



Essex County Council

## Summons

To all Members of Essex County Council

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

<b>10:00</b>	<b>Tuesday, 07 December 2021</b>	<b>Council Chamber, County Hall, Chelmsford, CM1 1QH</b>
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**Gavin Jones**  
Chief Executive

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**Officer Support to the Council:**

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**Prayers** The meeting will be preceded by Prayers led by The Right Reverend Hugh Allan O. Praem, the Titular Abbot of Beeleigh and Chaplain to the Chairman of Essex County Council.

		<b>Pages</b>
<b>1</b>	<b>Apologies for absence</b>	
<b>2</b>	<b>Declarations of Interest</b>	
<b>3a</b>	<b>Confirmation of the minutes of the Ordinary Meeting of Council held on 12 October 2021</b>	<b>4 - 34</b>
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<b>4</b>	<b>Public Speakers</b>	
<b>5</b>	<b>Chairman's Announcements and Communications</b>	
<b>6</b>	<b>Petitions</b>	

7	<b>Executive Statement</b>	
8	<b>Council Issues</b>	<b>37 - 56</b>
9	<b>Establishment of a Joint Committee for the Tendring Colchester Borders Garden Community</b>	<b>57 - 73</b>
10	<b>Cabinet Issues</b>	<b>74 - 82</b>
11	<b>Clarification of answers provided in response to written questions asked by Members of the Council</b>	
12	<b>Oral questions to the Leader, Cabinet Members, chairmen of committees or the representative of the Essex Police, Fire and Crime Panel</b>	

## **Essex County Council and Committees Information**

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972. If there is exempted business, it will be clearly marked as an Exempt Item on the agenda and members of the public and any representatives of the media will be asked to leave the meeting room for that item.

The agenda is available on the [Essex County Council website](#) and by then following the links from [Running the Council](#) or you can go directly to the [Meetings Calendar](#) to see what is happening this month.

### **Attendance at meetings**

Most meetings are held at County Hall, Chelmsford, CM1 1LX. [A map and directions to County Hall can be found on our website.](#)

### **Access to the meeting and reasonable adjustments**

County Hall is accessible via ramped access to the building for people with physical disabilities. The Council Chamber and Committee Rooms are accessible by lift and are located on the first and second floors of County Hall.

Induction loop facilities are available in most Meeting Rooms. Specialist headsets are available from Reception.

This meeting will be live streamed to the [ECC Democracy YouTube Channel](#) and via audio broadcast [here](#). The public are entitled to be admitted to the meeting but as space for the public is extremely limited due to COVID secure requirements it is likely that the members of the public will only get a limited view of proceedings and would get a better view by watching on YouTube.

Members of the public who wish to attend are asked to email [full.council@essex.gov.uk](mailto:full.council@essex.gov.uk) in advance so that we can reserve a seat, as numbers are limited. Members of the public who do not reserve a seat will be admitted to the meeting if there are spare seats available.

With sufficient notice, documents can be made available in alternative formats, for further information about this or about the meeting in general please contact the named officer on the agenda pack or email [democratic.services@essex.gov.uk](mailto:democratic.services@essex.gov.uk)

### **Audio recording of meetings**

Please note that in the interests of improving access to the Council's meetings, a sound recording is made of the public parts of many of the Council's Committees. The Chairman will make an announcement at the start of the meeting if it is being recorded.

If you are unable to attend and wish to see if the recording is available, you can find out by checking the [Calendar of Meetings](#) any time after the meeting starts. Any audio available can be accessed via the 'On air now!' box in the centre of the page, or the links immediately below it.

Should you wish to record the meeting, please contact the officer shown on the agenda front page.

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## Minutes of the meeting of the Full Council, held in the Council Chamber at County Hall, Chelmsford on Tuesday, 12 October 2021

**Present:** Chairman: Councillor E C Johnson  
Vice-Chairman: Councillor J M Reeves

B Aspinell	C Guglielmi	Dr R Moore
T Ball	M Hardware	M Platt
L Barber	D Harris	R Playle
S Barker	A M Hedley	C Pond
K Bentley	I Henderson	S Robinson
D Blackwell	J Henry	P Schwier
L Bowers-Flint	P Honeywood	L Scordis
A Brown	M Hoy	L Scott
G Butland	J G Jowers	L Shaw
C Cannell	S Kane	A Sheldon
M Cory	D King	C Siddall
S Crow	D Land	M Skeels
T Cunningham	S Lissimore	K Smith
M Durham	D Louis	C Souter
B Egan	J Lumley	J Spence
J Fleming	L Mackenzie	W Stamp
M Foley	M Mackrory	M Steel
P Gadd	B Massey	M Stephenson
M Garnett	P May	M Steptoe
A Goggin	A McGurran	M Vance
M Goldman	J McIvor	L Wagland
R J Gooding	L McKinlay	C Whitbread
I Grundy	A McQuiggan	H Whitbread
		A Wiles

### Broadcasting

The Chairman, Councillor Johnson informed those present that the meeting would be recorded and broadcast live over the internet by way of the ECC Democracy YouTube Channel.

The broadcast may be found as [a video on YouTube](#) or as [an audio recording on the ECC website](#).

## **Prayers**

The meeting was preceded by prayers led by The Right Reverend Hugh Allan O. Praem, the Titular Abbot of Beeleigh and Chaplain to the Chairman of Essex County Council.

## **Councillor Johnson formally opened the meeting.**

### **1. Apologies for Absence**

Apologies for absence were received on behalf of Councillors Buckley, Deakin, and Thorogood.

### **2. Declarations of Interest**

There were no declarations of interest.

### **3. Confirmation of the minutes of the meeting held on 13 July 2021**

#### **Resolved:**

That the minutes of the ordinary meeting held on 13 July 2021 be approved as a correct record and signed by the Chairman.

### **4. Public Speakers**

The Chairman noted that there were no members of the public registered to speak.

### **5. Chairman's Announcements and Communications**

#### **Recent Deaths**

#### **Former Councillor Kathleen Nolan**

The Chairman informed members of the death on 16 August of former Councillor Kathleen Nolan who had represented the Division of Maldon from 1977 until May 1997.

Members were informed that former Councillor Nolan had served as chairman of the Policy and Resources Committee and was elected to be the Chairman of the Council in 1992. She had also been a valued member of the

Education, Environment, Highways and Social Services committees as well as on many other committees of the Council.

She had also been an active representative on many local organisations including the Crouch Harbour Authority, Braintree College of Further Education, Chelmsford Council for Social Care and Southend Arts Council. Kathleen was also a retired Essex Deputy Lieutenant.

### **Former Councillor Brian Kelly**

The Chairman informed members of the recent death, at the age of 87, of former Councillor Brian Kelly who had represented the Division of Southchurch from 1985 until April 1998 at which time the Essex County Council electoral division become part of the new Southend Unitary Authority.

### **Former Councillor Christopher Manning-Press**

The Chairman informed members of the death of former Councillor Christopher Manning-Press who died Monday 13 September at the age of 91 and had represented the Mersea and Stanway Division from 1993-2005 and Mersea and Tiptree Division from 2005-2009.

During his term of office, he served on many committees, including as Chairman of the Heritage and Culture Committee and was Cabinet Member for Libraries and Leisure. He was Chairman of the Council 2004-2006 and became an Honorary Alderman in 2009. He was also a Deputy Lieutenant.

### **The Right Honourable James Brokenshire MP**

The Chairman informed members of the death of The Right Honourable James Brokenshire MP who had been born in Southend-on-Sea and educated at Davenant School in Loughton. He was Secretary of State for Housing, Communities and Local Government and was MP for Hornchurch from 2005 to 2010 and Old Bexley and Sidcup from 2010 until his recent death.

Member spoke to pay tribute to those who had died and then stood in silent remembrance.

### **Olympics and Paralympics winners from Essex**

The Chairman congratulated Active Essex, the council's physical activity and sport advisors and the athletes from Essex on their achievements in Tokyo. He specifically congratulated:

- Max Whitlock, Triple Olympic and World Champion Gymnast in the Men's Pommel Horse,
- Beth Shriever, for winning gold in the Women's BMX racing,
- Ben Maher for winning gold in the Equestrian Individual Jumping competition,

- Alice Kinsella for winning bronze in the Women's Team Gymnastics competition,
- Matthew Coward-Holley for his bronze medal in the Men's Trap Shooting, as well as
- Jessica Judd on the track and James Gall for reaching the quarter finals with Team GB in the gruelling Men's Field Hockey tournament.

The Chairman also congratulated all of Essex Paralympians including:

- Zoe Newson on getting to the Women's Powerlifting finals,
- Ellie Challis for achieving a silver medal in Backstroke and
- Richard Chiassaro, for his great performance in the Men's Track Athletics final.
- George Peasgood, who had won silver in the Men's Triathlon, and bronze in the Men's Road Cycling.
- The three-time silver medal winning Women's Cycling champion, Crystal Lane-Wright and
- Jaco Van Gass, for a double gold win, and a bronze in the Men's Cycling competition.

The Chairman considered that residents would have been proud to have them representing Great Britain and the great county of Essex at the 2020 Tokyo Olympic and Paralympic Games.

### **Corporate Parenting**

The Chairman invited Councillor Egan, Cabinet Member for Children's Services and Early Years, to speak about the Corporate Parenting Pledge.

Councillor Egan informed members of the important responsibilities relating to corporate parenting and the impending visit of Ofsted to investigate how the council supports those leaving care. She explained the principles and urged all members to sign the pledge and to attend a forthcoming Member Development session to become further informed.

### **Awards**

#### **Transactional Services Income Team**

The Chairman invited Councillor Whitbread, Cabinet Member for Finance, Resources and Corporate Affairs, to speak concerning an award won by the Transactional Services Income Team.

Councillor Whitbread informed members that the Transactional Services Income Team had achieved accreditation from the Chartered Institute for Credit Management, the only local authority team in England to achieve such accreditation.

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**Procurement Team**

The Chairman invited Councillor Whitbread, Cabinet Member for Finance, Resources and Corporate Affairs, to speak again, concerning an award won by the Procurement Team

Councillor Whitbread informed members that the council's Procurement Team, with support from the Service Placement Team in Adult Services had won the IESE Public Sector Transformation Award. The award achieved was in the Efficiency and Effectiveness category for work undertaken in the Learning Disabilities Residential Sector.

**Firstsite, Colchester**

The Chairman invited Councillor Butland, Cabinet Member for Devolution, the Arts, Heritage and Culture, to speak concerning an award won by Firstsite in Colchester.

Councillor Butland informed members that Firstsite in Colchester, had been awarded Museum of the Year. The award was not only for their artistic work but also for the work they had undertaken with communities throughout the pandemic.

**6. Receipt of petitions and deputations**

The Chairman invited Councillor Steel to present a petition concerning Croxton Mill byway for the attention of the Cabinet Member for Highway Maintenance and Sustainable Transport.

**7. Everyone's Essex – Our Plan for Levelling Up the County: 2021-25**

The Council's Organisation Plan – Everyone's Essex was moved by the Leader of the Council, Councillor Bentley and seconded by Councillor McKinlay, Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance and it was

**Resolved**

That Everyone's Essex be adopted in the form as outlined in Appendix 1 to the report.

That the strategic aims in the Organisational Plan 2021- 22 are superseded by the aims set out in Everyone's Essex and no longer have effect but that the areas of focus continue to have effect.

**8. Executive Statement**



At the invitation of the Chairman, the Cabinet Member for Finance, Resources and Corporate Affairs Councillor Whitbread, spoke concerning the Autumn Budget Statement.

## **9. Motions**

### **1. Encouraging making decisions and scrutinising local matters closer to local people**

It was moved by Councillor Pond and seconded by Councillor Smith that:

‘Council calls attention to the ability of committees to hold meetings outside County Hall subject to funding being available and a safe venue being located.

Council notes that a local member or members may also submit a written request for meeting outside County Hall to the Chairman of the committee, who may work with officers to seek an alternative location.

Council considers that holding a meeting in County Hall, for example, to determine a planning application affecting communities distant from Chelmsford may deter affected residents from attending.

Depending on requirements of the constitution or any process followed by the Committee, local residents and elected Borough/District/City/Town/Parish councillors should be able to address a local meeting of the committee concerned, so as to ensure the views of the community be fully heard.’

It was moved by Councillor Steptoe and seconded by Councillor Guglielmi that the motion be amended to read as follows:

‘Council calls attention to the ability of committees to hold meetings outside County Hall subject to funding being available, a safe venue being located, suitable technology for live streaming and the availability of ECC Officers to support the meeting.

Council notes that a local member or members may also submit a written request for meeting outside County Hall to the Chairman of the committee. In this instance the Chairman will decide whether to permit the meeting to take place outside of County Hall.

Council considers that holding a meeting in County Hall, for example, to determine a planning application affecting communities distant from Chelmsford may have in the past deterred affected residents from following the meeting. However, as all ECC’s Committee meetings are now live streamed, this is unlikely to be the case.

Depending on requirements of the constitution or any process followed by the Committee, local residents and elected

Borough/District/City/Town/ Parish councillors are able to address a local meeting of the committee concerned, so as to ensure the views of the community be fully heard. This is in accordance with the agreed Public Speaking Protocol.

Council further notes that the Chairman of a Committee may, at times, allow additional speakers, while ensuring that that the right balance of speakers is struck especially if the Committee has a Regulatory Function.'

The amendment moved by Councillor Steptoe and seconded by Councillor Guglielmi was put to the meeting and was **carried** and became the substantive motion.

- Councillor Hoy wished it to be noted in the minutes that he voted against the amendment.

Having been put to the meeting the motion was **carried**.

## 2. Pay for Care Workers in Essex

It was moved by Councillor Scordis and seconded by Councillor McGurran that:

'This council recognises the fantastic work of carers across the county, and the important role they played during the pandemic working on the frontline. This council also recognises that most care workers earn below the 'Real Living Wage' despite the vital role they perform.

Therefore, this council, regarding care workers, resolves to ask the Cabinet to:

- pay covid related sick pay (including whilst isolating),
- pay at least the Real Living Wage (currently £9.50 an hour),
- pay occupational sick pay.'

It was moved by Councillor Mackrory and seconded by Councillor Cory that the motion be amended to read:

'This council recognises the fantastic work of carers across the county, and the important role they played during the pandemic working on the frontline. This council also recognises that most care workers earn below the 'Real Living Wage' despite the vital role they perform.

This council resolves to ask the Cabinet to make sure that the employers of all care workers in the ECC supply chain (including ECC itself):

- pay Covid related sick pay (including whilst isolating),

- pay at least the Real Living Wage (currently £9.50 an hour),
- pay occupational sick pay.'

