making more transparent, open and democratic.

This Council therefore believes there is merit in an alternative system so as to involve many more elected councillors in decision-taking, and therefore agrees that an all-party committee, advisory to the Chairman, be established to consider changing the existing system, to consider, amongst other matters, a return to the committee system, or a hybrid executive/committee system, whereby cabinet decisions be not actioned (save in cases of emergency) until committee affirmation has been obtained.'

It was moved by Councillor R Lord and seconded by Councillor A Erskine that the Motion be amended to read as follows:

'This Council believes there is merit in a return to the committee system so as to involve many more elected councillors in decision-taking, and is aware of both the short comings and advantages of the cabinet system. This Council welcomes the aim of the Localism Act 2011 to allow power to be exercised at the lowest practical level close to the people who are affected by the decisions. The Act contains provisions that allow local authorities to change from the Cabinet system, imposed by the Local Government Act 2000, to the Committee system.

This Council therefore requests the Chief Executive to prepare a report to the next Cabinet meeting outlining alternatives that could increase both member and public participation in the democratic process.'

Upon being put to the meeting the amendment moved by Councillor R Lord and seconded by Councillor A Erskine was declared to be lost.

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

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

### **Cross-party commitment to addressing financial challenges**

It was moved by Councillor R Hirst and seconded by Councillor V Metcalfe that

'This Council acknowledges that the previous Government's economic legacy requires the Conservative and Liberal Democrat Coalition Government to take drastic action to restore public finances.

This Council appreciates that this action has resulted in severe reductions in central government funding at a time of significant increase in demand; leaving the Council needing to make £365m savings over the period 2009-2013 and further savings of over £220m during the period 2013-2017.

This Council applauds the work that has taken place to date under Phase 1 of the Transformation Programme and acknowledges that the savings were made without a significant negative impact on services. It does however realise that further savings under Phase 2 of the Transformation Programme will inevitably mean some very tough decisions and whilst every effort will be made to reduce the impact of these on services, given the sheer scale of the cumulative savings this is unlikely.

This Council therefore calls on all parties to work constructively to find solutions which will deliver the required savings and protect services for our residents wherever possible.'

It was moved by Councillor R Lord and seconded by Councillor A Erskine that the Motion be amended to read as follows:

'This Council acknowledges that policies followed by many preceding Governments, leave an economic legacy which now requires the Conservative and Liberal Democrat Coalition Government to take drastic action to restore public finances.

This Council appreciates that this action has resulted in severe reductions in central government funding at a time of significant increase in demand; leaving the Council needing to make £365m savings over the period 2009-2013 and further savings of over £220m during the period 2013-2017.

This Council applauds the work that has taken place to date under Phase 1 of the Transformation Programme and acknowledges that the savings were made without a significant negative impact on services. It does however realise that further savings under Phase 2 of the Transformation Programme will inevitably mean some very tough decisions and whilst every effort will be made to reduce the impact of these on services, given the sheer scale of the cumulative savings this is unlikely.

This Council therefore calls on all parties to work constructively to find solutions which will deliver the required savings and protect services for our residents wherever possible.'

It was moved by Councillor J Whitehouse and seconded by Councillor J Deakin that the Motion be amended to read as follows:

'This Council acknowledges that the previous Government's economic legacy requires the Conservative and Liberal Democrat Coalition Government to take drastic action to restore public finances.

This Council appreciates that this action has resulted in severe reductions in central government funding at a time of significant increase

in demand; leaving the Council needing to make £365m savings over the period 2009-2013 and further savings of over £220m during the period 2013-2017.

This Council therefore calls on all parties to work constructively to find solutions which will deliver the required savings and protect services for our residents wherever possible.'

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

Upon being put to the meeting the amendment moved by Councillor R Lord and seconded by Councillor A Erskine was declared to be lost.

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

### **North and South Essex Parking Partnership**

It was moved by Councillor R Lord and seconded by Councillor M Ellis that

'This Council believes that the North and South Parking Partnerships should be fully accountable and transparent to all Members in order for Councillors to represent the views of local business, the tourist industry and residents when matters of concern arise.'

It was moved by Councillor R L Bass and seconded by Councillor E Johnson that the Motion be amended to read as follows:

'This Council believes that the North and South Parking Partnerships should be fully accountable and transparent in order for Councillors to continue to be able to represent the views of local business, the tourist industry and residents when matters of concern arise.'

Upon being put to the meeting the amendment was declared to be carried and so became the substantive Motion.

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

### **Highways Defects**

It was moved by Councillor J Abbott and seconded by Councillor M Hoy that

'This Council agrees that County Members should have a direct role in dealing with highway defects in their division.

Therefore when a defect is reported by the local Member to Member Services with valid local reasons as to why it should be addressed, and where it meets the

minimum intervention criteria set down in the Highway Maintenance Policy, the defect should normally be remedied within 3 weeks of submission by the local Member.'

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

**9. Chairman's Announcement**

The Chairman advised Council that there was no further time allocated for the consideration of Motions and suggested that those that remained be reframed as questions to the appropriate Cabinet Member either later in this meeting or at another time.

**10. To receive a report on the Children, Young People and Families Plan**

For a brief period during this item the Vice-Chairman took the Chair whilst the Chairman was absent from the Chamber.

Councillor D Madden, Cabinet Member for Families and Children, presented a report concerning The Children, Young People's and Families Plan.

The report was received and upon being put to the meeting the recommendation was agreed and accordingly it was

**Resolved:**

That the Children, Young People and Families Partnership Plan as endorsed by Cabinet and attached as Annex A to the report be approved.

**11. To receive a report concerning changes to The Financial Regulations**

Councillor D Finch, The Leader of the Council, presented a report concerning changes to The Financial Regulations.

The report was received and upon being put to the meeting the recommendation was agreed and accordingly it was

**Resolved:**

That the Financial Regulations and Scheme of Delegation for Financial Management as set out at appendix A to the report be adopted.

**12. To receive a report on matters reserved to the Council and to consider any recommendations**

The report of Council Issues was received.

### **Item 1: Standing Orders of the Council**

Upon being put to the meeting the recommendation was agreed and accordingly it was

#### **Resolved:**

That the revised version of the Standing Orders of the Council as set out in Annex 'A' to the report be adopted.

Members who had been opposed to the resolution then stood in their place to seek a named vote but the recommendation having been put to the meeting the Chairman suggested they indicate their voting preference by submitting their names to the Clerk after the meeting.

The following members indicated that they wished their names to be recorded as having voted against the recommendation:

J Abbott	A Erskine	R Lord
W Archibald	K Gibbs	M Mackrory
A Bayley	D Harris	M McGeorge
K Bobbin	G Helm	S Robinson
K Clempner	Mrs T M A Higgins	K Smith
M Danvers	M Hoy	Mrs A Turrell
J A Deakin	J Huntman	J Whitehouse
T Durcan	N Le Gresley	J A Young
M Ellis		

The Leader, Councillor D Finch proposed that there be convened a working group to reconsider the matter of Motions to Council comprising the Chairman and Vice-Chairman of the Council, Councillor R L Bass representing the Leader and Opposition Group Leaders.

### **13. Adjournment**

With the agreement of Council the Chairman adjourned the meeting for luncheon at 13:07.

The meeting reconvened at 14:25.

### **14. To receive a report on matters reserved to the Council and to consider any recommendations (continued)**

**Item 2: Joint HOSC**

Upon being put to the meeting the recommendations were agreed and accordingly it was

**Resolved:**

- (1) That Article 10 be amended to include the Outer North East London Joint Health Overview and Scrutiny Committee with the following terms of reference:  
“to review and scrutinise any matter, including substantial variations, relating to the planning, provision and operation of health services that affect two or more boroughs in Outer North East London. The JHOSC will have the right to respond in its own right to all such consultations on such matters, both formal and informal.”
- (2) That Councillor C Pond be confirmed as the Council’s representative on the Outer North East London Joint Health Overview and Scrutiny Committee.

**Item 5: Dates of future meetings**

Upon being put to the meeting the recommendation was agreed and accordingly it was

**Resolved:**

That meetings of the Council be held on Tuesdays at 10am on 8 July, 14 October and 9 December 2014 and 10 February (Budget) and 12 May 2015 (Annual).

**15. To receive a report of Cabinet Issues**

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

The report of Cabinet Issues was received and adopted.

**16. To receive a report of Overview and Scrutiny Issues**

The Chairman of the Scrutiny Board, Councillor Simon Walsh, presented a report concerning Overview and Scrutiny Issues.

The Chairman requested that the record show that the Cabinet Member for Highways and Transportation, Councillor Rodney Bass, regarding his comments made to the Place Services and Economic Growth Scrutiny Committee had clarified that he would not ignore representations made to him about a particular

decision but would disregard representations that were obscene or extreme in their observations.

The report of Overview and Scrutiny Issues was received and adopted.

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

Members responded to questions as follows:

- (i) To convey the congratulations of Braintree District Council on the excellent report produced by the Council on its response to the Airports Commission which had been unanimously supported by Braintree District Council (Councillor G Butland of the Leader)  
The Leader thanked Councillor Butland for his comments.
- (ii) To seek a review of the countywide policy of allowing motorised two-wheeled vehicles to use bus lanes so that district councils could take account of local circumstances and priorities. (Councillor T Higgins of the Cabinet Member for Highways and Transportation)

The Cabinet Member responded that he believed that the current policy was correct. He did not agree that this was a matter to devolve to district councils but should rely instead upon common sense and working relationships between district councils and the County Council.

- (iii) To seek agreement that the Task and Finish Group of the Place Services and Economic Growth Scrutiny Committee should submit its findings before he made any decision to turn off any more street lights across the County. (Councillor D Harris of the Cabinet Member for Highways and Transportation)

The Cabinet Member responded that he did not agree. The decision had already been made that part-night lighting should be rolled out across the County. The Cabinet Member stated that he valued input on the detail rather than the principle of switching off lights.

- (iv) To convey the disappointment that Districts were not to be engaged in the consultation on the part-night switch-off. (Councillor D Harris of the Cabinet Member for Highways and Transportation)

The Cabinet Member replied that he could not agree because the County Council wished to engage with each District and had given assurances that he will continue to engage up to the point of implementation. What he could not do was to engage with those who simply wished for there to be a reversal of the principle that had already been settled. He also asked members to note that the neighbouring Authorities of Suffolk and Hertfordshire had already implemented part-night lighting without the extensive consultation we have undertaken in Essex.

