

Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 13 July 2010

Present

Chairman: Councillor R L Bass

Vice-Chairman: Councillor K Twitchen

Councillors:

D Abrahall
J F Aldridge
B Aspinell
Mrs S Barker
J Baugh
K Bentley
A Brown
R G Boyce
G Butland
R Callender
S Candy
S C Castle
R P Chambers
P Channer
Mrs T M Chapman
J A Deakin
W J C Dick
J Dornan
N D C Edey
D M Finch

M D Fisher
M G Garnett
C Griffiths
Lord Hanningfield
Mrs E M Hart
A M Hedley
Mrs T M A Higgins
S E Hillier
R C Howard
N J Hume
A J Jackson
E C Johnson
J G Jowers
D Kendall
M C M Lager
D Louis
G W McEwen
P J Martin
S Mayzes
L Mead

Mrs V Metcalfe
Mrs M A Miller
D Morris
A Naylor
M J Page
R A Pearson
J W Pike
C C Pond
Mrs I Pummell
Mrs J M Reeves
C G Riley
D C F Robinson
Mrs T L Sargent
M Skeels
Mrs A Turrell
R G Walters
Mrs E A Webster
Mrs J H Whitehouse
B S Wood
J A Young

39. Apologies for Absence

Apologies for absence were received on behalf of Councillors L Barton, R G Gooding, Mrs M Hutchon, J R Lucas, M Mackrory, G Mitchinson, J Roberts, J Schofield, T C Smith-Hughes, S M Walsh and Mrs M J Webster.

40. Declarations of Interest

Councillor Mrs J H Whitehouse declared a personal interest in agenda item 5 (Motions under Council Procedure Rule 8: Business Support and Economic Development) in that she is a member of Essex Savers.

41. Minutes

Resolved:

That the minutes of the meeting held on 11 May 2010 be approved as a correct record and signed by the Chairman subject to an amendment to the wording of Resolution (3) of minute 38, such that this would now read:

- “3 That the delegations to Members and Officers as set out in Part 3 of the Constitution be amended to reflect the changes to Cabinet Members’ titles and responsibilities set out in Appendix 1 to the report, subject to
- (a) the reassignment of responsibility for the Drug and Alcohol Action Team (DAAT) from the portfolio of the Cabinet Member for Environment and Waste and Chief Whip to the portfolio of the Cabinet Member for Adults, Heath and Community Wellbeing; and
 - (b) amendment of the delegations to Officers to take account of changes occurring recently at senior management level.”

42. Tending Show

The Chairman referred to his recent visit to the Tending Show at which the Council’s marquee had, for the third time, won the award for the exhibitor with the strongest educational component. The Chairman, on behalf of the Council, congratulated Sharon Collier and her team and placed on record Members’ appreciation for their efforts.

43. Care Quality Commission Inspection – Adult Social Care

The Chairman on behalf of the Council thanked and congratulated all those involved in achieving the excellent outcome detailed in the Care Quality Commission’s recently published final report of its inspection of adult social care carried out at the start of the year. Councillor Ann Naylor, Cabinet Member for Adults, Health and Community Wellbeing echoed the Chairman’s comments.

44. Queen's Birthday Honours

The Chairman on behalf of the Council congratulated the following individuals with a connection to the County Council who had received honours in the Queen's Birthday Honours List:

- Jenny Owen, Deputy Chief Executive (CBE for public service)
- Nora Goodman, former County Councillor (MBE for services to the community)
- Victor Gray, former County Archivist (MBE for services to archivists)
- Mary Archer, Chief Officer, Essex Probation (OBE)

45. Chairman's Civic Reception

The Chairman referred to the recent Civic Reception held at Boreham Hall and thanked all those who had attended for their support.

46. Motions**Business Support and Economic Development**

Councillor Mrs J H Whitehouse declared a personal interest in this item (minute 40 above refers).

It was moved by Councillor DJ Kendall and seconded by Councillor Mrs J H Whitehouse:

"Essex County Council, as a community leader, has an important role to play in supporting those badly hit by the economic downturn. This includes giving practical support and assistance directly and through others.

Council notes that a number of activities have been implemented, with varying degrees of success.

Council requests that a full evaluation is made of these initiatives and, where appropriate, these are cut back, stopped or extended.

Council in particular requests that the further championing of organisations such as Credit Unions and Citizens Advice Bureaux (including increased funding) is examined, as is the future of the much publicised '*Banking on Essex*' project, which Council was advised in May had made only 10 loans totalling £290,000, with start-up and marketing costs of £400,000."

Following a debate, upon being put to the meeting the Motion was declared to be lost.

47. Report of Cabinet Issues

The report of Cabinet Issues was received and adopted.