It was moved by Councillor Hardware and seconded by Councillor Mackenzie that the motion be amended by:

- (1) Replacing the words 'regarding care workers, resolves to ask the Cabinet to' with 'acknowledges the laudable proposal for Essex County Council to'.
- (2) Adding the following paragraph at the end of the motion 'However, this Council notes that this proposal would have financial impact and believes that this should be raised as part of the 2022/23 budget process where its impact can be debated in the context of the whole 2022/23 Budget.'

The amendment moved by Councillor Mackrory was put to the vote and, ten Members having stood in their places, the amendment was put to a named vote and was carried by 66 votes for, none against and 4 abstentions. Those Members voting for the amendment to the motion were Councillors:

T Ball	C Guglielmi	Dr R Moore
L Barber	M Hardware	M Platt
S Barker	D Harris	R Playle
K Bentley	A M Hedley	S Robinson
D Blackwell	I Henderson	P Schwier
L Bowers-Flint	J Henry	L Scordis
A Brown	P Honeywood	L Scott
G Butland	M Hoy	L Shaw
C Cannell	J G Jowers	A Sheldon
M Cory	S Kane	C Siddall
S Crow	D King	M Skeels
T Cunningham	D Land	K Smith
M Durham	S Lissimore	C Souter
B Egan	D Louis	J Spence
J Fleming	L Mackenzie	W Stamp
M Foley	M Mackrory	M Steel
P Gadd	B Massey	M Steptoe
M Garnett	P May	M Vance
A Goggin	A McGurran	L Wagland
M Goldman	J McIvor	C Whitbread
R J Gooding	L McKinlay	H Whitbread

I Grundy

A McQuiggan

A Wiles

No members having voted against the amendment to the motion and Councillors Johnson, Pond, Reeves and Stephenson having abstained, the amendment to the motion moved by Councillor Mackrory and seconded by Councillor Cory was **carried** and became the substantive motion.

At the request of the meeting the Chairman then read to members what the wording of the substantive motion would be if the amendment being moved by Councillor Hardware and seconded by Councillor Mackenzie was carried:

The Chairman read:

‘This council recognises the fantastic work of carers across the county, and the important role they played during the pandemic working on the frontline. This council also recognises that most care workers earn below the ‘Real Living Wage’ despite the vital role they perform.

Therefore, this council acknowledges the laudable proposal for Essex County Council to:

- pay Covid related sick pay (including whilst isolating),
- pay at least the Real Living Wage (currently £9.50 an hour),
- pay occupational sick pay.’

However, this Council notes that this proposal would have financial impact and believes that this should be raised as part of the 2022/23 budget process where its impact can be debated in the context of the whole 2022/23 Budget.’

Having been put to the meeting the amendment moved by Councillor Hardware and seconded by Councillor Mackenzie was **carried** and became the substantive motion.

Having been put to the meeting the motion was **carried**.

## 10. Adjournment

With the agreement of Council, the Chairman adjourned the meeting at 12:55. The meeting reconvened at 13:25.

## 11. Motions (continued)

### 3. Levelling Up in Essex – Concept to Action

It was moved by Councillor Butland and seconded by Councillor McKinlay that:

‘Following on from the “Levelling Up in Essex” motion to Full Council on July 13th, 2021, which confirmed a key priority for Essex County Council, this Council welcomes the new Secretary of State for Department for Levelling Up, Housing and Communities, Rt Hon Michael Gove’s intention to, relentlessly focus on delivering for those overlooked families and which are left behind, by spreading opportunity, improving public services and restoring people’s sense of pride in their communities.

This Council believes that:

1. this intention sits fully alongside the Plan for Essex and its three key themes of Renewal, Equality and Ambition which are also at the heart of the Government’s Levelling Up agenda.
2. This Council is well positioned, in collaboration with its partner agencies, to work with and support the Government in delivering the opportunities that the country and the county needs as we build back from the pandemic; and
3. this County’s diverse geography, demographics, and social economic groups, including three of the most deprived wards in the country, make it an ideal area to pilot new ideas and approaches.

This Council therefore:

1. Calls on the Rt Hon Michael Gove MP to positively engage with Essex County Council as a matter of priority, in order to strengthen delivery and maximise opportunities as we turn the concept of Levelling Up, into action on the ground in Essex.
2. Requests that a copy of this motion be sent to the Rt. Hon. Michael Gove, Secretary of State for Department for Levelling Up, Housing and Communities.’

Having been put to the meeting the motion was **carried**.

#### 4. Government's White Paper on Adult Social Care

It was moved by Councillor Whitbread and seconded by Councillor Spence that:

'Essex County Council spends over £600 million each year on Adult Social Care, which represents over 40% of Essex County Council's total gross revenue budget.

This Council therefore welcomes the courage of the Government in seeking to address the long-standing issues of adult social care funding and reform. The Council calls for publication of the White Paper as soon as possible.

This Council also calls on Government to:

1. Deliver a multi-year settlement which will enable local government to plan properly and resource for the new regime.
2. Provide assurance that the funding announced will be additional and will be both timely and sufficient to meet the increased running costs of the new regime.
3. Consider the funding needs of working-age adults in need of social care.
4. Undertake extensive consultation with regard to the new charging models to ensure that they are fair, practical and affordable.'

It was moved by Councillor Henderson and seconded by Councillor Harris that the motion be amended to read:

'Essex County Council spends over £600 million each year on Adult Social Care, which represents over 40% of Essex County Council's total gross revenue budget.

This Council therefore notes with deep concern the Government failure to address the long-standing issues of adult social care funding and reform. The Council calls for publication of the White Paper which was promised by the Prime Minister over two years ago.

This Council also calls on Government to:

1. Deliver a multi-year settlement which will enable local government to plan properly and resource for the new regime.
2. Provide assurance that the funding announced will be additional and will be both timely and sufficient to meet the increased running costs of the new regime.
3. Consider the funding needs of working age adults in need of social care.

4. Undertake extensive consultation with regard to the new charging models to ensure that they are fair, practical and affordable.
5. Raise the necessary funding to meet the demands of the reforms by taxing those with the broadest shoulders, not from low earners and young people.'

Having been put to the meeting, the amendment moved by Councillor Henderson and seconded by Councillor Harris was **lost**.

Having been put to the meeting the motion was **carried**.

## **12. The Leader's Report of Cabinet Issues**

At the invitation of the Chairman, Councillor Bentley, the Leader of the Council, presented the report and it having been moved by Councillor Bentley and seconded by Councillor McKinlay it was

### **Resolved**

To receive the list of urgent decisions taken and the minutes of the Cabinet meetings held on 29 July and 21 September 2021.

## **13. Council Issues**

At the invitation of the Chairman, Councillor Bentley, the Leader of the Council, presented the report and it having been moved by Councillor Bentley and seconded by Councillor McKinlay it was

### **Resolved**

#### **1. Points of Order**

Amend paragraph 16.9.15 of the constitution to read as set out below:

##### **'16.9.14 Points of order or personal explanation**

A member may rise on a point of order or by leave of the Chairman in personal explanation and shall be entitled to be heard forthwith.

A point of order may only relate to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or statutory provision and the way in which they consider it has been broken.

A personal explanation shall be confined to some material part of a statement made at any time by that member which may appear to have been misunderstood or misrepresented in the present debate.'

## **2. Responses to executive statements**

That paragraph 16.9.11 (vii) of the constitution be replaced with new paragraphs (vii) and (viii) as shown below:

‘(vii) The Chairman will then invite leaders of opposition groups (or a member nominated by them) to make a statement in reply for up to three minutes.

(viii) The Chairman will then invite questions from Members of the Council for a period of time at his discretion. The originator of the Statement shall respond to the questions as they are raised.’

## **3. Amendments to List of Approved Bodies**

‘1. That the list of Approved Bodies in Appendix 3 of Part 26 of the Constitution be amended to remove

- a) The East of England Energy Group
- b) Age UK
- c) Hadleigh Country Park and
- d) LGA City Regions

and be amended to add

- a) Jaywick Sands Community Forum
- b) LGA Coastal Special Interest Group

2. Council is also asked to note that

- a) The representative appointed to the Jaywick Sands Community Forum is Councillor Honeywood
- b) The representative appointed to the LGA Coastal Special Interest Group is Councillor Platt.

## **4. Dates of future meetings of Council**

1. That the Council meetings scheduled to be on Tuesday 7 December 2021 and Thursday 10 February 2022 remain unchanged
2. That the dates of Council meetings in 2022 be on the following Tuesdays, 10 February, 10 May, 12 July, 11 October and 13 December.



## 14. Written Questions

The published answers to the 18 written questions submitted in accordance with Standing Order 16.12.1 were noted.

Members sought points of clarification from the relevant Cabinet Members, details of which are available may be found as [a video on YouTube](#) or as [an audio recording on the ECC website](#).

The written questions and answers were:

### 1. By Councillor Pond of the Chairman of the Council

'Given that Sir Winston Churchill was a Member of Parliament for a County of Essex constituency between 1924 and 1964, and indeed represented my own town of Loughton from 1924 to 1955, will the Chairman please arrange for a portrait of him to be given a place of honour in County Hall, and his details to be added to the list of worthies under the public gallery in the Chamber?'

#### Reply

'Thank you for your question, I have discussed with the Leader, who is supportive of the idea and he will be making the decision in the near future.'

### 2. By Councillor Bowers-Flint of the Cabinet Member for Devolution, the Arts, Heritage and Culture

'Essex County Council launched the Essex Forest Initiative in October 2019. Would the Cabinet Member make a statement on the progress being made?'

#### Reply

'In its first year the Essex Forest Initiative exceeded its target of 25,000 trees planted and managed to plant 36,000. This year the target is 50,000 trees and we are on track to achieve planting figures in excess of 80,000 trees in partnership with the city, boroughs, districts, parishes and private landowners. We are following the principle of planting the right tree in the right place and at the right time - planting taking place over the winter months rather than the summer. The team is expanding their partners to include the Thames Chase Community Forest, Forestry Commission, Woodland Trust, One Tree Planted, The Conservation Volunteers (TCV), Essex Wildlife Trust and all of the city, borough and district councils of the county, to make sure that we are working collaboratively to improve the treescape of the county.'

The Essex Forest Initiative is more than just planting trees to absorb carbon, it is part of our work to develop nature-based solutions not only to absorb carbon but as part of our approach to managing flooding and soil erosion. The team are also involved in projects which are creating nationally scarce wet woodlands, connecting

existing fragments of mature woodlands through hedgerows and wildlife corridors and working to positively impact urban areas across the county with green infrastructure and has received £300,000 from the Forestry Commission to support tree planting outside of woodlands, focusing on hedgerows, parklands, urban areas, riverbanks, roads and footpaths. The fund will target areas with trees that have been neglected or suffered damage in the past, including disused and vacant community spaces and those affected by tree diseases. Essex County Council will be working with Colchester, Harlow and Epping Forest, to deliver the planting and maintenance of 5,595 trees, with more planned, concentrating on trees on the riverside, in urban areas and along roads, as well as the infilling of old hedgerows and creation of wood pasture across the county.'

**3. By Councillor Scordis of the Cabinet Member for Highways Maintenance and Sustainable Transport**

'With the council pursuing a greener agenda, what plans are in place to phase out the use of glyphosate weedkiller in Essex over the coming year'

**Reply**

'There are no plans at the council to phase out the use of glyphosate weedkiller over the coming year because the only suitable and licensed chemical to use on the highway is Glyphosate. It works as a spot treatment directly on the weeds, other chemicals act as a barrier but must be sprayed over a larger area. It is therefore more cost effective and less damaging to the environment to spray a small area. For information, Essex County Council's (ECC's) Maintenance Strategy states the following:

**Safety**

Weed growth can impair safety for highway users by reducing available road and footway widths. The Weeds Act 1959 lists a number of weeds which can be injurious to human and animal health. It places a duty on controllers of land to eliminate the following scheduled weeds from their land to prevent seeds contaminating their neighbour's land:

- Spear thistle;
- Creeping or field thistle;
- Curled dock;
- Broad leaf dock; and
- Common ragwort.

The Wildlife and Countryside Act 1981 specifies control of certain plants such as giant hogweed or Japanese knotweed. The Ragwort Act 2003 and associated code of practice gives further information on treating the growth of this weed.

**Serviceability**

Weeds can cause structural damage to the highway, disrupt drainage, obstruct pedestrians and appear unsightly.

**Sustainability**

The following legislation controls the use of herbicides:

- Food and Environment Protection Act 1985
- Control of Pesticide Regulations 1986
- Health and Safety at Work Act 1974
- Control of Substances Hazardous to Health Regulations 1988.

### **Standards**

All weed spraying should be carried out using approved pesticides all in accordance with the Control of Pesticides Regulations 1986. For all highway operations, a non-residual contact herbicide must be used, and currently the only weed killer which conforms to the Health and Safety Commission's Code of Practice and with the Environment Agency's requirements is glyphosate.

With the focus that the Council has and the requests that we receive to maintain the Public Rights of Way Network we have no choice other than to continue with glyphosate for the foreseeable future however please be assured that the Council keeps abreast of new developments by exploring and evaluating the use of new chemicals and techniques for weed control.

You may be aware that in several areas, in response to concerns raised by councillors and members of the public we are trialling alternative treatment regimes for grass verges to try to promote biodiversity, support rare plants which grown in Essex whilst maintaining safety for all road users.'

#### **4. By Councillor Harris of the Cabinet Member for Highways Maintenance and Sustainable Transport**

'Could you share the news on LED street lighting; how many have been converted in Essex, what percentage of the whole is completed and still yet to do, and an estimate of energy savings since the department started fitting the LEDs?'

### **Reply**

'LED Lighting Phase 4 which started on the 24th of May has seen the replacement of approximately 800 old streetlights each week and to date has installed more than 10,000 lanterns. This is in addition to the circa 45,000 that we have already replaced in earlier phases of this programme.

Our target for Phase 4 this year is to complete 27,000 by end of March and the most recent update provided from officers shows that we are on track to achieve this on time and within allocated budgets.

In terms of percentages by the end of this financial year, we will have replaced more than 56% of the streetlights in Essex for which Essex Highways are responsible, leaving 44% to be replaced over the next 3 years resulting in all ECC streetlights being LED lights.

By the end of Phase 4 it is estimated that ECC would save more than 6,500 tonnes of carbon per annum, with financial savings projected over the next 25 years of

more than £40m due to energy savings and because LED lanterns last around 20 years, 3 times the life of the older-style lamps.'

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

'So many of my residents are complaining about:

- Inability to get a place on lists at their doctor's surgery
- Huge waits for getting a doctor's appointment with times of over an hour waiting on the phone.

Bearing in mind that Doctors' surgeries are "businesses" what steps can Essex County Council take to persuade Government to improve the access to doctor services in our localities?'