- (v) Concerning guidance on the work of Scrutiny Panels and asking that if they wished to commission some independent research, where would the funds come from and was there a budget? (Councillor Deakin of the Leader)

The Leader responded that Scrutiny Panels do not have an allocated budget but funds would be made available if there was a clear and established need for independent research to be undertaken.

- (vi) To be assured that if firm and costed proposals come forward on the future provision of the Youth Service that he will look at them to determine a way of delivering this much-needed service?( Councillor Oxley of the Cabinet Member for Education and Lifelong Learning)

The Cabinet Member responded that he would be happy to consider any viable suggestions.

- (vii) To request that the Cabinet Member visit a school in Uttlesford that is experiencing difficulties because of the adverse effect of the change to the school admissions policy last year. She asked that he speak to the Headteacher and the Governors to see if there is a way to overcome the problem in future years. (Councillor Barker of the Cabinet Member for Education and Lifelong Learning)

The Cabinet Member acknowledged the difficulty to which Councillor Barker referred and was planning to visit the school. He believed that the specific problem to which she referred related to the changed admissions policy on siblings seeking primary school places. He noted that in the last three admissions rounds there were less disappointed parents of siblings and 84% of parents achieved their first choice and 94% of parents obtained their first or second choice. However, he acknowledged that problems remained and he would be pleased to discuss this further.

- (viii) To seek acknowledgment that this school was exceptional in as much as in an intake of 30 pupils 12 had a sibling link and were admitted yet did not live in the village. (Councillor S Barker of the Cabinet Member for Education and Lifelong Learning)

The Cabinet Member agreed that there was an issue where primary school places were under pressure and village schools perhaps suffer more than others in this regard.

- (ix) Concerning the consultation on part-night lighting, when Councillor D Blackwell and the questioner, both representing Canvey Island, had voted that the lights should stay on, and to request that Canvey Island should be considered as a special case due to exceptional circumstances and the overwhelming public opinion. (Councillor Ray Howard of the Cabinet Member for Highways and Transportation)



The Cabinet Member responded that the Council had been working with the police on a set of criteria against which exceptions to the lighting policy should be judged and so would await the results of the consultation.

- (x) To seek an opinion, in the light of the financial austerity of the last few years, as to what service had improved the most in the view of the public of Essex? (Councillor M Buckley of the Cabinet Member for Libraries, Communities and Planning)

The Cabinet Member responded that if there was credit for any improvement then the credit should go to his predecessor Councillor Lucas, but that according to national research appreciation of Libraries and Country Parks rose in the view of the public.

- (xi) Concerning the failure to meet a succession of dates for the completion of repairs to the Roding Bridge in Chigwell and asking when the situation would be resolved. (Councillor J Knapman of the Cabinet Member for Highways and Transportation)

The Cabinet Member replied that he was unable to give an assurance or a completion date as he understood there were complex technical issues. However, he agreed that the situation was unsatisfactory and would ensure that the responsible officer of the Council met with Councillor Knapman and himself to discuss the matter and explain the technical issues needing to be resolved.

- (xii) To ask if a Quality Impact Assessment had been undertaken concerning part-night lighting as a disproportionate number of young people would be adversely affected. What consultation has there been specifically with young people? (Councillor J Young of the Cabinet Member for Highways and Transportation)

The Cabinet Member responded that there was on-going consultation that was open to young people, district councils and indeed residents of all ages. He noted that consultation on the detail has resulted in many areas in Braintree and the City of Chelmsford retaining all-night lighting. He wished to emphasise that it was important to engage with people of all ages and that positive engagement was always welcome. He also agreed that perhaps young people were more likely to be out on the streets at night than older people who are more fearful. These fears are often generated by unfair press reports. However, we have to bear in mind the impact of any decision on all sectors of the community.

- (xiii) Concerning Local Highways Panels as an important means of local engagement and why in July the Cabinet Member published new terms of reference that stated in section 5 'Local Highways Panel meetings should be held without the press or public present unless otherwise agreed by the Cabinet Member for Highways and Transportation, and why having published a budget of £8million this has been reduced to £3million?

(Councillor Abbott of the Cabinet Member for Highways and Transportation)

The Cabinet Member responded that what had been issued to the Local Highways Panels was no more than guidance and an expression of his opinion. But he was aware that many Highways Panels meet in public and operate successfully as a result. He clarified that he was not interfering with the existing arrangements but had issued guidance in an effort to be helpful. As far as the budget reduction was concerned this was simply a re-profiling of capital expenditure that cannot be spent in the current year; this does not mean that the programme has been cut as these schemes are still in the capital programme.

**18. Written questions (Standing Order 16.11.3)**

Councillors McEwen and Metcalfe declared personal interests as members of the Lee Valley Regional Park Authority

**1 By Councillor M Danvers of the Leader of the Council**

'With 1,764 identified County staff on zero hours contracts would the Leader of the Council clarify his statement that this is a "life style choice" when some staff are regularly working 10, 20 and 30 plus hours a week on zero hours, should these identifiable employees not be given better contracts and the same employment rights of conditions of service?'

**Reply**

Analysis over the last three months shows that only 15% of those on zero hours contracts have done on average more than 10 hours per week, so this is the exception rather than the rule. Where continuous employment is demonstrated Essex County Council will ensure that the contract is amended and full employment rights including contractual entitlement to holiday pay and sickness is provided.

The County Council would never use zero based contracts to avoid its employment obligations. These contracts are used to fulfil its service delivery commitments and provide uninterrupted service which is 24/7 in some cases. Of course you could argue that if we overstaffed we would not need Zero based staff but this would be at an unacceptable cost and not all employees would be fully utilised for the duration of their employment contract.

The County Council advertises a blend of fixed term, permanent roles on a full time and part time basis. All zero based employees can apply for these roles as they arise if they have issues relating to financial security.

## **2 By Councillor J Deakin of the Cabinet Member for Libraries, Communities and Planning**

'Last October I asked the following question :

"As highlighted by some of my recent casework, I was astonished to find that the public are unable to access Essex County Council Planning Applications on the Council's own website in order to view plans in detail, read attached reports, and see comments submitted.

"It appears that the majority of other County Councils in England already have this facility. When will this public service be available to the residents of Essex?"

and received the following answer:

"Thank you for your question. At present summaries of planning applications are available online; however, we have been working hard to enable full public access to planning applications on-line and we hope to be able to provide this service within the next few months."

Residents are still complaining that they cannot access a recent planning application. What progress has been made please? When can we expect this to be available please?'

### **Reply**

The initial launch of the public website for County Council Planning Applications was scheduled for March 2012. Following extensive testing the system was found to have some major security vulnerabilities. It was the County Council's opinion that the system was not suitable for public use at that time due to the nature of these vulnerabilities.

Following recommendations made to the supplier, extensive changes were made and further testing was carried out. These changes were approved by the County Council's security experts in November 2012, however as the APAS Case Management System is a third-party system these changes had to be incorporated by the supplier as a new release of the commercially available product ("Build 77").

An early release of Build 77 was provided to the Minerals and Waste planning team in March, but delays to the final version of Build 77 meant it was not available to the team until the end of August 2013. This functional testing has now successfully been completed.

The next stage in the process is for migration of the test system to a

staging environment and this is scheduled to take place on 11 October 2013. There will then be a final two-week period of testing and sign off by the Minerals and Waste Planning team. The system will then be 'soft launched' internally on 25 October to allow final configuration, definition of processes and communications to be completed.

The system will be launched to the Public on 11 November 2013.

**3 By Councillor D Kendall of the Cabinet Member for Transformation and Corporate Services**

'With regard to the on-going Transformation Programme, would the Cabinet Member please explain what handover procedures are in place to ensure that valuable knowledge and expertise is passed on prior to experienced staff leaving the employment of the County Council?'

**Reply**

Thank you for your question. As I am sure you will appreciate, from the outset of the Transformation Programme this has been identified as a critical risk to manage and robust mitigations have been put in place accordingly.

First and foremost we have made sure our selection for redundancy process is built around key skills/knowledge. This helps us to ensure retention of critical skills. Equally we have not accepted any voluntary redundancy requests for employees in business critical posts.

Additionally, throughout the design stage of the new structure and new functions, we have undertaken process mapping to ensure we have a good understanding of work currently undertaken so that it can be translated into new roles and new structures. From a corporate governance perspective this has been supported by the completion of Service Assurance Statements by each of the newly formed functions. The Service Assurance Statements have not identified any key risks in this area nor have there been any examples where key services have been affected due to a loss of organisational knowledge. However, this is clearly tracked carefully and we will continue to adopt the practices that have helped us deliver a successful transformation programme over the last four years into our next phase.

We have also published guides for line managers for managing employees under notice and for managing internal moves. Both of these guides include a detailed template for handover and give the flexibility to tailor notice periods to manage knowledge transfer. In

exceptional circumstances we are able to extend notice periods where knowledge or skills retention is required.

**4 By Councillor D Kendall of the Cabinet Member for Highways and Transportation**

'Would the Cabinet Member please supply the following information to Members regarding claims made to the County Council over the last four financial years for damage sustained to residents' vehicles by potholes.

- How many claims have been made each year?
- How many claims have been paid out each year?
- How much has been paid out each year?
- If a resident has been unsuccessful with their compensation claim, what is their right of appeal?

**Reply**

The Highways Service does not handle claims as they are passed to our claims handlers, Essex Legal Services. It should also be noted that there is no intervention by me in the claims process.

1. The total number of claims were as follows:

2009/10	1625,
2010/11	2203,
2011/12	1590,
2012/13	2166.

2. The total number of claims actually paid out in the years in question ( i.e. regardless of when the claim was lodged) were:

2009/10	263,
2010/11	225,
2011/12	162,
2012/13	81.

3. The amounts paid out as per 2 above (these would also include any personal injury claims if included within the vehicle claim) were:

2009/10	£189K,
2010/11	£253K,
2011/12	£124K,
2012/13	£65K

4. There is no right of appeal as such to a decision by Legal Services. Any claimant has the right to issue proceedings in the County Court if he/she wishes to challenge the decision.