48. Executive Statements

The Chairman introduced the first Executive Statement to be presented at a Council meeting, advising that its purpose was to provide an opportunity for the Leader of the Council or a Cabinet Member to update the Council on current issues of importance that could not be covered elsewhere as part of the usual business. A procedure for receiving such statements had been agreed by the political groups on the Council.

Statement by the Leader of the Council: 'Essex response to Coalition Government's announcements'

The Leader of the Council gave a statement which provided an update on the implications for Essex of recent announcements by the Coalition Government.

In accordance with the agreed procedure, Councillor Mrs T M A Higgins exercised the right of reply on behalf of the Opposition. The Leader of the Council responded to the matters raised by Councillor Mrs Higgins and then, subsequently, to questions put by other members of the Council.

The Statement was received.

49. Council Pledges Update

The Council received a report by the Leader of the Council presenting a summary of key achievements and outcomes for each of the nine 2009/10 *EssexWorks* Pledges.

The report was adopted.

50. Overview and Scrutiny Annual Report

The Overview and Scrutiny Annual Report was received and adopted.

51. Annual Report of the Standards Committee

The Annual Report of the Essex County Council and Essex Fire Authority Joint Standards Committee was received and adopted.

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

Members responded to questions as follows:

- (i) Premises used as care home (Councillor R C Howard of the Cabinet Member for Children's Services)

The Cabinet Member acknowledged the suitability issues which existed with regard to the premises and confirmed that they were now to accommodate a different client group. In future, the Council would

consult with local residents before opening a new facility, whether or not planning permission was required. It was unfortunate that no consultation had taken place in this case.

- (ii) Serious Case Review, Greenways Care Home, Colchester (Councillor J Young of the Cabinet Member for Adults, Health and Community Wellbeing)

The Cabinet Member advised that a report on the issue had been considered recently by the Children and Young People's Policy and Scrutiny Committee, but had not been made public due to issues of confidentiality. Discussions were taking place regarding a meeting with former residents.

- (iii) Best Kept Village Competition (Councillor N D C Edey of the Cabinet Member for Localism)

The Cabinet Member joined Councillor Edey in congratulating Kelvedon and all the other winners on their success in the Village of the Year / Best Kept Village Competition. He expressed his support for all initiatives that helped to foster local pride, commending the Council's forward thinking in having established his own Cabinet portfolio some 5 years previously.

The Chairman stated that, having attended the meeting of the Rural Community Council of Essex at which the winners had been announced, he had been able to congratulate them in person. The awards provided a showcase for voluntary work in local communities.

- (iv) Questionnaires (Councillor G W McEwen of the Leader of the Council)

The Leader of the Council undertook to ensure that the personal information requested of those completing questionnaires issued by the Council was appropriate and relevant.

- (v) Overgrown vegetation (Councillor R L Bass (Chairman) of the Cabinet Member for Highways and Transportation)

The Cabinet Member acknowledged the hazard caused by overgrown hedges and other vegetation and undertook to investigate further the Chairman's proposal to address the issue by way of a pilot scheme in his electoral division (Heybridge and Tollesbury).

53. Written Questions (Council Procedure Rules 10 (b) and (c))

(1) By Councillor G Butland of the Leader of the Council

What action do you intend to take to ensure that the Council responds positively and enthusiastically to the Secretary of State's letter to Council Leaders on local transparency?

Reply

We support the Secretary of State's call for greater transparency. The government is demanding more proactive publication of public sector data as part of its open government agenda. Eric Pickles has written to all councils requesting publication by January 2011 of the following:

- Items of spending over £500
- Details of officers earning more than £58,000 per annum
- Contract and tender documents over £500

We are aiming to publish the spend items on-line by 31st August 2010 unless the information relates to:

- Information exempt from the Freedom of Information Act
- the protection of vulnerable adults and children.

We are aiming to publish this in such a way to allow the reader to analyse as required and therefore minimise the overhead associated with providing this data. We would hope to publish the spend data monthly and the pay information annually. We are anticipating some additional temporary resource will be required to provide helpline facilities for follow up requests for information – this will have to be reviewed after a period of say 3 months to assess demand. The cost of this resource is shown below:

Spend analysis and publication services	£27800 per annum
Temporary resource for information requests (3 x Band 4 for 3 months)	£20,000
Total	£47,800

(2) By Councillor G Butland of the Cabinet Member for Finance and Transformation Programme

After excluding Central Government expenditure that is merely passed through the Council, are you able to estimate what proportion of the Council's expenditure is spent on services and activities that are not statutory functions which must be carried out by the Authority? Would you please detail the four largest areas of non statutory expenditure in the current year's budget.

Reply

A high level assessment of our spending indicates that £100 million of our revenue budget is discretionary.