**Reply**

'As Councillor Harris recognises, this is ultimately an issue for the NHS, but we work closely with local partners to ensure the best offering across the county. The challenge of obtaining GP appointments was raised by us at a recent meeting. GPs in the county advised that they were operating a triage system, where those seeking appointment on telephone were first referred to nursing staff in the surgeries to see if their issue could be dealt with in that way. Those requiring appointments were then prioritised.

As reported by BBC Essex, the latest data record 63% of patients in Essex were then being referred to GPs for appointments in August against a national average of 58%.

We will continue to work with local partners on this topic.'

**6. By Councillor Henderson of the Cabinet Member for Highways Maintenance and Sustainable Transport**

'The Portfolio Holder provided this quote in a recent press release on promoting the Council Walking Strategy:

"Our Walking Strategy is a plan to get more of us walking on our network of footways and paths in our rural areas, towns, cities and neighbourhoods and is a key component of our safer, greener, healthier campaign to encourage Essex residents to travel sustainably. Not only does this improve the environment but it helps us achieve our strategic priority to improve the health of people in Essex."

Can the portfolio holder provide the total budget savings since 2010 with reference to annual routine maintenance of Public Rights of Way?'

**Reply**

'The table below refers to the capital and revenue budgets which allocated for maintenance of the Public Rights of Way since 2015. Unfortunately, we are unable to provide budget detail back to 2010.

Latest Budget	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000
Capital	403	394	400	400	400	400	400
Revenue	953	806	820	839	893	857	903
Total	1,356	1,200	1,220	1,239	1,293	1,257	1,303

For more information, the PROW webpage gives details of current and past works on the network at the following link: <https://www.essexhighways.org/prow-our-works>

I would also like to highlight that officers and I are discussing how we proactively review PROW management to support the Walking Strategy to encourage more sustainable and active travel. It is our intention to develop a PROW hierarchy which facilitates targeted management of routes to use resources as efficiently as possible and officers have already started work on this.

Revenue works are on-going throughout the year and include:

- May to September: the summer cutting schedule cutting 2,823,231m<sup>2</sup> of Public Rights of Way (cubic cutting of up-growth and side growth); and
- November to February: the winter cutting schedule cutting 173,535m of Public Rights of Way (linear cutting of side-growth)

Throughout the year maintenance includes replacement of assets including steps, bridges and signposts. From April 282 jobs have been completed with an anticipated year end (March 2022) job completion of 1,050.'

## 7. **By Councillor Henderson of the Cabinet Member for Health and Adult Social Care**

'Can the Portfolio Holder provide a financial impact assessment with reference to thousands of Essex residents already classified as living in extreme poverty and of which have now suffered an £80 a month cut in Universal Credit'

### **Reply**

*The reply has been provided by Councillor C Whitbread, Cabinet Member for Finance, Resources and Corporate Affairs.*

'There were c. 79,800 Essex households receiving Universal Credit in May 2021 (latest published data), with an average weekly payment of £188.49. The ending of the temporary £20 uplift represents a reduction in their entitlement of 11%.

There is, however, a lot of variation. Around a quarter of households (c.20,200) receive less than £92 per week. For this group the uplift accounts for at least 21% of their entitlement. Another quarter receive over £253 per week, for whom the uplift accounts for at most 8% of their entitlement. Variation in UC entitlement stems from households being in differing circumstances.

By far the most exposed group are single people without children, who are not paying rent. This represents around 21,400 households in Essex (27% of the total caseload). The average entitlement among this group is £89.66 per week - the removal of the uplift represents a 22% reduction in their entitlement.

There has been direct support for the most financially vulnerable throughout the pandemic, not least through the Essential Living Fund, with a total of around £2.5m. The majority of this has gone to families with children and single parents, through the provision of food / fuel cards and essential items such as bedding, replacement fridges and ovens.

In addition, an announcement has been made for further support for vulnerable households through local government through the £500m Household Support Fund; Essex will receive £9.437m to support us through to 31<sup>st</sup> March 2022, of which at least 50% is to support family households. This will help us to continue to support the most financially vulnerable with essential household costs such as food and essentials linked to energy and water e.g. sanitary products, warm clothing, soap, blankets, boiler repair.'

#### **8. By Councillor Scordis of the Leader of the Council**

'What level of funding are we expecting from the government from the "Levelling-up fund" and which areas in Essex are likely to benefit from this?'

#### **Reply**

*The reply has been provided by Councillor McKinlay, Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance*

'In March 2021 the Government announced its Levelling Up Fund (LUF), a £4.8bn fund to support places in greatest need across the country. The Fund is set to be spent over the next three to four years, with up to £20m available per constituency. City, districts and boroughs are able to submit one bid per MP constituency over the four-year funding period.

The LUF is a competitive process, and we expect that not all districts across the country will be able to secure funding. To inform the assessment of bids against levelling up priorities, districts have been assigned priority bands by central Government. In Essex, Harlow and Tendring are in the highest priority band, with Braintree, Castle Point, Colchester, Maldon in Band 2. The remaining districts and boroughs are in Band 3.

As a transport authority, Essex County Council will also be able to submit one (transport only) bid within the Levelling Up Fund spending period, and officers are currently looking at how best to prioritise this bid, taking into account the Government's funding parameters.

There has so far been one Levelling Up Fund bidding round, with ECC working with our partners on submissions made for Clacton and Harlow town centres in June of

this year. Maldon District Council also submitted a bid – we are currently awaiting the Government's response. We expect to hear more details about how future bidding rounds of the Levelling Up Fund may work, as part of the Levelling Up White Paper, due later this calendar year.

In June ECC also submitted a £6m funding bid for the Government's Community Renewal Fund, which is a pilot for the planned £1.5bn a year UK Shared Prosperity Fund. Our bid aimed at boosting skills provision, local business support, communities and place, and access to employment. Again, we await the response from Government, as well as details of the Shared Prosperity Fund, which we expect will be included in the white paper.

ECC has a strong track record of working with partners to bid for and secure external funding to support regeneration, growth and infrastructure investment. Most recently this includes:

- £0.5bn secured from the Government via Housing Infrastructure Fund, to support major growth in Chelmsford, Colchester and Harlow
- £42m funding secured in the last year for Harlow and Colchester Town Centre regeneration via the Towns Fund;
- £27m secured from the Getting Building Fund including support for Market & Commercial Space in Jaywick, Swan Modular Housing and Harlow Library refurbishment.
- Community Renewal Fund bids focussing on Tendring and Harlow that would be worth £6m (£3m per place)
- Levelling Up Fund round 1 bids for Harlow and Clacton-on-Sea that would be worth £40m (£20m per place).

Levelling up is a key priority for ECC, and the Levelling Up Fund could make a real difference for our communities. We await the Government's Levelling Up White Paper with interest.'

## **9. By Councillor Mackrory of the Cabinet Member for Health and Adult Social Care**

'Does the Cabinet Member agree that:

- The impact of the government's proposed reforms for adult social care, including a cap on care and the means-test threshold, whilst protecting people from catastrophic care costs, will not address existing challenges within social care. These include eligibility for local authority services - with 58% of requests in county areas last year resulting in no formal care being given to individuals requesting social care services?
- The government's commitment to move towards a 'fair rate for care' - a closer equalisation of fees between local authority rates and those of self-funders, will only increase current financial pressures in the Essex care market?

- The government has underestimated the costs of implementing this part of the reform - and unless it is fully funded, will cause destabilisation in the care market and undermine the economic viability of care providers?’

### **Reply**

‘We still await the full detail of the Government’s proposed changes to adult social care charging from October 2023. A consultation is expected to be launched in October 2021 and a white paper on these and further reforms is expected to be published later this year. We welcome the commitment of the Government to tackle funding challenges in adult social care and to protect individuals from unlimited costs. However, as you point out, there are a number of different dimensions that need to be considered in the round to ensure that adult social care is sustainably funded and that the care sector is properly supported and funded. There are also challenges that need to be planned for in terms of implementing such reforms. We hope this is the start, rather than the end, of the proposed reforms. The Council will be engaging with the consultation process once it is published, and I would welcome the opportunity to seek input from the People and Families Scrutiny Committee to get cross-party input to the Council’s response. I will also bring through Cabinet at the appropriate time any formal decisions that are required for the Council to implement the reforms. Finally, the concerns of Essex County Council are fully reflected in the motion we are bringing to this council meeting.’

### **10. By Councillor Mackrory of the Cabinet Member for Children’s Services and Early Years**

‘NHS Digital have published a report which shows an alarming rise in the number of children and young adults suffering from mental health issues including isolation, eating disorders, sleep deprivation, anxiety, depression and loneliness. A significantly higher number of girls than boys aged 11 to 16 have seen their mental health deteriorate since 2017. The Liberal Democrat Group has consistently raised concerns over mental health issues experienced by young people in Essex and in particular the high suicide rates which at last have been acknowledged. Can the Cabinet Member give details of the actions taken by this Council to address this worrying trend?’

### **Reply**

*The reply has been provided by Councillor Spence, Cabinet Member for Health and Adult Social Care*

‘Thank you for this question. You are right to point to a rise that is certainly of concern; Essex County Council takes the mental health and emotional wellbeing of our children and young people incredibly seriously. We are well aware of the pressures that NHS colleagues are facing, and it is critical that we approach this on a whole-system basis.



We work in very close partnership with our colleagues in the health system, mental health trusts, providers and community and voluntary sector to ensure that we can support children and their families as early as possible and deliver the support that they need to be resilient, recover from episodes of mental ill health and sustain this recovery.

Essex County Council commissions a range of support for children, young people and families across a broad spectrum of need. Our early help offer includes the Family Innovation Fund (FIF), which provides emotional wellbeing support in both individual and group settings for the whole family. This has been enhanced with the 'FIF-Xtra' service, which was put in place in the very early weeks of the COVID-19 pandemic to deliver virtual support. Both of these services can be accessed via an easy self-referral mechanism by families who are not being supported by statutory services and have little or no waiting list.

In terms of support for a higher level of need, the Emotional Wellbeing and Mental Health Service (EWMHS) delivers support to children and young people who are facing a range of mental health difficulties, including low mood, anxiety, obsessional thoughts, eating difficulties, trauma and loss and behavioural and emotional difficulties. The service offers a variety of both individual and group talking therapies. This service is jointly commissioned by Southend, Essex and Thurrock Local Authorities and the seven CCGs, ensuring that there is a consistent service across the County, with a single point of access. The EWMHS service has also launched a dedicated Instagram account which has a growing number of young people accessing this for support.

In addition to the collaboratively commissioned EWMHS service, the following are examples of a growing number of other recommended services which are now available to children and young people at no cost.

- *Togetherall*, an online community for young people aged 16-18 with a forum offering support from trained professionals 24 hours a day
- *Milife*, which is an online service designed by young people from Essex with useful information and links to other organisations working with young people
- *Kooth*, which is an online mental health service for children and young people offering counselling and emotional wellbeing support. We know that 4,536 have registered this year and there have been 39,000 logins
- *SilverCloud* which is an evidence based on digital therapy platform

It is also crucial to highlight the vital role that our schools and settings play in supporting children's emotional health and wellbeing. Essex County Council's Educational Psychology Service and Social, Emotional and Mental Health team play an important role in supporting schools in the development of whole school approaches to promote strong emotional wellbeing and mental health, with a particular emphasis on developing greater mental health awareness and trauma informed environments. This is further backed up by an ever-growing number of Mental Health Support Teams, which are becoming operational across all 4 quadrants. These Teams deliver vital early help by supporting lower-level emotional wellbeing and mental health to children and young people in schools and colleges. With regard to the issue of suicide, we have been working closely with colleagues on the Health and Wellbeing Board. Following a recent review of the Southend,

Essex and Thurrock Suicide Prevention Board, we have moved to taking an all-aged approach to suicide prevention which will be reflected within the up-dated strategy and associated action plan. In addition, I am aware that Tendring District Council recently had an all-member suicide training event which was deemed to be very worthwhile and could be repeated elsewhere.

As we move forward, we continue to work closely with partners across the system, and most especially with children, young people and their families to understand their needs and challenges to ensure that the support we commission and provide is proactive and recovery focused so that children and young people can have the best mental health outcomes possible.'

**11. By Councillor King of the Cabinet Member for Highways Maintenance and Sustainable Transport**

'Essex residents back the aims of ECC's Safer, Greener, Healthier Active Travel campaign with almost three quarters (74%) supporting prioritising and increasing space for walking whilst 66% support more space for cycling, as essential for physical and mental health, for tackling emissions and climate change.

Will the Cabinet Member:

- (1) confirm that ECC will meet any funding shortfall for these SGH Active Travel schemes,
- (2) set out his plans to increase funding for cycling and pedestrian improvements, including school streets,
- (3) quantify how much funding for the next and future years this will be in total,
- (4) how much this will be per head of Essex's population and
- (5) how this compares with leading Local Authorities in the UK.'

**Reply**

'It is clear from the research that officers undertook for the most recent Active Travel schemes that residents and councillors across Essex want more ways to travel sustainably either using public transport, walking or cycling. With regards to the specific points raised:

(1) Essex Highways along with every other directorate at ECC has to operate within agreed budgets and while we can reprioritise our planned spending to support initiatives I cannot commit the council to meeting *any* funding shortfall for these schemes at this stage. However we will look at each project and any shortfalls based on their individual merits to identify where it might be possible to meet funding gaps;

(2) With regards to the plans to increase funding for cycling and pedestrian improvements and school streets the Active Travel Team have started work on the next round of Active Travel Funding (AFTs) funded by the Department for Transport.

ECC has put forward options funding focusing on the network planning required to inform prioritisation of future walking & cycling schemes, known as Local Cycling

and Walking Infrastructure Plans (LCWIPs) or similar local strategies.

LCWIPs help ensure that schemes are integral to, and integrated with, long term investment plans and are driven by local demand for cycling and walking infrastructure. Developing plans to prioritise cycle and walking investment over a longer 10-year period will be a key component of attracting funding in subsequent years and will influence the allocation of active travel funding in the Government's next Spending Review. It is also expected to significantly improve district access to future funding opportunities.

Finally, we intend to put forward a bid to be part of a pilot to provide cycling and walking interventions as part of a social prescribing offer based on having seen the success of the Essex Pedal Power bike loan project in Clacton and Jaywick Sands. Points (3) to (5) are difficult to answer because much of the funding in the future is external funding which we cannot guarantee at this stage although we will be putting forward ambitious plans which we hope meet residents' aspirations around active travel and DfT's ambition around innovative schemes. Within Essex, there is huge diversity in terms of the appetite for walking and cycling and the different stages that districts are at in terms of being able to successfully bid for funding and so to compare Essex to other areas is not a helpful comparison.'

**12. By Councillor King of the Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance**

'Onside and their many patrons work at the heart of disadvantaged communities creating state of the art youth centres. Government has helped with funding and support recognising their work has been transformational and never more needed than now, given the pandemic's impact on mental health, confidence and sense of isolation. They and many other Local Authorities recognise that Youth Zones are a force for good. They help young people grow and reach their potential. They strengthen local communities by bringing young people together and supporting them, increasing confidence, friendships, skills and reducing isolation.