**5 By Councillor M Mackrory of the Cabinet Member for Transformation and Corporate Services**

'At the 5 October 2011 Council meeting I asked the following question:

"With the Magistrates' Courts vacating Shire Hall in April 2012, what proposal does the Cabinet Member have for the future use of this fine historic building?"

The answer given was that,

"Options for its future use are being considered".

Two years later, I now understand that the Shire Hall is to be disposed of. In the event of disposal, will there be provision for community use?'

**Reply**

Thank you for your question. As you will be aware, there has been extensive public consultation on the future use of Shire Hall led by Councillor Dick Madden and the Shire Hall Reference Group. They are due to report their findings by the end of December 2013 and as such no decision on its future use has been or will be made before then.

**6 By Councillor M Mackrory of the Leader of the Council**

'It was reported to the 24 June Audit Committee that the Council was seeking to recover £40,000 from Lord Hanningfield by agreement.

Would the Leader of the Council please update Members as to whether the money has been received and, if not, have legal proceedings commenced to recover the sums due?'

**Reply**

The Audit Committee recommended that the County Council seek recovery of sums due by issuing legal proceedings in as cost effective manner as possible.

Having taken account of the views expressed by the Audit Committee I wrote to the Monitoring Officer and requested that legal proceedings be issued.

I am aware that attempts have been made by the Monitoring Officer to hold discussions with Lord Hanningfield and his solicitors with a view to reaching a settlement but it has not been possible to do so. Counsel has been instructed and I am aware that a conference with Counsel is taking place on 18 October to discuss the case and to consider the court papers.

**7 By Councillor I Henderson of the Cabinet Member for Highways and Transportation**

'The Council's current Local Transport Plan published in 2011 notes that with regard to freight movement, it will seek to encourage "a shift of freight from road transport to rail transport". However, the Local Transport Plan also notes that a strategy for freight which will help underpin and guide this pledge is "to be developed".

Could the Cabinet Member provide reassurance that the Council is doing all it can, in the absence of a freight strategy, to ensure that it is:

1. Working in partnership with freight carriers, ports and airports to promote and facilitate a shift from road freight to rail freight and coastal shipping;
2. Lobbying Central Government, agencies and partners?'

**Reply**

Yes. The Council will encourage the Government to facilitate a shift away from road freight wherever practical but not in the naive way adopted by the previous Government. Furthermore, it also needs to be recognised that road freight is vital to the local economy of Essex in the absence of proper rail facilities for freight and for rural inland communities. Thus, the immediate requirement is decent roads, sensible priority routes and connectivity with rail heads and ports.

**8 By Councillor I Henderson of the Leader of the Council**

'In noting Central Government's invitation for local authorities to form LEPs in 2010/11, would the Cabinet Member publish our LEP's Economic Strategy for Essex and the total proposed funding to be held by the LEP for future job creation in the County of Essex?'

**Reply**

When the LEP's Strategic Economic Plan (SEP) and the Essex part of that plan is complete, we would of course publish it – not before ensuring that all Members of the Council were fully sighted on it. The

South East LEP has a strict deadline of March 2014 to submit the final SEP to Government. We will, of course, be very influential in this process and officers from across the public sector are working very hard to ensure that our contribution to it is comprehensive and coherent, but, above all, that it speaks to our ambition and our desire to drive prosperity through innovation in Essex.

The South East LEP's SEP, as with other LEPs, is the document which will begin the 'growth deal' dialogue with Government. In that respect, it will catalogue a series of asks alongside a set of projects, ideas and interventions which will have been provided by the local areas. The difference for the South East LEP is that its SEP will be an overarching summary document for the local contributions spanning Essex, Kent, East Sussex and the unitary areas. It is incumbent on us to ensure that the Essex story both contributes to a competitive South East LEP SEP, but that it is also competitive *within* the LEP - that is - that our clear ambition; our strategic prioritisation; our clarity of expectations from Government and our route to securing local leverage unashamedly attract funding to Essex rather than anywhere else.

Government has not yet been clear on the total proposed funding to LEPs, nor is there yet clarity on what funding streams are within the reach of LEPs. Two things are clear though – firstly that European funding will be available. EU Structural Investment Fund strategies are currently being developed by all LEPs, ours included, to provide the blueprint for the way in which EU monies might be utilised. These strategies are, in all cases, being developed in tandem with the Strategic Economic Plans.

Secondly, the Government has designated the 'Single Local Growth Fund' (SLGF) for deployment by LEPs. While the quantum of this fund has not been finalised, it is clear that a proportion of the overall SLGF will be devolved to LEPs for them to spend against the priorities articulated in their SEPs.

The complication for the South East LEP again relates to its size. We are currently trying to agree governance arrangements for a 'federated' LEP, which will see local boards reporting in to the main LEP board – ensuring local determination and decision making. When these conversations conclude, it is our understanding that the South East LEP will have decided how it will distribute its own SLGF – whether notionally devolved to the federated areas, or retained at the LEP level for determination.

**9 By Councillor K Bobbin of the Cabinet Member for Libraries, Communities and Planning**

'Could the Cabinet Member provide a statement on what the average



cost of running a mobile library service has been for the last full year, what that figure amounts to per book which has been loaned out on average from the mobile library service in the last full year, and whether or not this figure represents good value for money?’

### **Reply**

The County Council’s Mobile Library Service comprises 11 purpose built vehicles with dedicated staff serving 681 locations, across 262 parishes on a fortnightly basis. The mobile libraries also serve vulnerable people living in a variety of settings including; 108 care homes, sheltered housing and older peoples’ housing complexes, a number of travellers’ sites and a Women’s Refuge. In combination with our static library network this enables approximately 99% of the population of Essex to access library services within 2 miles of their home. It also ensures the rurally isolated and socially excluded citizens of Essex can access a personalised service, including access to essential information. By providing a communication channel to the wider Essex community, the service helps our more vulnerable residents to remain independent for longer.

The cost of the service in 2012/13 (including all costs associated with running the service; vehicle lease charges, maintenance, fuel, insurance, staffing, recharged services and asset charges etc.) was £703,198. In the same year the mobile libraries issued 211,479 items of stock – giving a cost per loan of £3.32. For further comparison, using CIPFA figures across all static and mobile libraries across UK Library authorities, the figure was £3.70. As such, I believe it would be reasonable to say that Essex mobile services provides value for money for residents, as well as enabling the library service to reach 99% of the population of Essex.

### **10 By Councillor K Gibbs of the Cabinet Member for Libraries, Communities and Planning**

#### **‘Surface Flooding**

The Council being the lead Authority for surface flooding in Essex has a responsibility to carry out its obligations to adapt and maintain the ditches, rivers culverts and balancing ponds, or cause them to be maintained by other Authorities by clearing silt and overgrown foliage. Undoubtedly the increase of building developments also plays its part.

- Will the Cabinet Member for Libraries, Communities and Planning please advise if a Flood Plain Assessment has been carried out by the relevant Authorities or Agencies involved?
- What steps have been taken to ensure the maintenance of areas which cause horrendous flooding in parts of Essex,

resulting in damage, health risks to residents and possibly resulting in compensation costs?’

### **Reply**

Firstly, it is important to note that the County Council has no direct responsibility for the maintenance of ditches, rivers, culverts or balancing ponds unless they fall on land under the Council’s ownership. We are working with other authorities where they have a maintenance role, although our primary line of defence in local flooding issues is to pursue those private landowners responsible where ditches have been in-filled, piped or neglected. We are being proactive in this new enforcement role, and have already taken action to educate hundreds of landowners since inheriting land drainage powers from the districts and the Environment Agency.

The County Council’s new remit gives us a role in the management of Surface Water, Groundwater and Ordinary Watercourses. Flood plains are more commonly associated with Main River flooding, which remains the responsibility of the Environment Agency. Flood Mapping and Modelling of all forms of flood risk are constantly updated by the various responsible organisations, including the Council by way of our Surface Water Management Plan projects. The Environment Agency is currently the statutory consultee for ‘Flood Risk Assessments’ associated with new development on the flood plain, but the County Council is also due to become a Sustainable Drainage Systems Approval Body in April 2014, with a role for approving drainage proposals associated with new development.

We are working with all the organisations involved (including Essex Highways, Districts and Boroughs, the Environment Agency and Water Companies) as well as private landowners to draw lines under the various roles, responsibilities and legal issues. We saw exceptional rainfall in August, the likes of which may not be resolvable through maintenance activity alone.

### **11 By Councillor K Gibbs of the Cabinet Member for Highways and Transportation**

‘Street lighting on Major Roads

In view of the recent incidents on the A127 where there have been cases of horses wandering on this major route resulting in the deaths of a person and animals, will the Cabinet Member for Highways and Transportation reconsider the part-night lighting trial scheduled for the A13 and the A127 on 1 December 2013?’

### **Reply**

No decision has been made but it is unlikely to be affected.

**12 By Councillor G Helm of the Leader of the Council**

'Migration to Essex

Can the Cabinet Member please advise what assessment has the Council made as to the likely impact on local services, schools, jobs and housing with the expected increase in migrants from Romania and Bulgaria when border restrictions are abandoned in January 2014?

**Reply**

At national level, Ministers have taken the view that it is impossible to forecast with any accuracy the level of migration into the UK by Bulgarian and Romanian nationals once transitional controls are removed. This is because there are too many factors at play of which officials have uncertain knowledge. The Government is not, therefore, producing forecasts.

Bulgarian and Romanian nationals have been able to work in the UK for some time. Evidence suggests that they move mostly to London and the South East region rather than to the Eastern region. For Essex, we know from national insurance registrations that in 2012 we had 119 new Bulgarian and 305 Romanian registrations, making a total of 424. This was a decrease of 192 on the previous year. Bulgarian and Romanian registrations in 2012 amounted to 8.5% of all foreign nationals' registrations in the County.

Data also suggests that the great majority of Bulgarian and Romanian migrants into Essex are aged 18-34.

Council officers are aware that there might be some effect on need for local public services. If this arises, it will be picked up in the routine monitoring processes that are used to detect changes in the level of need.

**13 By Councillor R Lord of the Cabinet Member for Adult Social Care**

'Care Workers' Visits

Will the Cabinet Member for Adult Social Care give Members reassurance following the report by Leonard Cheshire Disability, that 15 minute visits by care workers are not used to fulfil tasks such as dressing, feeding or bathing as this is inappropriate and unfair to both the care workers and those that are cared for.'