The four largest non statutory services are:

Youth services - £18 million

Bus services to rural areas - £12 million

Other Social Care (voluntary, carers etc) - £7 million

Skills and International trade – £2m

(3) By Councillor Mrs I Pummell of the Cabinet Member for Highways and Transportation

Billericay has had problems with some of the lighting columns not being strong enough to take the weight of baskets or Christmas lights. As the Lighting Up for Wickford Group has worked hard to acquire new lights this year, can you give me assurance that the lighting columns are strong enough to take the weight of baskets and Christmas lights.

Reply

Highway's officers are working closely with colleagues at Basildon District Council and the Light Up Wickford Group to help with the preparations for a successful Christmas lighting display in the town.

Arrangements are in hand for the necessary checks to be carried out as soon as the Group have decided which lamp columns they wish to use. Clearly, until the last tests have been carried out I cannot give categorical responses on the suitability of columns but our objective is to do all we can to ensure the success of the Christmas decorations around Wickford.

(4) By Councillor Mrs T M A Higgins of the Cabinet Member for Adults, Health and Community Wellbeing

Will an equality impact and needs assessment be carried out on the fortnightly Mobile Library Service currently provided by Essex County Council? This provides an excellent service to vulnerable and disadvantaged people, especially in isolated and rural areas.

Reply

An Equality Impact and Needs Assessment was carried out on the entire Essex Library service in January 2010 – this assessment covers the Mobile Library service. However, in light of the question raised by Councillor Higgins, we are now seeking expert advice as to whether this provides a sufficient assessment of the mobile service and will undertake a specific Equality Impact and Needs Assessment if this is found to be necessary and appropriate.

(5) By Councillor Mrs T M A Higgins of the Cabinet Member for Adults, Health and Community Wellbeing

The cost of a meal provided by the County Council's Meals on Wheels service was £1.80 in 2001 and is now £3.50, which has pushed up the weekly lunch bill to £24.50.

In these difficult financial times, can we be assured that an equality impact and needs assessment will be conducted to ensure that the most vulnerable are being protected and not unduly penalised?

Reply

The last increase in the cost of a meal provided by the Essex County Council Meals on Wheels service occurred in April 2006, at which point the price was set at £3.50 a meal. There have not been further increases despite the difficult financial times currently faced by the authority.

Provision of the service is designed to protect the most vulnerable, and those receiving the meal service undertake a full social care needs assessment to ensure their eligible needs are met. Those service users who receive other non-residential social care services undergo a financial assessment to ascertain their contribution to the cost of the service. A key part of this assessment is the 'protected income allowance', in which a proportion of the service user's income is protected by the Department of Health's Fairer Charging Guidance to ensure they are able to afford food, energy, insurance and basic sundries.

In exceptional circumstances, the Authority may pick up the cost of a service user's contribution to ensure that the most vulnerable are always able to access the service. As a result, the most vulnerable are protected and certainly not penalised in accessing the service, and at this time an Equality Impact and Needs Assessment is not necessary.

(6) By Councillor D Kendall of the Cabinet Member for Highways and Transportation

Any changes to the existing bus pass scheme, or alternative concessions that are currently provided, could have a significant impact on bus pass users across Essex.

As this is such a sensitive issue to many of our residents, why has the County Council not sent out individual public consultation questionnaires to every bus pass user in Essex to ensure that officers and members get as much feedback as possible on this very important issue?

Reply

The Government has taken the decision to transfer the statutory responsibility for concessionary fares to shire authorities as from April 2011. In Essex we have been co-ordinating the concessionary fares scheme on behalf of all of the districts, so the transfer of this statutory duty is not onerous.

However, we are aware that some district councils provide additional concessions, over and above the statutory requirement for pass holders, for example; taxi tokens and cheaper rail passes. Additionally we need to understand what local support the public need when completing their application form.

These two areas are the reason that we have embarked on a consultation with the public who can respond to us in a number of ways:

- Applying for a hard copy consultation pack from Contact Essex on 0845 7430430
- Copies are available in Libraries, District and Borough Council offices, older people's organisations and County Hall. Parish representatives have copies to distribute locally
- Accessing our on-line survey www.essex.gov.uk/buspass and following the link – over 200 pass holder have chosen this route to date
- We have directly informed through a direct mail:
 - All County Councillors
 - All District Councillors in each of the 12 districts
 - Parish Clerks
 - Parish Transport Reps
 - Bus User Groups
- We have sent a consultation packs direct to the following:
 - All County Councillors
 - All District/Borough Councillors

We have sent advertisement posters to highlight this consultation locally to:

- Parish Clerks
- Parish Transport Reps
- Bus User Groups
- Transport Operators
- Libraries
- District/Borough Councils
- Others who have requested them

We have issued a press release at the beginning of the consultation which has been followed up on by several newspapers and we are advertising on all available bus real time information screens in Essex.