Will the Cabinet Member:

- (1) update Members on her visits to Youth Zones,
- (2) acknowledge that they can transform the lives of young people,
- (3) confirm they have been successfully integrated into other local authority's youth provision,
- (4) set out her plans to welcome Onside and Government's support and funding for Youth Zones and
- (5) confirm a willingness to work with Colchester Borough Council to deliver together a Colchester Youth Zone.'

**Reply**

'I enjoyed my visit the Youth Zone in Barking recently, where I had a chance to see first-hand the great facilities the centre provides to young people in the area. Inner city areas/London boroughs are well suited to this approach, due to the smaller locality and geography. In Barking, the Youth Zone model replaced the core of the Council's youth service.

Our priority here in Essex is to focus resources on targeted youth work and interventions in local settings, which includes both urban and rural. As you will appreciate, our county is vast in both size and geography, with varied communities and need across the county. Some of the most vulnerable young people who need support would not necessarily attend, or be able to attend, a Centre such as a Youth Zone, which is why we are focussing our investments and efforts on reaching out to them in their own environment.

We would of course work with any developed Youth Zone, however our investment both financially and in officer time is focused on delivering the style of local provision our young people have told us they want. This includes effectively utilising online and detached youth work, working directly in community settings to ensure a local offer is available across Essex.

We are incredibly proud of our Youth Services and our investment is focused on the continued development and growth of the Community Capacity Building Youth Work model that is a vibrant network of youth workers, community volunteers and local youth organisations who are working in partnership to meet the needs of young people across our county.

We are in discussions with Colchester Borough Council on youth provision and how we can work more closely together and these have been positive and are ongoing.'

**13. By Councillor Deakin of the Cabinet Member for Highways Maintenance and Sustainable Transport**

'Last autumn/winter we had some days with exceptional amounts of rainfall which the gullies and drains just couldn't cope with. This resulted in a number of roads, properties and subways across Essex being flooded, including many in my division.

What lessons has this council learnt and what actions have been taken to alleviate any such problems for our residents this autumn/winter?

Is there productive partnership work being carried out with other agencies to ensure that all gullies and drains are regularly cleared and fit for purpose?'

**Reply**

'Exceptional rainfall is becoming a common occurrence in Essex, flooding our roads, causing damage to property, inconveniencing residents and eroding soil. In terms of lessons learned, following the elections in May 2021, flooding was moved from the Climate Action portfolio into the Highways Maintenance and Sustainable Transport portfolio, recognising the importance of flooding to our networks and to support working across the council to try to address these challenges in new ways. ECC is looking to fundamentally change the way we manage flooding, as our drains and gullies (regardless of their condition) will struggle to cope with the heavy rainfall that we have seen. A recent example is the Make Rain Happy project delivered in partnership with Anglian Water and residents in Castle Point to use a nature-based

solution to retain water within the land. ECC also actively promotes the use of Sustainable Drainage Systems (SuDS) in the Essex Design Guide.

We have a capital funded Surface Water Alleviation Budget of £2.5m that is available to fund drainage improvements across the county, available on an annual basis which will support schemes which will tackle flooding and/or capacity issues. Schemes put forward are evaluated and scored and then put into a programme for each year.

In terms of partnership work, ECC is a member of the Essex Flood Partnership Board, Essex Coastal Forum, ECC & Northumbrian Water Group / Essex Suffolk Water Forum, Thames Estuary 2100 Strategic Programme Board, and the Regional Flood & Coastal Committees for the Anglian and Thames areas where partners from a range of agencies come together.'

#### **14. By Councillor Thorogood of the Leader of the Council**

'The Mayor of London, Sadiq Khan, earlier this year called on the Government to stop permitting the building of 'archaic' polluting waste incinerators as he outlined his opposition to a proposed incinerator in Bexley, which is set to raise harmful NOx pollution levels.

Mr Khan strongly believes that burning waste in incinerators worsens London's already toxic air quality and hinders boroughs from reaching recycling and waste reduction targets.

He said the focus must be on reducing waste, particularly plastic, and protecting residents from pollution.

Mr Khan said: 'London's air is a toxic air health crisis and the last thing we need, in our modern green global city is another harmful waste-burning incinerator polluting our city. Emissions from incinerators are bad for our health, bad for our environment and bad for our planet. Instead of granting permission for an unnecessary new incinerator that will raise pollution levels in the boroughs of Bexley and Havering, the Government should focus on boosting recycling rates, reducing the scourge of plastic waste and tackling our lethal air. I am urging ministers to reject this proposal.'

Mr Khan said, and I stress, a new waste incinerator is "the last thing" that London needs.

Do you agree with me that the planned Rivenhall Airfield waste incinerator that will be capable of burning 600,000 tonnes of waste (some from outside of the county of Essex and all transported to the site by road) and will emit 600,000 tonnes of Co2 per year is the last thing that Essex needs?'

#### **Reply**

'The planned facility in Rivenhall is not an Essex County Council proposal. It has planning permission, originally granted by the Secretary of State in 2010, and later implemented in 2016. The Environment Agency has granted an Environmental Permit that regulates emissions. Among the reasons why the EA granted the permit, it said: "Based on our detailed examination of air dispersion modelling, we believe the design changes will not result in any significant change to current local air quality and that no human health thresholds will be exceeded."'

**15. By Councillor Smith of the Finance, Resources and Corporate Affairs**

'How much will the increase in employers National Insurance contributions cost Essex County Council during the 2022/23 financial year?'

**Reply**

'As an employer, we face additional employer's national insurance contributions of £1.9m from 2022/23 as a result of the new levy. As published in "Build Back Better: Our Plan for Health and Social Care" on 7 September, government has indicated it will recompense public bodies for direct employer costs, so we do not expect a direct cost increase as an employer. The plan states "The estimated public sector employer contributions to the Levy are subtracted, as the Government intends to compensate departments and other public sector employers in England at the Spending Review for the increased cost of the Levy". We have yet to see the mechanism for recompense but anticipate that it will form part of the Comprehensive Spending Review (CSR) on 27 October, or the Local Government Financial Settlement in December.

There is the potential cost escalation due to national insurance rises in our supply chains, most significantly with social care providers. We have asked government, through our lobbying on the CSR, to consider a mechanism to support the additional cost burden, not simply as an employer, but also as a contractor.'

**16. By Councillor Smith of the Leader of the Council**

'Basildon Borough Council has made it clear in both a recent EGM and in various correspondences, that the meeting to make a determination on the plans to build an incinerator in the Burnt Mills area of Basildon, should be held in the main hall of the Sporting Village of Basildon. However, Essex County Council has now refused this request.

Why won't the Leader allow Basildon residents to speak in person against this application?'

**Reply**

'I am not standing in the way of residents speaking against this application and I am surprised that you are unaware that it is not in my power to allow or disallow residents to do so. Basildon Borough Council did request that the Development and

Regulation Committee hold the meeting in question in Basildon, however this committee is separate to my authority as Leader of the Council, and it is not in my gift to grant that request. Councillor Guglielmi, as Chairman of the Committee, did respond to the request from Councillor Baggott and assured him that residents who cannot attend County Hall will be able to stream the meeting online. He also said that he would consider a review of the protocol around the meeting if the strength of response to public consultation required it.'

**17. By Councillor Cory of the Cabinet Member for Highways Maintenance and Sustainable Transport**

'Due to the worsening weather conditions due to climate change, it is becoming apparent that our network of highways surface water drainage is outdated and inadequate. With intense rainfall, the drains simply cannot cope; residents are facing flooding of their properties and roads and footpaths become impassable. The current method of squirting the drains is not a viable future strategy. What can ECC do in the short term to protect properties and road users, and what solutions are being developed for the longer term?'

**Reply**

'Essex Highways operates a risk-based approach to cleansing on our priority road network which has been possible after analysis of the volume of detritus collected from each gully over a number of years. A more traditional cyclical based approach is applied to the local roads and this will continue until sufficient data is available to extend the risk-based approach into local roads. Typically, we are able to cleanse in the region of a third of our gullies across the county each year.

In addition to this the service employs three high pressure jetting units across the county all year to help prevent or relieve flooding on the network. This defect led work can come from a range of places including gully crew reports, inspections, ad-hoc reports, weather related incidents and enquiries.

It should be noted that many of the highways drain or flow into systems or ditches which are managed by other agencies who would have their own separate maintenance regimes.

In terms of short-term solutions, we have a capital funded Surface Water Alleviation Budget that is available to fund drainage improvements across the county which is available on an annual basis. Now and in the longer term we also have the Sustainable Drainage Systems Guide (SUDS) as part of the Essex Design Guide, encouraging developers to nature-based solutions to manage flooding.'

**18. By Councillor Cory of the Cabinet Member for Economic Renewal, Infrastructure and Planning**

'The infamous Ipswich Road Roadworks are finally finished after considerable delay and tremendous upheaval for Colchester residents, especially local businesses who

have struggled greatly. Will the portfolio holder to carry out a member-led inquiry (with no external costs), to understand the procurement and contract issues, alongside the procedural failures which led to such oversight and delay?’

### Reply

‘I fully appreciate the frustrations of residents and businesses who have had to endure a significant disruption during these works. As you know, the A133 is a major east to west route in Colchester, running from Lexden in the west along Colne Bank Avenue and Cowdray Avenue to the junction with Ipswich Road, and then along St Andrew’s Avenue to the Greenstead roundabout. The scheme objective was to reduce congestion and improve traffic flows on a stretch of the A133 in Colchester between the junction of Ipswich Road and Harwich Road, providing the necessary infrastructure to accommodate the significant housing growth that is planned for Colchester.

With regard to your suggestion that a member-led inquiry should be carried out in relation to the project delays and procurement, I do not believe that this is necessary. The nature of the delays are already fully understood, and the possibility of change occurring was always known to be likely given the complexity of the project. For the sake of clarity, please see below details of the various issues that impacted on the delivery of this scheme:

- **Additional unforeseen works to the Waitrose retaining wall:** This included additional sheet piling to maintain the structural integrity of the highway as the junction was widened. The impact of the disruption on site was mitigated by postponing the start of the works while additional design work was undertaken.
- **Statutory undertakers' apparatus:** Variations and complications with the diversion of the utilities on site (including a water main failure) required extensive additional works to be undertaken to protect regional and locally significant services. These works had to be undertaken with extreme care so as not to cut off supplies to the town and wider area. Until the diversionary work was completed it was not possible to commence with the civil engineering works for the roundabouts and road widening.
- **Covid 19:** The pandemic had a significant impact on the scheme, resulting in a shutdown and working restrictions over a considerable period of the project.
- **Unforeseen bridge damage:** On uncovering the historic foundations of the A133 Cowdray Avenue bridge, cracks and undermining of the bridge abutment and foundations were discovered. A decision was made on the basis of safety (to both the highway and railway network) and even greater disruption to the network if the works were left to a later date, to add these additional works into the scope of the project. This added approximately six months to the project duration.

I should advise that throughout the duration of the scheme, Essex County Council has employed a full project team to administer the contract in line with best practice to ensure that any changes were mitigated wherever possible and subsequently resolved in line with the contract. The project was competitively tendered in line with



public procurement guidelines and utilised the NEC3 Engineering and Construction Contract – Option C, for contract administration. This form of contract is recognised as stimulating good project management, used internationally, and reflects best practice for contract administration in infrastructure and highway project management. All matters of programme, cost and changes to scope were administered in line with the contract.

In conclusion, I do not consider it sensible or necessary to carry out a member-led inquiry as we already understand the reasons for delays to the scheme and it is clear they were not related to any issues with procurement, the contract, or its management.'

**15. Oral Questions of the Leader, Cabinet Member, a chairman of a committee or the representative of the Essex Police, Fire and Crime Panel.**

A recording of the questions and answers given is available as [a video on YouTube](#) or as [an audio recording on the ECC website](#).

The questions asked were:

<b>Question asked by</b>	<b>Question asked to</b>	<b>Subject</b>
Councillor Henderson	Cabinet Member for Highways Maintenance and Sustainable Transport	Clearing of highway drains
Councillor Gooding	Cabinet Member for Finance Corporate Affairs	Member allowance system
Councillor Barber	Cabinet Member for Economic Renewal, Infrastructure and Planning	Improving road safety
Councillor Wiles	Cabinet Member for Devolution, the Arts, Heritage and Culture	Enhancement of Country Parks
Councillor Harris	Cabinet Member for Highways Maintenance and Sustainable Transport	Review of Essex Speed Management Strategy
Councillor Crow	Cabinet Member for Devolution, the Arts, Heritage and Culture	Museums
Councillor McIvor	Cabinet Member for Highways Maintenance and Sustainable Transport	Update on Active Travel

Councillor Land	Cabinet Member for Economic Renewal, Infrastructure and Planning	Superfast Broadband in hard to reach rural areas
Councillor Aspinell	Cabinet Member for Highways Maintenance and Sustainable Transport	Parking enforcement in the Borough of Brentwood.
Councillor Smith	Leader of the Council	Olympic roll of honour
Councillor Goldman	Cabinet Member for Highways Maintenance and Sustainable Transport	Flooding of Odeon underpass in Chelmsford
Councillor Cunningham	Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance	Working Families update

## 16. Closure of Meeting

The Chairman, Councillor Johnson urged members to remain seated for a short Extraordinary Meeting of Council.

A recording of the Chairman's closing remarks and of the entire meeting is available as [a video on YouTube](#) or as [an audio recording on the ECC website](#).

The meeting closed at 15:20

**Chairman**

## Minutes of the Extraordinary Meeting of Full Council, held in the Council Chamber at County Hall, Chelmsford on Tuesday, 12 October 2021

**Present:** Chairman: Councillor E C Johnson  
Vice-Chairman: Councillor J M Reeves

B Aspinell	C Guglielmi	M Platt
T Ball	D Harris	R Playle
L Barber	A M Hedley	C Pond
S Barker	I Henderson	S Robinson
K Bentley	J Henry	P Schwier
L Bowers-Flint	P Honeywood	L Scordis
A Brown	M Hoy	L Scott
G Butland	J G Jowers	L Shaw
C Cannell	S Kane	A Sheldon
M Cory	D King	C Siddall
S Crow	D Land	M Skeels
T Cunningham	S Lissimore	K Smith
M Durham	D Louis	C Souter
B Egan	J Lumley	J Spence
J Fleming	L Mackenzie	W Stamp
M Foley	M Mackrory	M Steel
P Gadd	B Massey	M Stephenson
M Garnett	A McGurran	M Steptoe
A Goggin	J McIvor	M Vance
M Goldman	L McKinlay	L Wagland
R J Gooding	A McQuiggan	C Whitbread
I Grundy	Dr R Moore	H Whitbread
		A Wiles

### 1. Apologies for Absence

Apologies for absence had been received on behalf of Councillors Buckley, Deakin, and Thorogood.