**Reply**

Essex County Council does not encourage the use of 15 minute visits but recognises that these do still happen – if agreed between the service user and the care provider – and that these are appropriate if the desired outcomes can be achieved in that time. A 15 minute visit might be appropriate, for example, for someone with diabetes who needs to take their insulin.

A 15 minute visit is also not indicative of the total level of care an individual will receive – and may be one of several visits during a day. We aim to provide choice and control for our service users – enabling them to receive an appropriate level of care to achieve agreed outcomes and address their identified needs – and have been actively supporting a shift away from a ‘time and task’ approach to care through the adoption of ‘flexible diaries’, which provide care at a time that is agreed with and suitable for our service users.

**14 By Councillor R Lord of the Cabinet Member for Waste and Recycling**

**‘Recycling Savings**

Recent calculations by members of Norfolk County Council supported by studies from other sources, have shown that massive savings could be achieved by shipping their waste, via East Coast ports to Amsterdam.

If it was shown that there were much cheaper options available, would the Cabinet Member for Waste and Recycling consider abandoning the Courtauld Road project, which will deliver over £50 million to an anonymous offshore company, create tens of thousands of extra lorry miles on Essex roads and ultimately produce an end product for which there is currently no alternative disposal process other than by incineration abroad?’

**Reply**

Mass burn incineration of untreated waste, whether in the UK or abroad, is not permitted under the adopted Joint Municipal Waste Management Strategy for Essex.

Furthermore, the *Proximity Principle* requires that waste be disposed of as close as possible to where it is produced and the Transfrontier Shipment of Waste Regulations 2007 enforced by the Environment Agency prohibits the export of untreated mixed residual waste.

Terminating the contract for Courtauld Road at this late stage would result in significant financial liabilities for the County Council and leave the Waste Disposal Authority reliant on significantly more expensive residual waste treatment options.

The Courtauld Road site is owned by the Lime Property Fund Limited Partnership (a wholly owned investment fund under the Aviva Group) this has been fully detailed in a previous communication from the Cabinet Member in August 2013 to Councillor Lord.

With regard to traffic implications, it is likely that even more traffic movements will be generated by transporting waste to an Essex coastal port rather than to a central treatment facility.

**15 By Councillor K Smith of the Cabinet Member for Highways and Transportation**

'Will the Cabinet Member for Highways and Transportation please advise what part has the EU's target of reducing CO2 emissions by 30% in 2020 had to play in the decision to switch off the majority of street lighting in Essex as part night lighting policy?

Would the Cabinet Member agree this is yet another benefit of leaving the European Union; local authorities can leave street lighting on to protect the public from the fear and the reality of crime?'

**Reply**

Little if any. Her Majesty's Government and Essex County Council are, however, keen to reduce unnecessary CO2 emissions and costs. Keeping all street lights on all night is a wasteful use of energy and a waste of public money.

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**16 By Councillor K Smith of the Cabinet Member for Libraries, Communities and Planning**

'The Lee Valley has been in receipt of taxpayers' money from Essex, Hertfordshire and London residents for nearly fifty years.

Can the Cabinet Member for Transformation and Corporate Services please advise if the taxpayers of Essex should continue to see only part of the County benefit from the annual £1.5 million given to the Lee Valley directly from County Hall?

- a. Will the Cabinet Member investigate whether this £1.5 million annual bill to Essex taxpayers should be used to extend the Lee Valley to benefit other areas of Essex, such as Basildon's Dry Street?
- b. The College presently located at Dry Street pastures is planning to relocate and sell the land for the construction of 725 four bedroom houses. Does the Cabinet Member think that it is better to use the Lee Valley levy to buy this threatened area of Dry Street and extend the Lee Valley to the

people of Basildon?’

### **Reply**

The Lee Valley Regional Park Authority (LVRPA) was created on 1 January 1967 by an Act of Parliament to manage the affairs of the Lee Valley Park. To fund the Authority, the Act included the provision of a levy on all households in London, Essex and Hertfordshire, which is collected through council tax contributions.

The annual contribution from Essex to the Lee Valley Regional Park Authority is therefore governed by legislation, and is managed by the 28 Members of the LVRPA Board. Any suggestion to change the boundaries of the Lee Valley Regional Park should be made through the County Members who sit on the board.

I am content that the Lee Valley Regional Park Authority will continue to deliver against its statutory remit to develop and preserve leisure, recreation, sport and nature in the Lee Valley area.

### **17 By Councillor M Ellis of the Cabinet Member for Public Health and Wellbeing**

‘Basildon Hospital

It has been alleged by the media that the previous Labour Government doctored the actual statistics regarding Basildon Hospital for political purposes.

If these allegations are found to be true, will the Cabinet Member for Public Health and Wellbeing comment if:

- this has hampered the Council from providing the help and support vulnerable patients need?
- have the alleged actions of the previous Government caused any other problems or concerns for this Council with regard to Basildon Hospital?

### **Reply**

Media reports concerning our local hospitals are not always adequate or accurate.

Basildon Hospital has been placed in special measures and it is working hard with partners to deal with previous problems in the interests of safeguarding all its patients and providing excellent care.

A key objective for Essex County Council is to ensure that appropriate help and support is provided for vulnerable patients. This

has not been compromised by any direct actions of the previous Labour Government. However, because of its profligate attitude to finances we now have the current cost pressures and the need for efficiency savings in every department.

**18 By Councillor M Ellis of the Cabinet Member for Libraries, Communities and Planning**

‘Laindon Shopping Centre is a constant reminder to the people of Laindon of failed attempts at redevelopment and neglect resulting in part-demolished buildings, boarded up shops and a general derelict appearance which has blighted the area for many years.

- Will the Cabinet Member for Libraries, Communities and Planning ensure that full support is given to Basildon Council regarding the redevelopment of the recently sold Laindon Shopping Centre?
- And can the Cabinet Member give reassurance that Essex County Council will work together with Basildon Council and all representatives of the community and local agencies to take up this challenge and consult on the future regeneration of this area?’

**Reply**

The County Council will provide full support to Basildon Council, at an appropriate level as and when requested, regarding the redevelopment of the recently sold Laindon Shopping Centre, and will work together with Basildon Council and others, when Basildon Council consults on the future regeneration of this area. This may involve the County Council’s responsibilities covering highways, spatial planning, economic growth, education and social services.

The County Council is already supporting colleagues at Basildon Council on a range of projects which Basildon has identified as priorities, such as Nethermayne, Basildon Town Centre and various others, to directly support neighbourhood regeneration and economic growth. The County Council’s Economic Growth team within the wider Spatial Planning and Regeneration service is largely focussed on working with district partners to accomplish shared aims and objectives for the future prosperity of the County. Dedicated team members have lead responsibility for each district and in this instance the lead officer for Basildon is Dominique Keogh. This joint working has enabled the County Council to support Basildon Council in delivering work packages that have a positive and tangible effect on the economy of Essex such as Leisure Square in the Town Centre.

Officers from the Economic Growth team will continue to manage successfully the economic development and growth activity in and

around Basildon to support the delivery of corporate objectives and will continue to work with district colleagues and other local agencies to maximise the benefits of sustainable growth (economic, social and environmental), create jobs, secure appropriate development, and enhance the image, reputation and economy in and around Essex.

**19. Questions of the representative of the Essex Police and Crime Panel**

There were no questions.

**20. To note the report of the Essex Fire Authority's meeting on 4 September 2013 and questions of the representative**

The report of the Authority's meeting on 4 September 2013 was noted.

In response to a question from Councillor S Barker members were informed that it was anticipated that the extension to the Essex Fire Headquarters would be opened by April 2014 and be operational from May 2014.

In response to a question from Councillor P Oxley members were informed that contingency plans in the event of a dispute affecting the service in Essex were resilient.

The meeting closed at 16:01

Chairman  
10 December 2013



## **1. Standing Orders of the Council**

At its last meeting Council approved a revised version of Standing Orders intended to regulate the order and numbers of motions to be considered at meetings and to reduce the amount of time to speak allocated to movers of motions and cabinet members responding to motions.

Although the recommendation to amend Standing Orders was agreed, in the light of concerns expressed by members of the Opposition the Leader agreed to the establishment of a working group, Chaired by the Chairman of Council and comprising the Vice-Chairman and the Group Leaders or their representatives to review the Standing Orders as they related to motions.

The Working Group developed alternative proposals for dealing with motions, namely:

There will be a time limit of two and a half hours for motions, with 25 minutes for each motion and a maximum of six motions per meeting. The timing of speeches agreed at the last meeting (so that all speakers have three minutes each) remains unchanged. The allocation of the six motions will be as follows:

Conservative Group 2

Labour Group 1

Liberal Democrat Group 1

UKIP Group 1

Green / Non-aligned Group 1 shared (which in effect means alternating at each meeting).

Motions will be taken on a rotation basis rather than the order in which they are received, with the order for the first meeting being decided by a ballot drawn in advance by the Chairman.

It does not mean that every party has to take its allocation of motions at each meeting but if they do not there will be no reallocation to another Group.

As at present, motions will follow the Chairman's announcements and submission of petitions, so that motions will be dealt with in the morning and Council will resume after lunch for the remaining business. If there are a lot of amendments or for other reasons the time allowed of two and a half hours is used up before all motions have been debated, any remaining ones will fall.

On the motion of the Chairman, seconded by Councillor Julie Young and supported by Councillors James Abbott, David Finch, Norman Hume, Jamie Huntman, Mike Mackrory and Chris Pond it is

**Recommended:**

- (1) That the revision to the Standing Orders of the Council as set out in Annex “A” to this report be adopted.
- (2) That the Standing Orders of the Council be suspended in order to allow the revised Standing Orders to take immediate effect.

**2. Delegations to Chief Officers**

Part 3 of the Constitution sets out who is entitled to make decisions about the Council's functions. This includes the Scheme of Delegation to Officers. Following Go Live of the Council's new management structure as part of the Transformation 2 programme, the scheme of delegations needs to be revised to reflect the new structure and also to reflect the needs of the new organisation as it becomes a truly agile commissioning organisation.