We have made particular provision to consult with disabled pass holders by working with the Essex Coalition of Disabled People, Options for Independent Living (OIL) Transport Partnership, Older People's Planning Group, Essex Access Groups, Disability Essex, Deafblind Planning Groups and bus user groups.

We have responded to invitations to meet with other groups.

Additionally there are three specific stakeholder sessions planned – Disabled Persons Pass holders (OIL and associate groups), Learning Disability representatives from the Peoples Parliament and Older Persons Groups.

Whilst it would be ideal to mail questionnaires to individual residents, the costs are prohibitive. However we are confident that the consultation as proposed above will enable us to gather sufficient feedback from our users.

(7) By Councillor D Kendall of the Leader of the Council

Would you please advise:

- How many Post Offices have been reopened?
- How many are currently being considered?
- How much has been spent, and how much of the initial sum committed is left?
- When will a decision on the future of the initiative, including funding, be taken?

Reply

How many Post Offices have been reopened?

In response to the Network Change Programme announced by Post Office Ltd which resulted in the closure of around 30 Post Offices across Essex, Essex County Council embarked on an innovative three-year £1.5m grant programme to maintain postal services in some of those areas affected by the closures. As a result of this Essex County Council has worked with Post Office Ltd to successfully re-open ten premises. We have also housed a Community Information Portal at another site at Naze Park.

The scheme has been recognised nationally as an innovative scheme and has won several awards.

How many are currently being considered?

There are no sites currently being considered.

How much has been spent, and how much of the initial sum committed is left?

£1.5m was allocated to this initiative over 3 years. The entire budget is committed and as at the end of the last financial year £550k has been spent.

When will a decision on the future of the initiative, including funding, be taken?

All decisions with financial implications will be addressed as part of our budget setting processes

(8) By Councillor Mrs J H Whitehouse of the Cabinet Member for Highways and Transportation

When I met with you recently I drew your attention to the fact that the advertisements for the Traffic Regulation Orders relating to the Epping Parking Review had been published in a newspaper which didn't circulate in that area. This has put the future of this parking review and two others in Epping Forest in doubt.

Has a review of other Highways statutory advertising in the county been undertaken as other schemes may similarly have been advertised in the wrong newspapers? If so, how many schemes are affected and what action will be taken to rectify this?

Reply

We are duty bound by Statutory Instrument 1996 No. 2489 - The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 to **(a) publish at least once a notice (in these Regulations called a "notice of proposals") containing the particulars specified in Parts I and II of Schedule 1 in a newspaper circulating in the area in which any road or other place to which the order relates is situated;**

Legal Advice is that the legislative requirements are specific on these issues and that we need to be careful about alternative delivery mechanisms as these may be open to challenge and make orders unenforceable. We are continuing to look at this where there are risks that we have appropriate mitigation measures in place and intend to have a solution in place. We are also reviewing charges and are working with Procurement to ensure that the most competitive rates are secured for the Epping Parking Review and other Traffic Regulation Orders.

The only occasion where we have had a problem with coverage, other than the Epping Parking Review, occurred last month. Because of that issue, one of our Legal Assistants checked directly with the publisher about coverage for North Weald Bassett. She was informed that our preferred paper for that area, the Harlow Star, had recently ceased delivering.

As North Weald is a relatively rural area and Traffic Regulation Orders there are seldom, the West Area Highways Office decided to hand deliver the newspapers on this occasion as a work around. Since then an alternate paper, the North Weald and Ongar Gazette, has been identified, and this will be used in future.

These costs and processes around these Regulations are being challenged by both professional organisations and by this Council. There are other forms of publicity and modern communications that can be used without the need for advertising in a newspaper.

54. Questions to the Essex Police Authority Representative

Councillor R P Chambers, Chairman of Essex Police Authority, responded to matters raised.

55. Questions to the Essex Fire Authority Representative

Councillor A M Hedley, Chairman of Essex Fire Authority, responded to matters raised.

56. Report of Council Issues

The report was received.

Upon being put to the meeting, the recommendations in connection with item 1 (Essex County Council Petitions Policy), as amended, were approved.

Accordingly it was:

Resolved:

- (1) That the Essex County Council Petitions Policy as set out in Annex A to the report be approved, subject to the threshold reflecting the minimum number of signatures the Council will consider constitutes a petition being set at 100 rather than 10 as originally stated.
- (2) That e-petitions be available to be created and submitted through the Council's website with effect from December 2010 using the hosted Committee Management System.

The report was adopted.

The meeting closed at 12.20pm.

Chairman
12 October 2010