### 2. Declarations of Interest

There were no declarations of interest.

### **3. Appointment of Honorary Aldermen**

The report to consider conferring the title of Honorary Alderman on persons recommended as having rendered eminent service as past members concerning the Appointment of Honorary Aldermen was received.

It having been moved by Councillor Bentley and seconded by Councillor McKinlay, and upon being put to the meeting the recommendation was unanimously agreed and accordingly it was

#### **Resolved**

That, in accordance with section 249 of the Local Government Act 1972, the persons named below be appointed Honorary Aldermen of the County of Essex:

- Mr John Aldridge
- Mr David Finch
- Ms Theresa Higgins
- Mr Anthony Jackson
- Mr Dick Madden
- Ms Anne Turrell
- Mr Simon Walsh
- Ms Julie Young

### **4. Closure of Meeting**

The meeting closed at 15:30

A recording of the meeting is available as [a video on YouTube](#) or as [an audio recording on the ECC website](#).

**Chairman**

**1. Changes to the Constitution**

- 1.1 A number of changes to the constitution are proposed. These have been discussed with leaders of all political groups to make the constitution more robust or simplify matters. The changes in paragraphs 1.12 onwards reflect management or structural changes, or decisions taken by the leader. A version of the constitution showing the changes tracked is available by emailing [full.council@essex.gov.uk](mailto:full.council@essex.gov.uk).

**(a) Order of Speeches**

- 1.2 It is proposed to amend paragraph 16.9.4 of the constitution to allow the seconder of any motion to choose whether they speak at the beginning or end of the debate. Currently this choice only applies to the seconder of amendments.

**(b) Incompatible Amendments to Motions**

- 1.3 It is proposed to amend the constitution to deal with the problem where multiple amendments are put forward in advance which are not compatible with one another. Even if the first amendment is passed, the second still has to be put to the vote even if it would be of uncertain effect.
- 1.4 It's proposed to amend paragraph 16.9.8 of the constitution so that if an amendment has been passed meaning that one or more subsequent amendments are incompatible with the amended motion then the Chairman may either
- (a) give the mover of the amendment the opportunity to revise their amendment (without introducing new issues)
  - (b) decide that amendment may not be put to the vote.

This will lead to greater clarity when dealing with amendments.

**(c) Accepting amendments**

- 1.5 It is proposed to allow the mover of an amendment the opportunity to 'accept' amendments at the start of the debate. If an amendment is accepted the amended motion becomes the substantive motion and there will be no further speeches on the amendment.
- 1.6 This requires a change to paragraph 16.9.8 of the constitution.

**(d) Financial Statements**

- 1.7 It is proposed to introduce a right for the Cabinet Member with responsibility for Finance to make an Autumn Budget Statement at the October meeting of the Council. That will be in addition to any executive statement made at the meeting. It is recommended that a new paragraph 16.11.1(viii) is inserted into the constitution to facilitate this.
- 1.8 It is also proposed that the Leader may ask the Cabinet Member for Finance to make either or both of the two speeches traditionally made by the Leader at the budget meeting. It is proposed that if this happens then right to make untimed speeches will be transferred from the Leader to the Cabinet Member for Finance. This would entail an amendment to paragraph 16.9.6(iii)(a) of the Constitution.

**(e) Suspension of written questions at council – pilot**

- 1.9 Following discussions between the Leader and the leaders of other registered political groups it is proposed operate a pilot programme where Members may ask formal written questions to Cabinet Members and Committee Chairmen at any time with the answer being published online. This is aimed at making the facility of asking a published question available all year round rather than only at five meetings each year. That said members have always been free to and encouraged to raise items of concern with Cabinet Members outside the formal process. It's intended that the year round programme will replace written questions being reported to council. It's proposed to suspend written questions at the February and May meetings, with a report being brought to the May 2022 meeting which agrees a longer term position. We will write to all members with details about how the new process will work. Written questions will resume at the July 2022 meeting unless there is a further decision by council to make the new process permanent or to extend the pilot.

**(f) Changes to outside bodies**

- 1.10 The scheme of members allowances includes a long list of outside bodies. Attending a meeting of a listed body as the Council's representative counts as an 'approved duty' for the purpose of the scheme of allowances. The list is long and difficult to keep up to date as some bodies are informally created (and therefore may be informally suspended or disbanded) and others may not always invite ECC to nominate a member – and the Council often does not have the right to make a nomination.
- 1.11 The list of outside bodies has changed at every recent meeting. It's proposed that in future the list should be reviewed by Council at its annual meeting and that the Monitoring Officer be given delegated authority to make in-year changes to the list after consulting the Leader and the Chairman. Any changes would be reported to Council annually and to political group leaders at the time that the change is made.

**(g) Association of South Essex Local Authorities Joint Committee**

- 1.12 On 27 October 2021 the Leader took a formal decision that the County Council will join the Association of South Essex Local Authorities Joint Committee. This is a joint arrangement and needs to be formally recorded in the Constitution. The Joint Committee has no delegations with respect to ECC services but it does have authority to spend its budget, some of which is ECC money. Accordingly the Joint Committee needs to be recorded in the constitution.

**(h) Changes to the scheme of delegation resulting from the creation of new posts**

- 1.12 The departure of the Executive Director for Place and Public Health has led to a proposed changes in the structure of the Council. This post is to be replaced with two Executive Director Posts with the Director, Public Health, Wellbeing and Communities reporting directly to the Chief Executive, with a 'dotted line' accountability to the Executive Director. The two new posts are being recruited to. They are entitled 'Executive Director, Economy, Investment and Public Health' and 'Executive Director, Climate, Environment and Customer Services'.

**Recommendations:**

That the following amendments to the constitution be made with effect from the close of this meeting:

- (1) Amend paragraph 16.9.4 of the constitution to read:

**16.9.4 Seconded's speech and order of speeches**

- (i) The following rules apply to determine when the Secunder of a motion may speak when a motion is being debated:
  - (a) a Member who has seconded a motion other than the motion to adopt the council's budget or a motion arising from a report, will be permitted to speak at the start of the debate or, if that member declares an intention to do so, at the end of the debate on the motion;
  - (b) a Member who has seconded the motion to adopt the council's budget or a motion arising from a report budget motion, will be permitted to speak at the start of the debate or, if that member declares an intention to do so, at the end of the debate on the motion, immediately before the summing up speech;
- (ii) The order of speeches at the end of the debate is:
  - (a) seconders of amendments not moved by a Cabinet Member who have not already spoken, followed by

- (b) seconders of amendments moved by a Cabinet Member who have not already spoken, followed by
- (c) the seconder of the substantive motion if they have not already spoken, and
- (d) on a motion to adopt the Council's budget or a motion arising from a report, the proposer or Leader as provided for elsewhere in the constitution'

(2) Amend paragraph 16.9.6(iii)(a) to read:

- '(a) The Leader of the Council or, at the discretion of the Leader of the Council, the Cabinet Member with responsibility for Finance, when making the budget speech and summing up the debate – no time limit;'

(3) Amend paragraph 16.9.8 of the constitution to read:

**'16.9.8 Amendments to motions**

- (i) Amendments may be moved in accordance with this standing order if they are relevant to the motion and propose changes to the motion by either:

- (a) changing the motion so that it refers a matter to a Committee, the Cabinet or a Portfolio Holder for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others; or
- (d) 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.

- (ii) No amendment may be moved unless:

- (a) it has been put in writing and handed to the Head of Democracy and Transparency by no later than 12:00 midday on the working day before the meeting in a format to be specified by the Monitoring Officer; or
- (b) the Chairman agrees that there are exceptional reasons why (i) could not have been complied with.

- (iii) At any time before the conclusion of their speech the mover of a motion may indicate to the Chairman that they accept any amendment which has been moved and, if an amendment is accepted

- a. the motion shall be treated as having been moved as amended by the accepted amendment; and



- b. the amendment motion shall be considered to have been withdrawn.
- (iv) Subject to (v) below, 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.
- (v) 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.
- (vi) If an amendment is not carried, further amendments to the original motion may be moved in accordance with this Standing Order.
- (vi) If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion.
- (vii) Where an amendment is carried or accepted and there are one or more further amendments which have not been disposed of which are not compatible with the motion as amended, the Chairman must either:
  - (a) give each proposer of an amendment the opportunity to revise their amendment in a way that the Chairman agrees makes it compatible with the principal changes effected by the carried or accepted amendment; or
  - (a) decide not to put the amendment to the vote if the Chairman considers the amendment cannot reasonably be made compatible.
- (viii) After an amendment has been carried, the Chairman will, if requested to do so by Members, read out the amended motion before accepting any further amendments for debate, and, if there are none, put the amended motion to the vote.'
- (4) Insert a new paragraph 16.11.1(viii) into the constitution to read:
  - '(viii) In addition, at one meeting each year, normally the meeting taking place in the autumn, a second Executive Statement relating to the Council's financial position shall be permitted to be made by the Cabinet Member with responsibility for Finance.'
- (5) Insert a temporary paragraph at the start of paragraph 16.12 of the constitution (to expire at the close of the annual meeting in 2022:
  - 'Standing orders 16.12.1 – 16.12.4 are suspended until after the annual meeting of the Council taking place in 2022.'**
- (6) Insert a new paragraph at the end of section 15.3.8 (Delegations to the Director, Legal and Assurance:

- (xiv) To amend the list of approved bodies at appendix 3 to part 26 of the constitution after consulting the Leader and the Chairman of the Council.

PROVIDED THAT any use of this delegated power shall be reported to the next Annual Meeting of Council.'

- (7) In the list of joint committees in paragraph 13.3 of the constitution insert at the end:

'Association of South Essex Local Authorities Joint Committee'

- (8) Add the constitution of the Association of South Essex Local Authorities Joint Committee (appendix 1 to this report) at the end of Appendix 4 to the Constitution.

- (9) Replace paragraph 15.3.3 of the constitution with the text below and renumber remaining parts of 15.3 and agree that as a transitional provision, the authorisations issued by the Executive Director, Place and Public Health continue to have effect until replaced by authorisations issued by holders of the new posts.

**'15.3.3 To the Executive Director, Economy, Investment and Public Health**

- (i) To exercise the Council's functions relating to the economic development of Essex and its residents.
- (ii) To exercise the Council's powers with respect to regulatory services and licensing and decisions in connection with permits, regulations, permissions or certificates.
- (iii) 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 Chief Planning Officer, 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.

- (iv) To exercise the Council's powers with respect to property and facilities management.
- (v) To exercise the Council's powers with respect to towns and village greens.

**15.3.4 To the Executive Director, Climate, Environment and Customer Services**

- (i) To exercise the Council's functions relating to the promotion of tourism.
- (ii) 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.
- (iii) To exercise the Council's functions relating to recycling and the disposal of waste.
- (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 relating to
  - (a) Registration of Births, Deaths and Marriages
  - (b) The Coroner's Service

**15.3.5 To the Director, Well-being, Public Health and Communities**

- (i) To exercise the Council's functions relating to sport and physical activity.
- (ii) 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 and regulation of businesses.
- (iii) To exercise the Council's functions relating to unlawful encampments.
- (iv) To exercise the Council's functions relating to the prevention and reduction of crime and disorder.
- (v) To exercise the Council's powers to take steps to improve the health of the public and exercise powers under public health legislation.

# **Association of South Essex Local Authorities (ASELA)**

## **Joint Committee Agreement and Constitution**

## **1. Introduction**

- 1.1 The core purpose of the Joint Committee is to provide place leadership for South Essex. Recognising that through a collaborative approach, the constituent authorities will be best placed to develop and deliver a vision for South Essex up to 2050, promoting healthy growth for communities.
- 1.2 The Joint Committee will focus on the strategic opportunities, regardless of individual local authority boundaries for the South Essex economic corridor to influence and secure the strategic infrastructure that will help individual areas to flourish and realise their full economic and social potential.
- 1.3 This agreement sets out how the ASELA Joint Committee shall operate in seeking to deliver its overarching purpose, what powers and functions it holds, how decisions are made and the procedures that are followed to ensure that it operates efficiently, effectively and is both transparent and accountable.
- 1.4 The Joint Committee shall come into effect from 1<sup>st</sup> April 2021.
- 1.5 The Association shall operate and discharge its functions through a Joint Committee between all local authorities formally established in accordance with Sections 101 and 102 of the Local Government Act 1972 and who have agreed to form part of the Joint Committee and made the agreed financial contribution to support the work of the joint committee. It has 7 members, being
  - a councillor (elected member) appointed by each of the 'Constituent Councils' which includes –
    - - Basildon Borough Council
      - Brentwood Borough Council
      - Castle Point Borough Council
      - Essex County Council
      - Rochford District Council
      - Southend Borough Council
      - Thurrock Council
- 1.6 The Joint Committee shall have the ability to agree to additional local authorities, who it is considered are able to contribute to the aims of the Joint Committee, to join the committee as a 'constituent council'. Any such authorities will need to have formally agreed, in accordance with Section 101 of the Local Government Act 1972 to form part of the Joint Committee and made the agreed financial contribution to support the work of the Joint Committee.
- 1.7 The Joint Committee is subject to overview and scrutiny through constituent authorities' own scrutiny arrangements.

## **2. Principles**

- 2.1 This agreement and the terms of reference provide a basis for the work of ASELA. A review of this document shall be undertaken by the Joint Committee at the end of the 2021/22 municipal year and annually thereafter.
- 2.2 The Joint Committee and its proceedings are bound by the provisions of Schedule 12 of the Local Government Act 1972, but shall be expected to operate in accordance with the local arrangements set out in these governing documents.
- 2.3 There shall be no transfer of powers currently held by any constituent authority to the Joint Committee and this document makes no provision for such. The only functions exercisable by the Joint Committee are those set out in paragraph 6.5 of the appendix to this document.
- 2.4 Any decision taken by the Joint Committee on a question relating to a matter that is in the preserve of a specific local authority shall be subject to the support and agreement of that specific authority.
- 2.5 An 'accountable body'<sup>1</sup> in relation to the functions and resources of ASELA shall be agreed by the Joint Committee
- 2.6 A local authority will be designated to provide secretariat to the Joint Committee which shall be agreed by the Joint Committee

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<sup>1</sup> The accountable body must be a local authority which is a constituent council.

## **RESPONSIBILITY FOR FUNCTIONS**

### **A. JOINT COMMITTEE**

#### **1. Overview**

- 1.1 The Joint Committee has been formally established by all constituent councils in accordance with Sections 101 and 102 of the Local Government Act 1972 to discharge the functions of ASELA as set out in this Constitution.
- 1.2 The Joint Committee and its proceedings are bound by the provisions of Schedule 12 of the Local Government Act 1972, but the constituent council have expressed an intention to operate in accordance with the local arrangements set out in these governing documents.