In summary, the general principles of the scheme of delegations remain the same which are that, as now, only Councillors may take key decisions (ie decisions with financial implications in excess of £0.5m or which have a significant impact on communities). The sole exception to this is that the Chief Executive is authorised to take key decisions in a case of extreme emergency and where she is unable to contact the Leader or Deputy Leader. The current balance of decision making on regulatory functions is also preserved. Councillors will continue to be required to take decisions on significant regulatory matters where there has been an objection or representation. In general, other decisions may be taken by officers, subject to sufficient budgetary provision being available and the requirements of the rest of the constitution. Technical language or unhelpful descriptions have been avoided in order to make the scheme easier to read.

The move to a commissioning organisation means that the scheme of delegations introduces a split between Executive Directors who have a commissioning role and those who have an operational role. Executive Directors for operational services have delegations in their own right. The scheme of delegations makes it clear that Operational Directors are expected to deliver the services which have been commissioned.

The new structure is different to the old structure, and a version showing the 'tracked changes' would not be of assistance. The new scheme of delegations is at Annex “B” and will replace the existing part 15 of the Constitution.

Similarly Articles 4.3 (Chief Officers) and 4.4 (Statutory Officers) also need revision to reflect the new structure. When reviewing this part, significant duplication with part 15 has been found. These articles have been revised so that they are a list of Chief Officers and the statutory officers which the Council is required to have by law, which avoids the significant overlap between Article 4 and the scheme of delegations to officers. Similarly, a comparison version showing the 'tracked changes' would not be of assistance given the revised approach taken above.

There are occasional references to officers in other parts of the constitution which will need to be updated and it is requested that the Council authorises the Monitoring Officer to make those changes.

**Recommended:**

- (1) That part 15 of the Constitution be replaced with the revised Scheme of Delegation to Officers as set out in Annex “B” to this report.
- (2) That Articles 4.3 and 4.4 of the constitution be replaced with those set out in Annex “C” to this report.
- (3) That the Monitoring Officer be authorised to update any other references to job titles in the constitution.

**3. Changes to the UKIP Group’s Leadership and Committee Memberships**

At the Annual Meeting in May Council was informed of the details of Group Membership and of the Groups’ appointments to Committees.

The UKIP Group has given notification that it has made the following changes:

- Councillor Jamie Huntman has replaced Councillor Roger Lord as the Group Leader and Councillor Andrew Erskine has replaced Jamie Huntman as the Deputy Leader;
- Councillor Jamie Huntman has replaced Councillor Roger Lord as a member of the Corporate Scrutiny Committee;
- Councillor Alan Bayley has replaced Councillor Jamie Huntman as a member of the Place Services and Economic Growth Scrutiny Committee;
- Councillor Alan Bayley will be replaced as a member of the People and Families Scrutiny Committee.

## **Revisions to Standing Orders**

### **16.11 Motions**

#### **16.11.1 Scope of motions**

No motion or question shall be put unless it relates to some question over which the Council has power or which affects the Council. The Chairman shall decide whether any particular motion is a valid motion and that it should be included on the agenda for consideration by the Council.

Any Member moving a motion or an amendment shall state the reason for it.

#### **16.11.2 Notices of motion**

Except for motions which can be moved without notice under paragraph 16.11.5 below, written notice of every motion must be delivered to the Chief Executive not later than 10:30am on the twelfth calendar day before the Council meeting.

Written notice must be signed by the Member intending to move the motion and not less than one other Member.

Other than at the annual budget meeting where no motions shall be permitted under this paragraph, a maximum of six motions shall be debated at an Ordinary Meeting of the Council unless the Chairman has exercised his discretion in accordance with paragraph 16.11.3 below to allow an additional urgent motion to be debated.

The six motions to be debated shall be allocated as follows:

Conservative Group 2

Labour Group 1

Liberal Democrat Group 1

UKIP Group 1

Green / Non-aligned Group 1 shared (which in effect means alternating at each meeting).

Motions will be taken on a rotation basis, with the order for the first meeting being decided by a ballot drawn in advance by the Chairman.

If any Group does not take its allocation of motions at a meeting there will be no reallocation to another Group.

Any number of independent members shall be considered as a group for the purposes of this rule only.

### **16.11.3 Chairman's discretion**

The Chairman may exercise his discretion and allow notice of motion signed as provided for in paragraph 16.11.2 above, to be received by the Chief Executive not later than 10.30 a.m. on the Wednesday prior to the Council meeting, to be debated at that meeting, where he considers the matter urgent.

Such notice of motion shall contain a request for the Chairman to exercise his discretion and shall specify the grounds upon which the matter is urgent.

The motion and the Chairman's decision shall be set out on the order paper and, in the event of the Chairman declining to allow the motion, the motion shall be referred to the relevant Cabinet Member for response at the next available meeting of the Council.

### **16.11.4 Response to motions**

The relevant Cabinet Member shall respond to a motion at the meeting of Council at which it is moved.

Alternatively a Cabinet Member may first refer a motion to an appropriate Committee for consideration, in which case the Cabinet Member shall respond to the motion at the first available meeting of the Council after receiving the Committee's views which will be incorporated into the response.

### **16.11.5 Motions which may be moved without notice**

The following motions and amendments may be moved without notice:

- (i) appointment of a Chairman of the meeting at which the motion is made;
- (ii) motions relating to the accuracy of the minutes;
- (iii) that an item of business specified in the summons have precedence;
- (iv) reference to a committee or reference back to a committee of any matter before the Council other than reference back of a decision made under delegated powers and already implemented;
- (v) appointment of a committee or member thereof, occasioned by an item mentioned in the summons to the meeting;
- (vi) adoption of reports and recommendations of committees and any consequent resolutions;

- (vii) comment upon matters contained in reports of committees for the information of the committee concerned;
- (viii) that leave be given to withdraw a motion;
- (ix) that the Council proceed to the next business;
- (x) that the question be now put;
- (xi) that the debate be now adjourned;
- (xii) that the Council does now adjourn;
- (xiii) that the Standing Orders be suspended, in accordance with Article 1;
- (xiv) motion to exclude the public in accordance with the Access to Information Procedure Rules;
- (xv) that a Member named under paragraph 16.15: Disorderly Conduct, not be heard further or leave the meeting;
- (xvi) giving consent of the Council where the consent of the Council is required by these Standing Orders; or
- (xvii) for such other purposes as the Chairman may approve.

#### **16.11.6 Rules of debate**

A motion shall not be discussed at Council unless notice has been given in accordance with 16.11.2 above and it has been proposed and seconded at the meeting of the Council at which the motion is to be considered.

That with respect to the agenda for the budget-setting meeting of the Council, the submission of motions unrelated to the Budget be prohibited, provided that discretion be granted by the Chairman of the Council to admit motions relating to matters of urgency.

#### **16.11.7 Secunder's speech**

A Member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

#### **16.11.8 Amendments to motions**

An amendment shall be relevant to the motion and shall be either:

- (i) to refer a matter to a Committee, the Cabinet or a Portfolio Holder for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of introducing a new subject matter into the motion before the Council or negating the motion.

No amendment may be moved unless it has been put in writing and handed to the Chairman by no later than 9 am on the morning of the meeting in a format to be specified by the Monitoring Officer.

Only one amendment may be moved and discussed at any one time. No further amendment shall be moved until the amendment under discussion has been disposed of.

The Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion to which any further amendment may be moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, and, if there are none, put it to the vote.

#### **16.11.9 Alteration to Motions**

A Member may alter a motion of which he has given notice, in accordance with paragraph 16.11.2 above, with the consent of the Council.

A Member may alter a motion he has moved without notice with the consent of both the Council and the Seconder.

The Council's consent will be signified without discussion.

Only alterations which could be made as an amendment may be made.

#### **16.11.10 Right of reply**

The mover of a motion has a right of reply, at the end of the debate on the motion, immediately before it is put to the vote.

If an amendment is moved, the mover of the original motion has the right of reply at the end of the debate on the amendment, but may not otherwise speak on it.

The mover of the amendment shall have no right of reply to the debate on his amendment.

#### **16.11.11 Motions which may be moved during debate**

When a motion is under debate no other motion shall be moved except the procedural motions:

- (i) to amend the motion;
- (ii) to adjourn the meeting;
- (iii) to adjourn the debate;
- (iv) to proceed to the next business;
- (v) that the question be now put;
- (vi) that a Member named under paragraph 16.15 below: Disorderly Conduct, not be heard further or do leave the meeting; or
- (vii) a motion to exclude the public in accordance with the Access to Information Procedure Rules.



#### **16.11.12 Withdrawal of motion**

A Member may withdraw a motion he has moved with the consent of both the Seconder and of the Council.

The Council's consent will be signified without discussion.

No Member may speak on the motion after the mover has asked permission to withdraw it unless such permission is refused.

#### **16.11.13 Closure motions**

A Member may move, without comment, the following motions at the conclusion of a speech of another Member:

- (i) that the Council proceeds to the next business;
- (ii) that the question be now put;
- (iii) that the debate be now adjourned; or
- (iv) that the Council does now adjourn;

on the seconding of which the Chairman shall, unless in his opinion the matter before the meeting has been insufficiently discussed, proceed as follows:

- (i) on a motion to proceed to the next business: he shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to the next business;
- (ii) on a motion that the question be now put: he shall put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his right of reply under paragraph 16.11.10 above before putting his motion to the vote;
- (iii) on a motion to adjourn the debate or the meeting: he shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply on that occasion.

#### **16.11.14 Motions affecting persons employed by the Council**

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, a motion in accordance with the Access to Information Rules, for the exclusion of the public shall be moved forthwith by the chairman of the committee concerned and put without debate.

.....

#### **16.13.2 Content and length of speeches**

- (vi) there will be a maximum time limit of 25 minutes per motion and the maximum length of time for the consideration of motions presented under paragraph 16.11.2 will be 150 minutes unless the Chairman of the Council agrees to extend those limits.

## **15. SCHEME OF DELEGATION TO OFFICERS**

### **15.1.1 General Principles**

This scheme, which has been agreed by the full Council and by the Leader of the Council, authorises officers of the Council to take decisions about the exercise of the Council’s statutory functions.

This scheme is intended to be interpreted broadly and applies to all of the Council’s powers and duties derived from legislation or otherwise and all incidental powers and duties.

Executive Functions are delegated by the Leader under section 9J of the Local Government Act 2000 (as amended). References to ‘the Regulations’ are references to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

Officers may further authorise any other officer (described by name or post) to exercise any of their delegated functions subject to any such conditions or limitations or exceptions which they may specify. All such authorisations shall be recorded in a register kept by the Monitoring Officer.

Officers identified in this document as exercising delegated powers will be politically restricted under s2(1)(g) of the Local Government and Housing Act 1989.

Executive Decisions taken by officers must be recorded as required by law.

In exercising any delegated powers, officers are expected to undertake appropriate consultation with other members and officers and shall have regard to any advice given. An Officer may choose not to take a decision if they feel it is not appropriate for them to make a decision and may refer a matter to the Cabinet Member or to the appropriate committee for a decision.

Officers taking decisions are required to keep Members (including local members) properly informed about relevant decisions.

### **15.1.2 Limitations on delegations**

(a) Officers may not take decisions on executive functions if the proposed decision is contrary to the Policy Framework approved by full Council. Where an officer is minded to do this a recommendation must be made to the Cabinet who will make a recommendation to full Council.

(b) Any exercise of delegated powers must comply with:

(i) any restrictions contained in the law;

- (ii) the constitution (including standing orders, procurement rules and financial regulations).
- (c) Officers may not take delegated decisions unless adequate budgetary provision has been made for the likely financial consequences of the decision.
- (d) Except as otherwise stated in the scheme of delegation, no officer may take a Key Decision (see paragraph 15.5.1(ii)(a) for the Chief Executive's Power to make key decisions).
- (e) Other than as set out below, this scheme does not authorise officers to change fees, charges or concession policies:
  - a. officers may apply inflationary increases to fees, charges and concession policies;
  - b. officers may determine fees for one off events or activities;
  - c. officers may determine the fees to be charged to other public bodies for services which the Council provides on a commercial or full-cost recovery basis;
- (f) This scheme does not authorise the making of a compulsory purchase order.
- (g) This scheme does not authorise the acquisition of an interest in land in anticipation of future requirements.
- (h) Unless otherwise stated, this scheme does not authorise the confirmation of any order or grant of any permission, consent or licence or other determination where there have been objections or representations to the proposed course of action.

## **15.2 General Delegations**

All officers listed in this scheme of delegation have delegated authority to exercise any of the Council's functions and powers so far as it is necessary or conducive to do so in order to provide any service for which they have from time to time been given management responsibility. This includes, but is not limited to:

- (a) managing the human and material resources made available for the services they manage and the authority;
  - (b) entering into contracts;
  - (c) implementing a policy or decision previously approved or taken by the full Council, a committee, the Cabinet or a Cabinet Member;
  - (d) doing anything to facilitate or which is incidental to the implementation of such a policy or decision;
  - (e) taking enforcement action, serve any notice or make any order;
  - (f) to authorise other officers to exercise their delegated functions or to take any other steps necessary for or conducive to the performance of any such powers;
- or

(g) exercising discretion as to the institution of legal proceedings.

### **15.3 Specific Delegations**

In addition to the general delegations the officers specified in this scheme have the following specific delegations.

#### **15.3.1 To the Chief Executive**

- (i) To act as head of the paid service for the purposes of section 4 of the Local Government and Housing Act 1989 and to make any decision which the Council may make as employer.
- (ii) To determine and publish the management structure of the Council.
- (iii) To take key decisions where a decision is urgent and neither the Leader nor the Deputy Leader is available.
- (iv) To incur expenditure in the event of a civil emergency.
- (v) To exercise in case of urgency the functions delegated to anyone under this scheme of delegation to Executive Directors (but this does not authorise the Chief Executive to discharge the personal responsibility of the Executive Director for Corporate Services under section 151 of the Local Government Act 1972).
- (vi) To have responsibility for and determine any matter relating to elections.
- (vii) To determine the level of performance pay to be awarded to officers and recommend levels of performance pay to be awarded to Executive Directors.

### **15.3.2 To the Executive Director for Corporate Services**

- (i) To act as the Council's officer appointed under section 151 of the Local Government Act 1972 and to make such decisions as are necessary for the proper administration of the Council's financial affairs.
- (ii) To be the Proper Officer under Section 115 of the Local Government Act 1972.
- (iii) To be responsible for:
  - a. all financial management including treasury management
  - b. Democratic Services
  - c. Corporate Operations and payroll
  - d. Property and facilities management
  - e. external funding
  - f. all the Council's powers and duties with respect to pensions including the Essex Pension Fund and the Council's involvement with other pension schemes
  - g. Emergency Planning
  - h. Health and Safety
  - i. Business Continuity.

Note: The Executive Director for Corporate Services is not empowered to change the managers of the Pension Fund or, unless the Chief Executive agrees, to agree the early termination of the employment of any Executive Director or the Monitoring Officer.

- (iv) To be responsible for the Council's Democratic, Governance and Assurance framework, including democratic support, scrutiny, performance, audit, risk, health and safety, business continuity and insurance and its powers to prevent and detect fraud.
- (v) To act as a Deputy in respect of the management of the finance and property of an individual lacking capacity in accordance with the Mental Capacity Act 2005.
- (vi) To exercise the functions of the Council in relation to the pay and conditions of directly-employed teachers who are subject to the School Teachers Pay and Conditions.
- (vii) To act as the Accountable Body representative on all matters in respect of which the Council has agreed to act as or has been appointed as Accountable Body.

### **15.3.3 To the Executive Director for People Commissioning**

#### ***Children***

- (i) To be the statutory director of children's services and to exercise the functions designated in section 18 of the Children Act 2004 and associated regulations.
- (ii) To exercise the Council's functions relating to education and training.
- (iii) To exercise the Council's functions relating to Children's Social Care.
- (iv) To exercise the Council's functions relating to the Youth Offending service.
- (iv) To exercise the Council's functions relating to the health of children.
- (v) To make decisions on the licensing of the employment of children.

### ***Adults***

- (i) To be the statutory director for adults social services to exercise the Council's social services functions relating to adults.
- (ii) To exercise the Council's powers and duties to people who lack the mental capacity to make some decisions themselves.

### ***Other services***

- (i) To exercise the Council's powers relating to public health, community wellbeing and joint working with the NHS.
- (ii) To exercise the Council's functions relating to sport and physical activity.

## **15.3.4 To the Deputy Chief Executive and Executive Director for Place Commissioning**

- (i) To exercise the Council's functions relating to highways, transportation and traffic other than determination of applications or proposals for modification of the Definitive Map and Statement of Public Rights of Way.
- (ii) To exercise the Council's functions relating to the economic development of Essex and its residents.
- (iii) To exercise the Council's functions relating to waste and recycling.
- (iv) To exercise the Council's functions relating to improving the environmental performance and wellbeing of Essex including flood management.
- (v) To exercise the Council's functions as a trading standards (weights and measures) authority, as a health and safety enforcement authority, as a food

authority, all powers to protect animal health and welfare and all regulatory services relating to the protection of consumers.

- (vi) To exercise the Council's functions relating to unlawful encampments.
- (vii) To exercise the Council's functions relating to libraries, heritage, culture, arts and events and country parks.
- (viii) To exercise the Council's functions relating to
  - (a) Registration of Births Deaths and Marriages
  - (b) Coroners.
- (ix) To exercise the Council's powers with respect to regulatory services and licensing and decisions in connection with permits, registrations, permissions or certificates.
- (x) To exercise the Council's functions as a local planning authority except for:
  - (a) approval of planning applications where objections are raised by other Local Authorities or where there are more than two individual representations raising planning related objections;
  - (b) approval of planning applications where it has been determined that an environmental impact assessment is required;
  - (c) approval of planning applications where there are objections and the Chairman of the Development and Regulation Committee determines, in consultation with the Head of Environmental Planning, that the application should be determined by the Committee; and
  - (d) approval of planning applications which amount to a significant departure from the Development Plan.
- (xi) To exercise the Council's functions relating to promotion of tourism.
- (xii) To exercise the Council's functions relating to acting as accountable body for the South East Local Enterprise Partnership.
- (xiii) To exercise the Council's functions relating to the prevention and reduction of crime and disorder.
- (xiv) To exercise the Council's powers to trade and to make any decision which the Council may make as a shareholder in any company.

#### **15.3.5 To the Executive Director for Strategy, Transformation and Commissioning Support**

- (i) To exercise the Council's functions relating to employment policies and practice.



- (ii) To exercise the Council's functions relating to publication of material and relations with the press.

#### **15.3.6 To the Executive Director of Adult Operations**

To exercise any power which is listed above as related to Adults and delegated to the Executive Director of People Commissioning where:

- (i) the decision is an operational decision relating to a service for which they have responsibility; and
- (ii) the decision does not conflict with a decision taken or instruction given by the relevant Executive Director of Commissioning.

#### **15.3.7 To the Executive Director for Family Operations**

To exercise any power which is listed above as relating to children and delegated to the Executive Director of People Commissioning where :

- (i) the decision is an operational decision relating to a service for which they have responsibility; and
- (ii) the decision does not conflict with a decision taken or instruction given by the relevant Executive Director of Commissioning.

#### **15.3.8 To the Executive Director for Customer Operations**

To exercise any power which is listed above as delegated to the Executive Director of Place Commissioning where:

- (i) the decision is an operational decision relating to a service for which they have responsibility; and
- (ii) the decision does not conflict with a decision taken or instruction given by the relevant Executive Director of Commissioning.

#### **15.3.9 To the Director of Corporate Law and Assurance**

- (i) To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals.
- (ii) To authorise officers of the Council to appear in courts or tribunals where permitted by law.
- (iii) To authorise the giving of any indemnity by the Council.
- (iv) To be the Proper Officer of the Council for the purposes of the Local Government Act 1972 and the Local Government Act 2000 or for any other purpose unless the constitution names another officer.

- (v) To authorise the making and issue of any formal documents and to authenticate documents on behalf of the Council and to determine whether a document should be sealed by the affixing of the Common Seal.
- (vi) To attest the affixing of the Council's Common Seal and to appoint others to do so.
- (vii) To exercise the Council's powers and duties to make arrangements with respect to appeals against decisions to expel or to refuse to admit someone to any school.
- (viii) The power to determine whether any particular claim for payment under the Members Allowances Scheme is in order.