#### **2. Membership**

##### **2.1 Appointment.**

Membership of the Joint Committee shall consist of the Constituent Council Members who comprise the Joint Committee, whereby each shall appoint –

- (i) one of its elected members as a member of the joint committee, preferably to be the Leader of the Council; and
- (ii) another elected member as a substitute member to act in the absence of the member appointed under (i) above

The Joint Committee shall have the ability to appoint co-opted members (without voting rights) to the Joint Committee as they see fit.

##### **2.2 Term of Membership**

- (a) Members or substitute members cease to be a member or substitute member of the joint committee –
  - (i) if they cease to be a member of the constituent council that appointed them; or
  - (ii) A person may resign as a member or substitute member of the joint committee by written notice served on the proper officer of the council of the constituent council that appointed them; or

- (b) Where a member or substitute member's appointment ceases the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Association's Secretariat and appoint another of its elected members in that person's place;
  - (c) A constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Association and appoint another of its elected members in that person's place.
  - (d) Where a constituent council exercises its power under subparagraph (c), it must give written notice of the new appointment and the termination of the previous appointment to the Association's Secretariat and the new appointment shall take effect and the previous appointment terminate with immediate effect.
- 2.3 **Chair** – A Chair and Vice-Chair shall be appointed at the first meeting of the joint committee. Appointment of a new Chair and Vice-Chair shall take place by the end of June each year, following the annual meetings of all constituent councils. The Chair or, in his or her absence, the Vice-Chair shall chair all meetings of the joint committee when present.
- 2.4 **Quorum.** No business of the joint committee shall be transacted unless at least half of the Constituent Council Members or substitute members appointed are present.

### 3. **Meetings and Procedure**

#### 3.1 **Voting**

- (a) Subject to those matters at paragraph (d) below, any matters that are to be decided by the joint committee are to be decided by a majority of the members present and voting on that question at a meeting of the joint committee, such majority to include substitute members, acting in place of members.
- (b) Each member, or a substitute member acting in that member's place, is in post is to have one vote and no member or substitute member is to have a casting vote.
- (c) If a vote is tied on any matter it shall be deemed not to have been carried and there shall be no casting vote.
- (d) A decision on a question relating to a matter that is in the preserve of a specific local authority shall be subject to the support and agreement of that specific authority.



### **3.2 Procedure**

- (a) The joint committee will conduct business in accordance with the meeting standing orders set out in these terms of reference.
- (b) The proceedings of the joint committee are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member

## **4. Sub-Committees and advisory bodies**

### **4.1 The joint committee -**

- (a) may establish such other sub-committees, which may include the co-option of any non-voting members, as it sees fit; and
- (b) may establish such advisory panels and ad-hoc working groups as it considers may be expedient to assist it.

## **5. Delegation**

### **5.1 The exercise of the joint committee's functions may be delegated to:**

- (a) a sub-committee; or
- (b) an officer of one of the constituent councils .

A record of such delegations shall be maintained

## **6. Core Purpose, Aims and Functions**

### **Core Purpose and aims**

- 6.1 The core purpose of the Joint Committee is to provide place leadership for South Essex. Recognising that through a collaborative approach, the constituent authorities will be best placed to develop and deliver a vision for South Essex up to 2050, promoting healthy growth for communities.
- 6.2 The Joint Committee will focus on the strategic opportunities, regardless of individual local authority boundaries for the South Essex economic corridor to influence and secure the strategic infrastructure that will help individual areas to flourish and realise their full economic and social potential.

6.3 The primary aims of Joint Committee will be to:

- Provide place leadership;
- Open up spaces for housing, business and leisure development by developing a spatial strategy;
- Transform transport connectivity;
- Support the sectors of industrial opportunity;
- Shape local labour & skill markets;
- Create a fully digitally-enabled place;
- Secure a sustainable energy supply;
- Influence and secure funding for necessary strategic infrastructure; and
- Work with and provide a voice for South Essex working with the Thames Estuary Growth Board.

### **Principles of collaboration**

6.4 Collaboration will be focused on three key areas:

- Tackling problems we can't solve individually
- Creating collective scale and impact
- Providing the place leadership to promote and sell the 'South Essex' proposition

### **Specific Functions**

6.5 The functions of the joint committee are as follows:

- a. Provide oversight and direction of programmes of work aligned to the core purpose and aims of the joint committee set out above.
- b. Commissioning and co-ordination of delivery of programmes, projects and development of policy against in accordance with the core purpose and aims of the joint committee and allocate resources accordingly
- c. Submission of bids for funding to Central Government and other bodies as considered appropriate to deliver the vision and objectives, subject to the advice and approval of the Chief Financial (S151) Officer of the accountable body.
- d. Provide oversight and direction associated with the Joint Strategic Plan and approve any strategic planning framework proposals for consideration by individual local authorities
- e. Management and oversight of expenditure and activity associated with funding received from Government and other sources

- f. Agree the level of financial contributions requested from each local authority as a member of the joint committee to support its work
- g. Ensure effective relationships and collaboration as necessary to achieve ASELA's vision, with Central Government and other regional and national bodies including the South East Local Enterprise Partnership and Opportunity South Essex.

## **MEETINGS STANDING ORDERS**

### **1. Interpretation, Suspension and Chair's Ruling**

- 1.1 These Standing Orders apply to meetings of the joint committee, and where appropriate, to meetings of any sub-committees. Any reference to committee in these Standing Orders also refers to sub-committees.
- 1.5 The ruling of the Chair on the interpretation of these Standing Orders in relation to all questions of order and matters arising in debate shall be final.

### **2. Revisions to Standing Orders**

- 2.1 Standing Orders may be changed by the joint committee, which will be subject to a unanimous vote, either at the Annual Meeting or by a motion on notice made at a meeting of the joint committee.

### **3. Chairing of Meetings**

- 3.1 The Chair shall chair all meetings of the joint committee whenever he or she is present.
- 3.2 In the absence of the Chair and Vice-Chair, the meeting shall appoint another member to chair the meeting.
- 3.3 The expectation of constituent councils is that the Chair (or the Vice Chair or any other Member presiding in the absence of the Chair or Vice Chair) shall not exercise a casting vote on any issue.

### **4. Meetings**

- 4.1 The Annual Meeting of the joint committee shall be held annually in June on a date and at a time following the annual meetings of all 'Constituent Councils'
- 4.2 Ordinary meetings of committee for the transaction of general business shall be held on such dates and at such times as the committee shall determine.
- 4.3 All meetings of the committee shall be open to the public (including the press) except to the extent that they are excluded whether during the whole or part of the proceedings either:
  - (a) In accordance with Section 100A(2) of the Local Government Act 1972; or

- (b) By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 101 of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

## **5. Notice of Meetings**

- 5.1 At least five clear working days before a meeting of a committee:
  - (a) notice of the time and place of the intended meeting shall be published;
  - (b) a summons to attend the meeting, specifying an agenda for the meeting, shall be sent to all Members of the joint committee by electronic mail.
- 5.2 Lack of service on a member of the committee of the summons shall not affect the validity of a meeting of the committee.
- 5.3 Each constituent authority shall ensure a link from their own website to information regarding meetings of ASELA and copies of agendas and minutes.

## **6. Meeting Agendas**

- 6.1 The Chair of the Joint Committee will decide upon the agenda for the meetings. The Chair may put on the agenda of any meeting any matter which the Chair wishes.
- 6.2 Any Member of the committee may require that an item is placed on the agenda of the next available meeting of the committee for consideration.
- 6.3 Any item proposed to be included on the agenda for any meeting of the committee in accordance with sub-paragraph 6.2 above, which is not submitted in writing before 7 working days of the meeting, shall not be included on the agenda for that meeting unless it is agreed by the Chair. In this case the amended agenda for the meeting will state the reason for the late acceptance of any such item.

- 6.4 The agenda for each meeting of the committee shall set out the items of business requested by Members (if any) in the order in which they have been received, unless the Member concerned has given notice prior to the issue of the agenda, for it to be withdrawn. If the Member concerned is not present at the meeting when an item of which they have given notice comes up for discussion, this item shall, unless the committee decides otherwise, be treated as withdrawn.

## **7. Access to Information**

- 7.1 Access to agenda, reports and associated documents in respect of a meeting of the committee are as determined by Part VA of the Local Government Act 1972 (Access to Meetings and Documents of Certain Authorities, Committees and Sub-Committees).

## **8. Quorum**

- 8.1 No business shall be transacted at any meeting of a committee unless at least half of the Members or substitute members appointed by the constituent councils are present.
- 8.2 If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place.
- 8.3 If during any meeting of the committee the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the committee.

## **9. Order of Business**

- 9.1 At every meeting of the committee the order of business shall be to select a person to preside if the Chair or Vice-Chair are absent and thereafter shall be in accordance with the order specified in the agenda for the meeting, except that such order may be varied -
- (a) by the Chair at his/her discretion; or
  - (b) on a request agreed by the committee
- 9.2 The Chair may bring before the committee at their discretion any matter that they consider appropriate to bring before the committee as a matter of urgency.

## **10. Standing Orders of Debate**

- 10.1 The Chair shall decide all questions of order and any ruling by the Chair upon such questions and the interpretation of these Standing Orders of Procedure and upon matters rising in debate shall be final and shall not be open to discussion.

## **11. Voting**

- 11.1 Subject to sub-paragraph 11.6, any matters that are to be decided by the committee are to be decided by a majority of the members present and voting on that matter at a meeting of the committee, such majority to include substitute members, acting in place of members.
- 11.2 Each member appointed according to the provisions in paragraph 1, or a substitute member acting in that member's place, and the Chair, or the Vice-Chair acting in his or her place is to have one vote and the constituent councils intend that no member or substitute member shall exercise a casting vote.
- 11.3 If a vote is tied on any matter and no casting vote is exercised it shall be deemed not to have been carried.
- 11.4 Whenever a vote is taken at meetings it shall be by a show of hands. On the requisition of any member, supported by one other Member who signifies their support, and before the vote is taken, the voting on any question shall be recorded so as to show whether each Member present gave their vote for or against that question or abstained from voting.
- 11.5 A Member, or Substitute Member acting in that Member's place may demand that his/her vote be recorded in the Minutes of the meeting.
- 11.6 A decision on a question relating to a matter that is in the preserve of a specific local authority shall require the support and agreement of that specific authority.

## **12. Conduct**

- 12.2 In the event of general disturbance, which in the opinion of the Chair, renders the due and orderly dispatch of business impossible the Chair, in addition to any other power vested in the Chair may, without question put, adjourn the meeting of the committee for such period as the Chair considers expedient.

**13. Disturbance by Members of the Public**

- 13.1 If a member of the public interrupts the proceedings at any meeting of the committee the Chair shall warn him or her. If they continue the interruption the Chair shall order his or her removal from the room. In the case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

**14. Notification and Declaration of Interests**

Members of the committee shall comply with their respective councils Code of Conduct for Members.



## **Establishment of a Joint Committee for the Tendring Colchester Borders Garden Community**

- 1.1 This report asks Council to agree that ECC should participate in a joint committee by appointing two of the nine members and by authorising the joint committee to determine certain planning applications where ECC is planning authority.
- 1.2 The proposed Tendring Colchester Borders Garden Community (TCBGC) is located to the east of Colchester town and spans the district boundaries of Colchester and Tendring districts. The Garden Community is allocated for the development of 7,500-9,000 homes, supporting employment spaces, a new country park, community facilities, and sustainable transport infrastructure.
- 1.3 This is a large site which straddles the border of Tendring and Colchester districts. There is a strong case for establishing a Joint Committee to discharge planning functions. This has been adopted elsewhere and would provide a more formal footing for the existing partnership working on TCBGC.
- 1.4 It is possible to delegate functions to a Joint Committee. The proposal is that its terms of reference would be limited to planning functions related to the preparation of a Development Plan Document (DPD) for TCBGC (ie plan-making); and the determination of planning applications related to and within the defined boundary of TCBGC (ie development management). Tendring and Colchester would appoint three members each and the County Council would be able to appoint two. All members would have equal voting rights.
- 1.5 ECC would be required to appoint two members to the Committee. The political balance rules do not apply, meaning that both members would be from the majority party, one of whom should be a Cabinet Member or Deputy Cabinet Member. Local county councillors will be able to be invited to attend the meeting and will be able to take part in the meeting but without voting rights.
- 1.6 It is proposed that ECC would authorise the joint committee to determine planning applications that would otherwise have been taken by its Development and Regulation Committee. This would include planning applications:
  - Where ECC is developer such as:
  - New schools (primary, secondary, special education needs, early years, and post 16).
  - Libraries.

- Any waste development proposals.
- Minerals planning applications.

1.7 The full list of types of application that the Joint Committee would consider would include:

- Housing – all tenures (market, affordable, and specialist housing for elderly persons, etc).
- New schools (primary, secondary, special education needs, early years, and post 16).
- Community centres, community hubs and libraries.
- Leisure uses, sports provision, and allotments.
- Country parks, recreation and public open spaces.
- Any waste development proposals.
- Sustainable Urban Drainage.
- Town/neighbourhood centre(s) and associated shops (all shapes and sizes).
- Public realm, footpaths and dedicated cycle routes/network.
- All new roads and road crossings within the GC.
- Any segregated/dedicated bus routes.
- Commercial and employment sites (including energy from waste proposals).
- Minerals planning applications.

1.8 In addition, the Joint Committee would also have a role in considering:

- The heads of terms for s.106 obligations relating to the mitigation measures, necessary infrastructure and affordable housing required to deliver a policy-compliant development.
- The development viability, where relevant, in relation to s.106 obligations.
- The stewardship model aligned to the s.106 and associated planning policy and planning permissions.

- Ongoing monitoring of the compliance of development with agreed permissions, related obligations/conditions and its implementation to an agreed standard.
- 1.9 Authorising the Joint Committee to take these decisions does not remove the power of ECC or the Development and Regulation Committee to make decisions on those applications, but the expectation would be that applications going to committee would normally be determined by this committee.
- 1.10 Committee members would be expected to comply with training requirements set by all three councils. The joint committee will not itself have employees.

## **2 Recommendations**

- 2.1 Agree that the Council participates a Joint Committee with Tendring District Council and Colchester Borough Council in relation to the Tendring Colchester Borders Garden Community on the terms appended to this report.
- 2.2 Agree that the seats on the committee are allocated to the Conservative Group.
- 2.3 Agree that the documents appended to this report are added to appendix 4 to the constitution and that a new paragraph be added at the end of section 13.2 of the Constitution as follows:

‘The Colchester Tendring Borders Joint Committee, whose constitution and terms of reference is at appendix 4 will exercise council functions in accordance with the terms of the delegations granted to it by full Council from time to time.’

<b>PROPOSED TERMS OF REFERENCE FOR TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE</b>
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**1. Parties:**

- (1) Tendring District Council ("TDC")
- (2) Colchester Borough Council ("CBC")
- (3) Essex County Council ("ECC")

**2. Status:**

This Committee is a joint committee for Tendring Colchester Borders Garden Community (TCBGC) formed by resolutions of the Cabinets and Full Councils of TDC, CBC and ECC pursuant to sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972. The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, Regs 11 (7) and 12 (4) *(These regulations determine arrangements involving joint committees and membership).*

TDC and CBC have agreed pursuant to Section 28 of the Planning and Compulsory Purchase Act 2004 to prepare a joint local development document, for the purposes of these Terms of Reference to be known as a joint TCBGC DPD, although the name of the Garden Community may change throughout the process.

**3. Membership:**

- 2 Members appointed by TDC (one of which must be the Chairman of the Planning Policy and Local Plan Committee) plus 1 Cabinet member appointed by the Leader
- 2 Members appointed by CBC (one of which must be the Chairman of the Local Plan Committee) plus 1 Cabinet member appointed by the Leader
- 2 Members appointed by ECC, one of whom should be a Cabinet Member or Deputy Cabinet Member.

- 3.1 All members of the Committee shall have undertaken suitable training which shall have been approved by the parties.

**4. Terms of reference:**

- 4.1 The Committee's remit is to jointly discharge the functions ('the Functions') set out in Appendix 1 in relation the Tendring Colchester Borders Garden Community, the exercise of which have been delegated to the Committee by TDC, CBC and ECC, subject to the limitation in paragraphs 4.3 and 4.4.

4.2 The functions delegated by TDC, CBC and ECC include:-

- (a) To exercise the Council's functions relating to overseeing the preparation of the joint TCBGC DPD and ensuring it:
  - a. is in accordance with the Local Development Schemes;
  - b. includes policies designed to secure that the development and the use of land in the garden community area contribute to the mitigation of, and adaption, to climate change;
  - c. meets the "tests of soundness" as set out in legislation, national and planning policy and advice contained within guidance issued by the Secretary of State;
  - d. has regard to the adopted Section 1 of CBC & TDC's Local Plan;
  - e. has regard to the resources likely to be available for implementing the proposals in the document;
  - f. other such matters the Secretary of State prescribes; and
  - g. complies with the Council's Statement of Community Involvement
- (b) the power to formulate and prepare a draft Joint Development Plan Document for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (c) carry out an appraisal of the sustainability of the proposals within the joint TCBGC DPD and approve the findings of the appraisal;
- (d) make recommendations to TDC and CBC in relation to the approval of the TCBGC DPD for the purpose of its submission to the Secretary of State for independent examination under Section 20 of the 2004 Act, and consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (e) consideration of amendments or modifications of the joint TCBGC DPD recommended by the person carrying out the independent examination under section 20 of the 2004 Act;
- (f) recommend to CBC and TDC adoption of Joint Development Plan Documents in accordance with Section 28 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- (g) the power of the TDC and CBC as local planning authority to determine planning applications by virtue of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- (h) To exercise TDC, CBC and ECC's local planning authorities' powers and duties in relation to development control including for the avoidance of doubt the power to approve authorise and direct the respective Local Planning Authorities to enter into agreements regulating the development or use of

land pursuant to S106 of the Town and Country Planning Act 1990 and related powers.

- 4.3 Note that the following are the sole responsibility of TDC and CBC's full Council's:
- a) Responsibility for giving of instructions to the Cabinet and Joint Committee to reconsider the draft plan submitted by the Joint Committee for the Council's consideration.
  - b) The amendment of the draft joint development plan document submitted by the Joint Committee for the full Council's consideration.
  - c) The approval of the joint development plan document for the purposes of consultation submission to the Secretary of State for independent examination.
  - d) The adoption of the joint development plan document.
- 4.4 Committee shall discharge the functions relating to town and country planning and development control as specified in *Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)*, falling wholly or substantially within the Tendring Colchester Borders Garden Community area shown coloured purple on the plan contained at Appendix 2.
- 4.5 The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.
- 4.6 The Committee may exercise the powers of delegation contained in section 101(2), Local Government Act 1972 and agree a Scheme of delegation to officers.
- 4.7 TDC, CBC or ECC may request an application to be considered by the Committee in accordance with an agreed scheme.
- 4.8 All members of the Committee shall be entitled to vote on any matter to be determined by the Committee.

## **5. Standing Orders**

- 5.1 The Committee shall be governed by the Standing Orders set out in Appendix 3.
- 5.2 The Committee shall have the power to amend the Standing Orders from time to time within the scope of these Terms of Reference following consultation with the Councils' Monitoring Officers.

## **6. Administration**

- 6.1 The Council which is the local planning authority shall receive applications relating to the functions in the usual way and shall be responsible for all administrative stages leading to and flowing from the exercise of the functions.
- 6.2 The administration of the Committee will be undertaken by TDC who shall be responsible for all matters connected with the administration of the Committee, including the preparation and dispatch of agendas and securing premises at which the Committee may meet.

**Functions delegated by Tendring District Council,  
Colchester Borough Council and Essex County Council to the Joint  
Committee in relation to Tendring Colchester Borders Garden Community.**

1. The functions delegated by TDC and CBC: -

- (a) To exercise the Council's functions relating to overseeing the preparation of the joint TCBGC DPD and ensuring it:
  - a. is in accordance with the Local Development Schemes;
  - b. includes policies designed to secure that the development and the use of land in the garden community area contribute to the mitigation of, and adaption, to climate change;
  - c. meets the "tests of soundness" as set out in legislation, national and planning policy and advice contained within guidance issued by the Secretary of State;
  - d. has regard to the adopted Section 1 of CBC & TDC's Local Plan;
  - e. has regard to the resources likely to be available for implementing the proposals in the document;
  - f. other such matters the Secretary of State prescribes; and
  - g. complies with the Council's Statement of Community Involvement
- (b) the power to formulate and prepare a draft Joint Development Plan Document for consultation under Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012;
- (c) carry out an appraisal of the sustainability of the proposals within the joint TCBGC DPD and approve the findings of the appraisal;
- (d) make recommendations to TDC and CBC in relation to the approval of the TCBGC DPD for the purpose of its submission to the Secretary of State for independent examination under Section 20 of the 2004 Act, and consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (e) consideration of amendments or modifications of the joint TCBGC DPD recommended by the person carrying out the independent examination under section 20 of the 2004 Act;
- (f) recommend to CBC and TDC adoption of Joint Development Plan Documents in accordance with Section 28 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- (g) the power of the TDC and CBC as local planning authority to determine planning applications by virtue of the Town and Country Planning (Development Management Procedure) (England) Order 2015.



2. The functions delegated by TDC, CBC & ECC: -

(a) To exercise TDC, CBC and ECC's local planning authorities' powers and duties in relation to development control including for the avoidance of doubt the power to approve authorise and direct the respective Local Planning Authorities to enter into agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990 and related powers within the Tendring Colchester Borders Garden Community area showed coloured purple on the plan in Appendix 2.

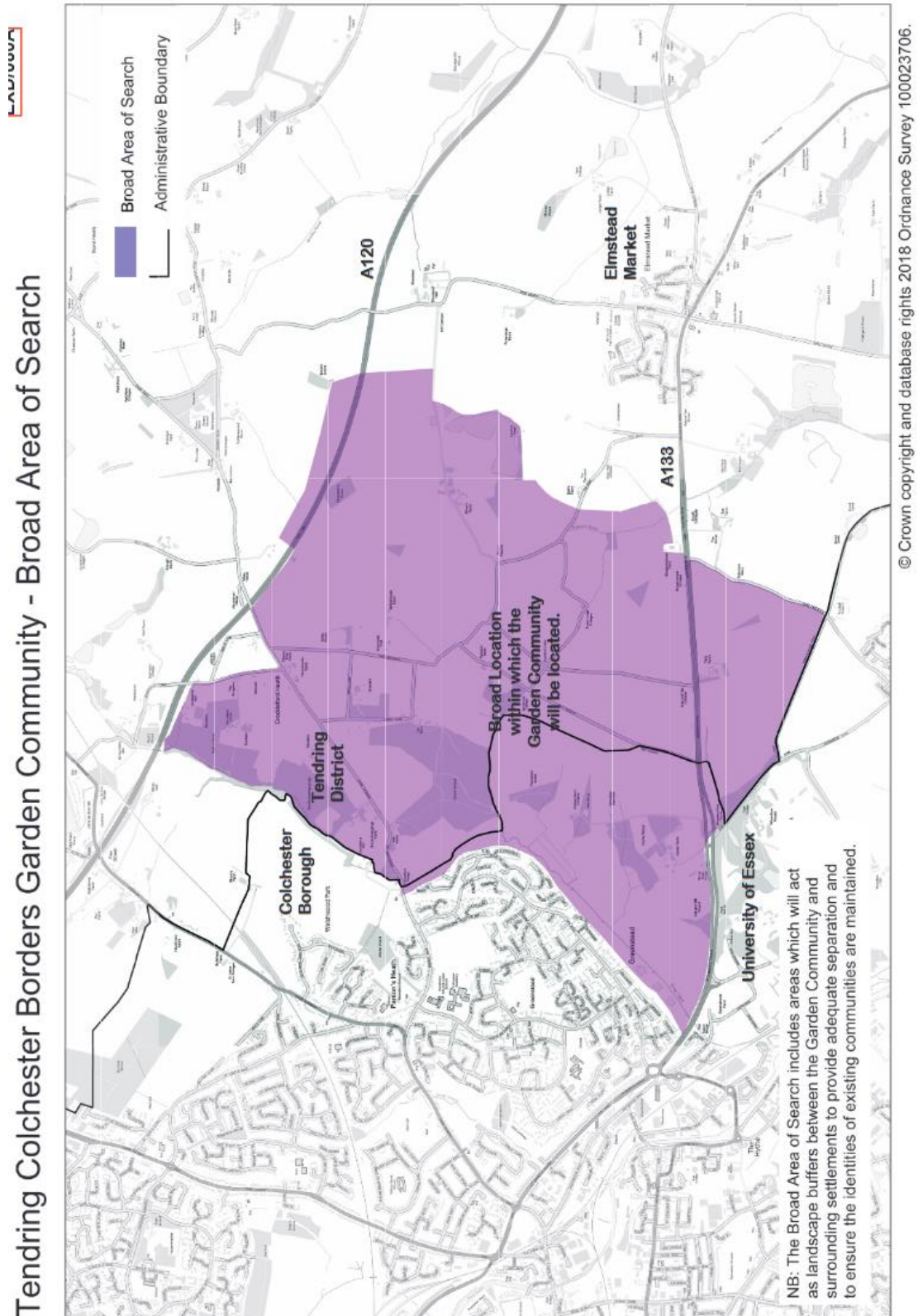
3. In exercising the functions in paragraph 2(a) the kind of matters that would fall to the Joint Committee to consider, in the determination of planning applications would include:

- Housing – all tenures (market, affordable, and specialist housing for elderly persons etc.)
- New schools (primary, secondary, special education needs early years and post 16)
- Community centre, community hub and library
- leisure uses, sports provision, and allotments
- Country parks, recreation and public open space
- Any waste development proposals.
- Sustainable Urban Drainage
- Town/neighbourhood centre(s) and associated shops (all shapes and sizes)
- Public realm, footpaths and dedicated cycle routes/network
- All new roads and road crossing within the Garden Community
- Any segregated/dedicated bus routes
- Commercial and employment sites, including energy for waste proposals.
- Minerals planning applications.

4. In addition the Joint Planning Committee would also have a role in considering:

- The heads of terms for S106 obligations relating to the mitigation measures, necessary infrastructure and affordable housing required to deliver a policy compliant development.
- Development viability, where relevant, in relation to S106 obligations.
- Stewardship model aligned to the S106 and associated permissions.
- Ongoing monitoring of the compliance of development with agreed permissions, related obligations/conditions and its implementation to an agreed standard.

Plan showing Tendring Colchester Borders Garden Community



<p style="text-align: center;"><b>Standing Orders for Tendring Colchester Borders Garden Community Joint Committee</b></p>
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**1. Appointment of Chair and Deputy Chair**

- 1.1 The Committee shall, at its first meeting in each municipal year, and from time to time as it considers necessary, elect a Chair and Deputy Chair. The Chair and Deputy Chair shall rotate between the Council's.
- 1.2 In the absence from any meeting of the Chair and Deputy Chair, a Chair for that meeting shall be appointed by the meeting but shall relinquish the chair if the Chair or Deputy Chair subsequently arrives at the meeting.

**2. Appointment of Spokespersons**

- 2.1 Each of the Councils shall nominate one of the committee members which it appoints as its spokesperson.

**3. Notice of and Summons to Meetings**

- 3.1 The administration of the Committee shall be undertaken by Tendring District Council who will give notice to the public of the time and place of any meeting in accordance with the access to information rules applicable to local authorities. At least five clear days before a meeting, the Committee Service will send an agenda by post and/or electronically to every member of the Committee. The agenda will give the date, time and location of each meeting and specify the business to be transacted and will be accompanied by such details as are available.
- 3.2 The Committee Service will take reasonable steps to ensure that a copy of the agenda and accompanying papers are placed on deposit at the offices of each of the councils for public inspection at least five clear days before the meeting and are published on the Council's web sites. The Committee Service will ensure that arrangements are put in place for the inspection of background papers in accordance with section 100D, Local Government Act, 1972 and to ensure compliance with all other provisions of Part VA, of that Act.
- 3.3 Dates, times and venues for meetings shall be determined by the Committee. In the absence of agreement or in cases of urgency, meetings may be called by the Committee Service following consultation with the Chair and Deputy Chair.
- 3.4 If at any time Tendring District Council was unable to fulfil its role in providing the administration to the Committee, Colchester Borough Council or Essex County Council will perform the functions.

#### **4. Membership**

- 4.1 Committee members shall be appointed by the Councils from time to time in accordance with the Committee's terms of reference. A Council may at any time replace one or more of its nominated members by notice given to the Committee Service.

#### **5. Substitute Members**

- 5.1 Each Council will appoint one substitute member. Each Council will notify the Committee Service of substitute members appointed.
- 5.2 Substitute members will have all the powers and duties of an ordinary member of the Committee. For the purposes of briefing meetings and circulation of papers, substitute members shall be treated in the same manner as ordinary members.
- 5.3 Substitute members may attend meetings in the capacity of an ordinary member of the Committee. The substitute member should withdraw from participation as a member of the Committee in the business at that meeting during any period at which the ordinary member is in attendance.