#### **15.3.10 To the Director for Essex Legal Services**

- (i) To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals.
- (ii) To authorise officers of the Council to appear before Magistrates' Courts or District Judges.
- (iii) To authorise the service of notices to ascertain interests in land and to enter upon land in connection with the discharge of any of the functions of the Council.
- (iv) To authenticate documents on behalf of the Council.
- (v) To determine whether a document should be sealed by the affixing of the Common Seal.
- (vi) To attest the affixing of the Council's Common Seal and to authorise others to do so.
- (vii) To discharge the functions of the Council with respect to the pensions complaints procedure.
- (viii) To take any step to collect any debt owed to the Council.
- (xi) To determine applications and proposals for modification of the Definitive Map and Statement of Public Rights of Way pursuant to Section 53 or 53A of the Wildlife and Countryside Act 1981.
- (x) To determine applications and proposals concerning the registration of commons or town or village greens.

## **Revision to Article 4 of the Constitution**

### **4.3 Chief Officers**

All Chief Officers:

- (i) contribute to the corporate management of the County Council;
- (ii) represent and promote the County Council as a Local Authority securing high quality services for the people of Essex that demonstrates best value; and
- (iii) develop partnership working.

The following posts are designated Chief Officers.

#### **4.3.1 Chief Executive**

#### **4.3.2 Deputy Chief Executive and Executive Director for Place Commissioning**

#### **4.3.3 Executive Director for People Commissioning**

#### **4.4.4 Executive Director for Corporate Services**

#### **4.4.5 Executive Director for Family Operations**

#### **4.4.6 Executive Director for Adult Operations**

#### **4.4.7 Executive Director for Customer Operations**

#### **4.4.8 Executive Director for Strategy, Transformation and Commissioning Support**

### **4.4 Statutory Officers**

Full Council has designated the following posts as shown:

Post	Designation
Chief Executive	Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989.
Executive Director for Corporate Services	Chief Finance Officer appointed under section 151 of the Local Government Act 1972
Executive Director for People Commissioning	Director of Children’s Services appointed under Section 18 of the Children Act 2004 and Director of Adult Social Services appointed under section 6 of

	the Local Authorities Social Services Act 1970
Director of Corporate Law and Assurance	Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
Director of Commissioning: Healthy Lifestyles	Director of Public Health under section 73A of the National Health Service Act 2006
Head of Scrutiny	Scrutiny Officer under Section 9FB of the Local Government Act 2000.

# Motions under Standing Order

## 16.11.2

### 1. The Deanes School

Moved by Councillor D Blackwell and seconded by Councillor C Pond.

‘That Council believes, because of widespread public disquiet over the issue of the statutory notice to close the Deanes School Thundersley, and the calls which have been made for unitary status in that area as a result, Cabinet should consider announcing at least a two-year moratorium on the closure, and so as not to disrupt further the well-being of the school, present to Council by July 2014 a plan to stabilise, upgrade, and improve it, with a view to catering for the anticipated increase in the young population of South Essex over the medium term.’

### 2. Financial Transparency of EU costs to Essex County Council

Moved by Councillor K Smith and seconded by Councillor J Huntman.  
Supported by Councillor G Helm.

‘That Council believes the true cost of Britain's membership of the European Union affects all levels of government. The Single European Act right through to the Waste Framework Directive all directly affect the budget of Essex County Council.

- Therefore, this Council calls upon Essex County Council to publish the full cost of the EU to the taxpayers of Essex.
- This Council also calls upon Essex County Council to publish the figures on its website and in the annual Council Tax Demand booklet.’

### 3. Reduction of Tax Burden

Moved by Councillor D Louis and seconded by Councillor A Wood.

‘That Council notes with considerable concern that at a time of having to make difficult decisions about the future of services Essex County Council is required to pay millions of pounds in so called “Green Taxes”. This Council believes that this money would be better spent on providing services for the people of Essex and therefore calls on the Government and EU to significantly reduce this tax burden as a matter of priority.’

#### **4. Youth Service**

Moved by Councillor D Kendall and seconded by Councillor J Deakin.  
Supported by Councillor J Whitehouse.

‘Following the recent Youth Service Public Consultation, this Council considers the proposed cut in the Essex Youth Service budget, which is expected to save £3 million by 2015 / 2016, should be placed on hold.

This Council, therefore, calls for:

- (1) The existing £5 million Youth Service budget to be ring-fenced for the next two years.
- (2) The current Youth Service staffing levels to be maintained for the next two years.
- (3) The Youth Strategy Groups across Essex to be given more devolved powers to allocate funding and resources as soon as possible.
- (4) A major youth volunteer recruitment programme to be started as soon as possible across the County.
- (5) Any major changes arising from the Youth Service Public consultation to be phased in over the next 2/3 years to ensure there is continuity of service out in the community and that Youth volunteers are adequately trained to meet the ever changing needs of our young people.’

#### **5. The Deanes School**

Moved by Councillor J Young and seconded by Councillor M Danvers.  
Supported by Councillor M McGeorge.

‘This Council acknowledges that until very recently, The Deanes and Glenwood Schools embraced a joint-vision of a community where individual learners, families and the community would share the highest expectations and aspirations for all, raising educational attainment in the area by narrowing the gap between the advantaged and disadvantaged.

This Council expresses deep concern that the Cabinet decision on the closure of The Deanes School has neglected to take into account the pivotal role that the co-location would have played in the area with emerging widespread public discontent raising further questions over the educational outcomes for the south of Essex.

Council calls on the Cabinet to reconsider the decision of whether to close The Deanes School and to consider reaffirming its commitment to co-locate the school as well as undertaking a full review of educational outcomes in the south of the County with a focus on raising attainment in areas which need it most.’

# The Leader's Report of Cabinet Issues

## 1. Integrated Bid for Service Development and Productivity using Public Health Grant

Following the enactment of the Health and Social Care Act, Public Health, as a function, transferred to Essex County Council from April 2013. With this transfer came a range of responsibilities and an associated budget (Public Health Grant) of £48.8m.

Cabinet agreed an investment in and development of a range of services across Essex to improve the Health and Wellbeing of its residents addressing key Public Health issues. This investment will support the development of much needed services to Essex residents as well as providing potential gross savings across Essex of £12.308m. The agreement was to an investment of £9.205m from the public health grant in falls and alcohol service improvements and Stroke Early Supported Discharge Services and the Continence Service over a period of four financial years (2013-14 to 2016-17).

The projects are concerned with setting up initiatives based on prevention and anticipated mitigation in the demand for residential social care as well as other areas of spend, so are not cashable. However they are 'win/win' initiatives suitable for funding through the public health grant to produce anticipated system savings for Clinical Commissioning Groups (CCGs) and to a lesser extent the County Council.

In return, CCGs will resource areas that would deliver productivity gains to the County Council. Additionally, the developments would lead to a range of high profile service improvements across Essex with considerable improvements in health and wellbeing.

## 2. Recommissioning Formal One to One Advocacy

Advocacy has been described as providing the support someone needs to be able to express their views, to understand and communicate their choices or to participate in decision making. Cabinet agreed to replace the current Independent Mental Health Advocacy Service on a 'like for like' basis whilst exploring the option of introducing a new model of provision covering the three contracts expiring in 2014, namely, Social Care Advocacy, Mental Health Formal Advocacy and NHS Complaints advocacy. By combining the 1:1 formal advocacy elements of these contracts into one service specification, the new provider will assess need for any of these services using the 'Prioritisation Tool' to determine if an individual is eligible for 1:1 advocacy support in relation to the presenting issue.

The cost is expected to be significantly lower than the combined value of the existing contracts, since eligibility for the service will be set at a higher level of need than currently. The actual number of advocacy hours delivered will be monitored regularly

once the new contract is in place, to ensure that the priority matrix is applied appropriately and that costs stay within budget.

### **3. Deanes School – decision whether to discontinue the school**

Following the publication on 9 September of a Statutory Proposal to discontinue The Deanes School, Thundersley, the report to Cabinet on 7 November presented a summary of the representations received by 21 October; the proposer's comments on the representations; "A Review of The Pupil Forecasting Methodology and The Housing Impact Methodology in Essex County Council" commissioned from an independent reviewer recommended by the National Foundation for Educational Research; and set out the reasons for proposing the closure of the School. As a result Cabinet decided that the proposals issued on 9 September to discontinue the Deanes School on 31 August 2016 be approved. Admissions to Year 7 of the School would cease after the end of the academic year 2013/14.

In conjunction with the determination of the closure proposal Cabinet also agreed that:

- if the Secretary of State approves the transfer of the ownership of The Deanes School campus to the County Council it be retained for educational use in the first instance for the relocation of Glenwood School;
- officers explore options with a range of local partners to secure the continued use of the sports centre as a community facility;
- schemes for The Appleton School and The King John School be added to the capital programme for 2013/14 and 2014/15;
- the current £11.3m budget for The Deanes element of the Deanes/Glenwood project be released and £4m directed to the schemes at The Appleton School and The King John School with £2.5m directed to the Glenwood School relocation;
- the relocation of the Glenwood School to the Deanes site, with the addition of the Autistic Spectrum Disorder (ASD) provision proceed as soon as practicable and achievable and feasibility work be carried out in connection with this and the future shared use of The Deanes site for potential secondary school provision in the longer term.

Before taking its decision Cabinet heard a number of representations representing the views of the School and the local community.

Six call ins were received of this decision and these were considered by the People and Families Scrutiny Committee on 14 November. After hearing the reasons for call-in, justification of the decision by the Cabinet Member for Education and Lifelong Learning, questions and debate it was resolved that the decision to discontinue the school be referred back to Cabinet. The People & Families Scrutiny Committee, having heard and seen all the evidence at the call-in believe that The Deanes School deserves support and should not be closed. This view was based on a number of factors which the Committee identified for Cabinet but primary amongst the reasons was that as a good, comparatively small school, with the benefit of a rebuild, together with its unique



location to the north of Castle Point Borough, it would attract sufficient pupils to be viable.

Following the Scrutiny Committee's meeting the Cabinet held discussions with the Committee's Task and Finish Group and the Leader and Chief Executive of Castle Point Borough Council. In accordance with Overview and Scrutiny Procedure Rule 20.14 Cabinet reconsidered the decision on 28 November. The Cabinet had the benefit of a report from the Scrutiny Committee recommending to the Cabinet Member for Education and Lifelong Learning that there is insufficient evidence to close the School on the basis of current evidence, and a repositioned school could be a success and offer an alternative to other schools in the area.

Cabinet considered a report by the Cabinet Member enabling it to reconsider its previous decision to discontinue the School. The report responded in detail to each of the six call ins. Having reconsidered the matter Cabinet confirmed its decision taken on 7 November to discontinue The Deanes School.

#### **4. Concessionary Travel Reimbursement Negotiations**

Essex County Council was given responsibility for the English National Concessionary Travel Scheme in the administration area of Essex on 1 April 2011. Previously this was the responsibility of district councils. The legislation for the English National Concessionary Travel Scheme requires that each authority responsible for a concessionary travel scheme must compensate operators who carry Concessionary Pass Holders with a level of reimbursement such that they are neither better nor worse off than they would have been had the scheme not existed.

The English National Concessionary Travel Scheme legislation requires a scheme to be negotiated with the Transport Operators. Cabinet considered the options for a scheme of reimbursement, including any legal challenges that might arise. Given the scale and scope of the concessionary fare agreement, Cabinet authorised the Director for Commissioning Transport and Infrastructure to negotiate on behalf of the County Council over the 2014-15 English National Concessionary Travel Scheme with the aim of minimising any increase as far as is consistent with the 'no better and no worse off' principle for operator reimbursement enshrined in legislation, within a defined upper limit. The Cabinet Member for Highways and Transportation (in consultation with the Director for Commissioning Transport and Infrastructure) will approve the final scheme, provided any settlement falls within the upper limit.

Cabinet also authorised the Director for Commissioning Transport and Infrastructure to publish a default scheme on 1 December 2013 with the aim of minimising any increase as far as is consistent with the Department for Transport Guidance and maintaining the discretionary elements.

#### **5. Pooling Business Rates**

Cabinet agreed the principles for the formation of an Essex business rates pool with the County Council acting as lead authority for the pool. The Cabinet Member for Finance

will approve the percentage share for distribution of any net benefit from pooling which will come to Essex County Council and will decide whether to withdraw from the pool if it ceases to be financially beneficial, with advice from the Executive Director for Corporate Services (S151 Officer).

David Finch  
Leader of the Council

# Overview and Scrutiny Issues

## 1. A Snapshot of some of the Scrutiny Work currently being undertaken

### Corporate Scrutiny Committee

Since the report to Full Council in October the Corporate Scrutiny Committee has met on two occasions. The October meeting received a report on the Budget Outturn at the Half-Year Stage and on progress against the Corporate Plan. The Committee also received an update on the Capita Resourcing contract related to the Essex County Council New Starters Survey.

The November meeting received an update on Phase II of Transformation. The Committee also considered Absence Management data throughout the Authority. The Procurement Task and Finish Group established by the Committee in July 2013 has met on three occasions and the November meeting also received an interim report from the Task and Finish Group. The Group intends to present its final report and recommendations to the January 2014 meeting of the Committee. Evidence has been received, to date, from the County Council's Commercial Director, Essex Cares Limited, the Essex Federation of Small Businesses, the County Council's Supplier Working Group and the Voluntary and Community Sector. The Cabinet Member for Transformation and Corporate Services will be invited to attend one of the future evidence sessions prior to the final report being prepared.

The future workload of the Committee includes a review of Broadband coverage in the County, Social Impact Bonds, and the Investment Strategy, Health and Safety at Work; plus the standing items related to the budget, the corporate plan and Transformation II, including Property Transformation.

### Health Overview and Scrutiny Committee

Since its last report the Committee has considered a report, and met with officers, from the East of England Ambulance Service. The Trust had developed and published a single action plan that incorporated actions from the Trust's own earlier Turnaround Plan, the recommendations from an independent Governance review commissioned by the NHS Trust Development Authority, and the Care Quality Commission report issued earlier in the year. The Plan recognised that EEAH needed to improve its services to patients and build better staff engagement and empowerment. The focus of the Plan was on seven areas: Leadership, Our People (staff and volunteers), Finance, Communication and engagement, Trust Culture, Processes, and Services. The three key challenges in Essex were the recruitment of staff, increasing capacity and managing demand.

The Committee has also considered a report from the People Commissioning Directorate reviewing the performance of the South and North East Essex Partnership University NHS Foundation Trusts and has discussed the Trusts' Annual Reports with their officers. The Partnership Agreements delegate the County Council's statutory responsibilities for assessment and care management for people with enduring mental

health needs in an integrated way with mental health services. Both Trusts had achieved their performance targets whilst contributing to the County Council financial efficiency targets and reducing the County Council contribution to them by 17% over the last five years.

An update on recent regulatory developments at Colchester Hospital University NHS Foundation Trust (CHUFT) has also been presented to the Committee. The Chief Inspector of Hospitals had recommended that CHUFT be placed into special measures as a result of serious concerns about the quality of some services for cancer patients. The concerns and the recommendation had been referred to Monitor, the sector regulator for health services in England. The Committee is mindful of the need to avoid intrusion on the work being undertaken by CQC and Essex Police but will be reviewing the Trust's prioritised action plan and then determining further scrutiny activity.

The Committee has also noted a report on the development of Healthwatch Essex. At the invitation of the Committee, HWE has been invited to nominate a permanent representative to sit with the Committee. HWE has 4.5 members of staff and is significantly supported by volunteers, currently numbering around 40. HWE had representation on approximately 92% of health boards, panels and forums in the County but as yet do not have strong representation on comparable social care bodies. HWE is currently engaged on two large research projects looking at unpaid carers and discharges from hospital.

## **Place Services & Economic Growth**

Since its report to Council in October the Committee's work programme has to some extent been focussing upon the consideration of call ins rather than taking forward any proposed task and finish group activity.

At its October committee meeting it focussed upon decision FP/282/08/13 on the Local Highway Panel (LHP) Budget Allocations as two members had called in that decision. It was a useful session as Councillor Bass, the Cabinet Member, was able to reassure the Committee on the rationale for his decision. He set out the capital and revenue budgets for LHPs for 2013/14. He explained that an under-spend in the capital budget allocation for 2012/13 meant that £7.3m was re-profiled into the current year 2013/14. A further £8m allocation was made for the current year totalling £15.3m for 2013/14. The expected outturn is now estimated as £10.7m, leaving an underspend of £4.6m that was being reallocated to other Highways Schemes, which the service had the capacity to deliver.

The Cabinet Member advised that the aim is to strengthen support to the LHPs with officers to augment with engineers to give advice and monitor delivery of schemes. Guidance had also been issued to LHPs to help ensure effective delivery of schemes. The advice given to LHPs was to determine schemes for 2014/15 by March to ensure a realistic prospect of delivery and to invest more in scheme preparation and surveys etc.

In response to the issues raised by those Members who had called in the decision, the Cabinet Member confirmed that more schemes had been delivered this current year than the previous year. There was no intention to buy in consultancy for scheme design.

As a result of the debate both Call Ins were withdrawn.

At the same meeting the Committee received an overview of the Essex Parking Partnerships, and it was agreed that a scrutiny review will be taken forward in the New Year along the lines of 'Are the original objectives of the Parking Partnerships being delivered, and what lessons have been learned to inform more effective partnership working in the future?'

At the time of writing this report arrangements were being finalised for the Part Night Lighting Task and Finish Group to begin its activity, together with work on other investigations including the Financial Inclusion project. However, progress on moving the Committee work programme forward has been slow as resources have had to be directed to the various notifications of call of decisions received.

### **People & Families Scrutiny Committee**

Since the report to Full Council in October the People & Families Scrutiny Committee met on Thursday, 14 November 2013 when it dealt with six call-ins of the decision to discontinue The Deanes School, Thundersley (FP/239/06/13). In an unprecedented move the Committee voted to refer the decision back to the decision-taker (The Cabinet). The Cabinet Member for Education and Lifelong Learning and other Cabinet and other Cabinet Members present at the Committee heard additional testimonies and evidence. They will also have been fully aware of the conviction of the Committee that there is no overwhelming evidence to close the School. The issue has raised the profile of Scrutiny both inside and outside the Council considerably.

In response to the six call-ins the Cabinet Member countered that the scrutiny process had not been disregarded or ignored, he had just disagreed with its conclusions. The recommendations of the Task and Finish Group had been considered and balanced against other recommendations received.

The Committee is holding a previously unscheduled meeting on 5 December 2013 to pick up those items which were not dealt with at the 14 November meeting due to time constraints following the call-ins. Other issues that will be dealt with on that date include Home to School Transport, the Youth Strategy and the consultation on Increasing Independence for Adults with Disabilities.

Members undertook a site visit to the Contact Centre at Essex House, Colchester on Friday, 1 November to experience an informative session on both Children and Adult Social Care from inception of a case with an initial telephone call to the Contact Centre through to a care package being formulated. Members had the opportunity to listen to calls coming in and understand first-hand the work that is undertaken to ensure quality outcomes for service users.

Members of the Committee have engaged with the Cabinet of the Young Essex Assembly to seek ways in which the Assembly can be engaged in Scrutiny activity at the County Council. One proposal is to hold a Scrutiny Committee meeting on a date, or at a time, when the young people are able to attend. Another way is to use the young members as witnesses at evidence gathering sessions on issues relevant to them, or co-opt members of the YEA onto a Task and Finish Group.

The future workload of the Committee includes the continuation of work commenced under the previous Children and Young People and Community and Older People Policy & Scrutiny Committees such as the Special Educational Needs and Disability Strategy, the Carers Strategy, Ageing Well and Sensory Services Review. Other issues the Committee will be considering will be Children in Care (a Task and Finish Group has been established and the work scoped under the guidance of South East Employers); and requesting a report from *Essex Cares*.

### **Scrutiny Board**

It was reported to the last meeting that the Board had organised an externally facilitated training session for Chairmen and Vice-Chairmen of Scrutiny Committees to enable Chairmen and Vice-Chairmen to understand and develop the leadership role of overview and scrutiny; and to consider all aspects of the Chairman and Vice-Chairman's role in order to support improvement and develop performance. This session was held on 17 October and identified a number of initiatives, on which the Board is now working, to improve the Council's scrutiny work. These include a regular newsletter to all members and enhanced scrutiny webpages.

The Board has also received briefings on Local Highways Panels and the *Your Essex, Let's Talk programme*. It intends to give further consideration in due course to the possible scrutiny of these initiatives. It also continues to review the Essex Scrutiny Handbook. This is now available on the Council's website and brings together for the use of Members, officers and partners a wide range of guidance and good practice relating to scrutiny.

Simon Walsh  
Chairman of the Scrutiny Board