#### **6. Quorum**

- 6.1 The quorum of a meeting of the Committee shall be as follows: -

2 Members from Tendring District Council  
2 Members from Colchester Borough Council  
2 Members from Essex County Council

#### **7. Public speaking rights**

- 7.1 Members of the public have the public speaking rights set out in Annex A.
- 7.2 The Committee shall have the power to amend the public speaking rights.

#### **8. Voting**

- 8.1 All members of the Committee shall be entitled to vote upon any decision due to be made by the Committee.
- 8.2 Every question shall be decided by a show of hands, subject to Rule 8.3.
- 8.3 If any member demands a named vote and is supported by two other members, the question shall be determined by a named vote and the Committee Service shall record and enter in the minutes the names of each member present and whether they voted for or against or abstained.

- 8.4 Any member may, immediately after any vote is taken, require a record to be made in the minutes of whether they voted for or against or abstained.
- 8.5 If there are equal numbers of votes for and against, the Chair will have a second and casting vote.

## **9.0 Tenure of office**

- 9.1 A member shall cease to be a member of the Committee if the person—  
(a) resigns in accordance with paragraph 9.3;  
(b) is removed or replaced by the Council which made the appointment; or  
(c) ceases to be a member of a constituent Council (and does not on the same day again become a member of that or any other Council).
- 9.2 A person who ceases to be a member of the Committee shall be eligible for reappointment.
- 9.3 A member may resign from the Committee by sending written notice delivered to the proper officer of the Council which appointed the member;
- 9.4 Any casual vacancy shall be filled as soon as practicable by the body which appointed the member of the Committee whose membership has ceased.

## **10. Minutes**

- 10.1 The Chair will sign the minutes of the Committee at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

## **11. Exclusion of Public**

- 11.1 Members of the public and press may only be excluded either in accordance with the Access to Information provisions of the Local Government Act 1972 (consideration of 'exempt information') or Rule 13 (Disturbance by Public).

## **12. Disorderly Conduct: Misconduct of a Member**

- 12.1 If at any meeting of the Committee any member, in the opinion of the Chair, misconducts themselves by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Committee, the Chair or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.
- 12.2 If the member named continues their misconduct after a motion under the foregoing Rule has been carried, the Chair shall either move "that the member

named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting of the Committee for such period as in their discretion shall consider expedient.

- 12.3 In the event of a general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair, in addition to any other power vested in him/her, may adjourn the meeting of the Committee for such period as in their discretion shall consider expedient.

**13. Disorderly Conduct: Disturbance by members of the public**

- 13.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn them. If a member of the public continues the interruption the Chair shall order their removal from the meeting.
- 13.2 In case of a general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

**14. Suspension of Standing Orders**

- 14.1 Any of these Standing Orders may, so far as is lawful, be suspended by motion passed unanimously by those entitled to vote on the application in question. Any motion to suspend any part of these rules shall specify the purpose of their suspension. Any suspension shall only be to the extent and for the length of time necessary to achieve the stated purpose.

**15. Attendance at the Committee by other members of the Councils**

- 15.1. A member of any of the Councils who is not a member of the Committee may speak at a meeting of the Committee at the request or with the permission of the Committee or of its Chair made or obtained before the meeting. Such request or permission shall specify the matters in respect of which the member shall be permitted to speak.

**16. Attendance at the Committee by Council Officers**

- 16.1 The relevant Officers from the Councils will attend the Committee meetings to present the reports and advise the Committee in relation to its decision making.

**17. Statements of Community Involvement**

- 17.1 Public consultation in relation to pre application matters shall be dealt with in accordance with the Statement of Community Involvement or other appropriate procedures of the Council responsible for issuing the consent.

<p style="text-align: center;"><b>Tendring Colchester Borders Garden Community Joint Committee</b></p>
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**PART A**

**Public Speaking Arrangements- General**

1. Members of the public, who want to speak about an item which is to be considered at a meeting of the Committee can do so if they have notified the Committee Service by 12.00 noon on the day before the meeting.

**At the Committee Meeting**

2. Agenda items for which there are public speakers are taken first, normally in the order of the agenda.
3. Each speaker will be allowed three minutes in which to make their representation. The Chair will tell the speaker when the three minutes has elapsed and the speaker must stop when requested by the Chair. The Chair has discretion to extend this time limit.
4. The Chair will ask the speaker to come to the table at the beginning of the discussion of the report of the relevant item. The Chair will then invite them to speak following the Officer's introduction to the report on the item.
5. The speaker should address the Chair of the Committee, which is the normal convention for Committees.
6. Speakers should remember to:
  - Keep to 3 minutes or whatever other period has been agreed.
  - Highlight the main points they wish to raise and be as brief and concise as possible.
  - Be courteous.

At the conclusion of the public speaking, the Committee will discuss and determine the item.

<p style="text-align: center;"><b>Tendring Colchester Borders Garden Community Joint Committee</b></p>
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**PART B**

**Public Speaking Arrangements- Planning Applications**

1. Members of the public, or applicants or their agents, who want to speak about an application which is to be considered at a meeting of the Committee can do so if they have:
  - (a) in the case of members of the public, already submitted a written representation on an application; and
  - (b) notified the Committee Service by 12.00 noon on the day before the meeting.
2. A member of the public who has made a written representation on a planning application which is to be determined by the Committee, will be notified in writing about the committee date and their public speaking rights in the week before the Committee meeting.

**At the Committee Meeting**

3. A list of public speakers is available at the meeting. Agenda items for which there are public speakers are taken first, normally in the order of the agenda.
4. Each speaker will be allowed three minutes in which to make their representation. The Chair will tell the speaker when the three minutes has elapsed and the speaker must stop when requested by the Chair. The Chair has discretion to extend this time limit.
5. If more than one person wants to make a representation about the same application, then they should choose someone to act as a spokesperson. When several people wish to speak on the same application but wish to raise different issues, the Chair may agree to those speakers making representations. In these circumstances, less time may need to be given to each speaker.
6. The Chair will ask the speaker to come to the table at the beginning of the discussion of the report on the relevant application. The Chair will then invite them to speak following the Officer's introduction to the report on the application.
7. The speaker should address the Chair of the Committee, which is the normal convention for Committees.
8. Speakers should remember to:
  - Keep to 3 minutes or whatever other period has been agreed.



- Keep to the planning issues raised by the application.
- Highlight the main points they wish to raise and be as brief and concise as possible.
- Be courteous.

At the conclusion of the public speaking, the Committee will discuss and determine the planning application.

# The Leader's Report of Cabinet Issues

This report is

- a) To note decisions that have been taken as urgent key decisions, not on the forward plan (Constitution para 19.17) as attached as Appendix 1 to the report since the last meeting of Council on 12 October 2021 and
- b) To receive the minutes of the Cabinet meeting held on 15 October 2021 and attached to the report as Appendix 2.

## Recommendations

To receive the list of urgent decisions taken and the minutes of the Cabinet meeting held on 15 October 2021.

## Urgent Decisions

### Part 1: Decisions Exempt from Call-in

The following decisions were taken which were either not key decisions or where prior notice was given, but the Chairman of the Corporate Policy and Scrutiny Committee agreed that it was in the best interests of the Council for the decision to be implemented urgently and the decision was therefore exempted from call-in.

<b>DATE PUBLISHED</b>	<b>CABINET MEMBER</b>	<b>TITLE OF DECISION</b>	<b>REFERENCE NUMBER</b>
04/10/2021	Leader	Everyone's Essex: Our Plan for Levelling Up Essex, 2021-25	<b>FP/172/10/21</b>
12/10/2021	Cllr McKinlay	Allocation of the Household Support Fund and agreement to direct award for free school meal vouchers	<b>FP/181/10/21</b>
20/10/2021	Cllr McKinlay	Household Support Fund: Increase in support to those aged 2-4 in October 2021	<b>FP/192/10/21</b>
22/10/2021	Cllr Whitbread and Cllr Spence	Adult Social Care Workforce Support Fund	<b>FP/186/10/21</b>
16/11/2021	Cllr Spence	Adult Social Care Workforce Retention and Recruitment fund	<b>FP/202/10/21</b>
17/11/2021	Cllr McKinlay	Household Support Fund: Funding to Support Families and Vulnerable Adults	<b>FP/212/11/21</b>
17/11/2021	Leader	Allocation of Government Funding – Adult Social Care Infection Control and Testing Fund, Round 3	<b>FP/174/10/21</b>

## **Minutes of a meeting of the Cabinet that took place in the Council Chamber at County Hall at 10.15 am on Friday 15 October 2021**

### **Present:**

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
Councillor K Bentley	Leader of the Council (Chairman)
Councillor L McKinlay	Deputy Leader and Community, Equality, Partnerships and Performance
Councillor T Ball	Education Excellence, Life-Long Learning and Employability
Councillor M Buckley	Waste Reduction and Recycling
Councillor G Butland	Devolution, the Arts, Heritage and Culture
Councillor B Egan	Children's Services and Early Years
Councillor L Scott	Highways Maintenance and Sustainable Transport
Councillor J Spence	Health and Adult Social Care
Councillor L Wagland	Economic Renewal, Infrastructure and Planning
Councillor C Whitbread	Finance, Resources and Corporate Affairs

Councillors M Durham, I Henderson, D King, M Mackrory, M Platt, and P Schwier were also present. Councillor C Pond also participated via Zoom.

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

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

1. There had been no changes of membership since the last report.
2. There were no apologies for absence.
3. There were no declarations of interest.

### **2. Minutes of Previous Meetings**

The Minutes of the meeting held on 21 September 2021 were approved as a true record and signed by the Chairman.

### **3. Questions from the public**

There were none.

### **4. 2021-22 Financial Overview as at the Half Year Stage (FP/012/03/21)**

The Cabinet received a report setting out the current forecast financial position of Essex County Council's (ECC) revenue and capital budgets as at the half year stage of the 2021/22 financial year.

The Cabinet Member for Health and Adult Social Care responded to questions from Councillor Henderson on recruitment and retention in the care market and backlogs in providing care and support.

The Cabinet Member for Finance, Resources and Corporate Affairs responded to questions from Councillors Henderson, King, Mackrory and Pond in respect of council tax collection rates, the impact of interest rate rises on the County Council's borrowing and modelling for the impact of any increases in the rate of National Insurance and in the rate of inflation. In response to a question from Councillor King, the Leader confirmed that a formal response to the recommendations from the Climate Action Commission would be considered by the Cabinet in November 2021.

**Resolved:**

1. To draw down funds from reserves as follows:

- i. **£2m** from the Waste Reserve to the Waste Reduction and Recycling portfolio due to pressures which have increased tonnages costs (section 5.11.iii)
- ii. **£860,000** from the Covid Equalisation Reserve to the Adult Social Care and Health portfolio; **£634,000** to offset the overspend on the Essential Living Fund (ELF) and **£226,000** for residential and nursing care block bed contracts (section 5.1.vi)
- iii. **£219,000** from the Covid Equalisation Reserve to the Economic Renewal, Infrastructure and Planning portfolio relating to under recovery of income within International Trade (section 5.5.ii)
- iv. **£192,000** from the Covid Equalisation Reserve to the Children's Services and Early Years portfolio due to the pressure caused by increased applications to the Early Years inclusion panel (section 5.2.ii)
- v. **£167,000** from the Private Finance Initiatives (PFI) Equalisation Reserves to the Education Excellence, Skills and Training portfolio in relation to Debden PFI (**£139,000**) and Building Schools for the Future PFI (**£28,000**) (section 5.7.iv)
- vi. **£99,000** from the Community Initiatives Fund Reserve to the Community, Equality, Partnerships and Performance portfolio to fund eligible expenditure incurred within Community Partnerships (section 5.3.iii)

- vii. **£85,000** from the Reserve for Future Capital Funding to the Highways Maintenance and Sustainable Transport portfolio relating to expenditure incurred on benefits realisation studies for SELEP and DEFRA (section 5.9.ii)
  - viii. **£80,000** from the Covid Equalisation Reserve to the Devolution, the Arts, Heritage and Culture portfolio relating to Gypsies and Travellers in respect of loss of income on rent and lettings (section 5.4.ii)
  - ix. **£65,000** from the Bursary for Trainee Carers Reserve to the Education Excellence, Skills and Training portfolio to Adult Community Learning (ACL) in respect of the Nightingale Project (section 5.7.iv)
  - x. **£24,000** from the Covid Equalisation Reserve to the Leader RSSS portfolio due to Communications and Marketing costs related to the pandemic (section 5.16.iii)
  - xi. **£22,000** from the Covid Equalisation Reserve to the Community, Equality, Partnerships and Performance portfolio to cover the cost of terminating a transport contract for the Youth Service (NCS) (section 5.3.iii)
  - xii. **£18,000** from the Commercial Investment in Essex Places Reserve to the Finance, Resources and Corporate Affairs RSSS portfolio relating to the final costs of sale of Schools Payroll (section 5.15.iii)
  - xiii. **£13,000** from the Quadrennial Reserve to the Community, Equality, Partnerships and Performance portfolio relating to costs of the May 2021 elections (section 5.3.iii)
2. To appropriate funds to reserves as follows:
- i. **£2.5m** to the Adults Transformation Reserve from the Adult Social Care and Health portfolio appropriating the Social Care Grant settlement to the reserve until it is required (section 5.1.vi)
  - ii. **£1.8m** to the Carry Forward Reserve from the Finance, Resources and Corporate Affairs RSSS portfolio to support the 2022/23 budget as detailed in section 5.15.iii
  - iii. **£1.5m** to the Carry Forward Reserve from the Children's Services and Early Years portfolio to support the 2022/23 budget as detailed in section 5.2.ii
  - iv. **£764,000** to the Covid Equalisation Reserve from the Community, Equality, Partnerships and Performance portfolio relating to funding which is no longer required due to an improved financial position within Essex Outdoors (section 5.3.iii)

- v. **£800,000** to the Carry Forward Reserve from Other Operating Costs to mitigate future interest rate risk (section 5.12.ii)
  - vi. **£367,000** to the Collection Fund Risk Reserve from the Finance, Resources and Corporate Affairs portfolio to support council tax funding in future years (section 5.8.iii).
  - vii. **£142,000** to the Private Finance Initiatives (PFI) Equalisation Reserves from the Education Excellence, Skills and Training portfolio in relation to Clacton secondary schools PFI (section 5.7.iv)
  - viii. **£85,000** to the Carry Forward Reserve from the Community, Equality, Partnerships and Performance RSSS portfolio from Essex Legal Services to cover costs associated with an ongoing Trading standards case which has been delayed due to Covid related court delays (section 5.13.iii)
3. To approve the following adjustments:
- i. To create a new Everyone's Essex Reserve to set aside resources to support delivery of the Everyone's Essex strategy for levelling up the county and improving lives and opportunities for all our residents, and to transfer **£25m** from the Renewal Fund Reserve, **£10m** from the Equalities Fund Reserve and **£10m** from the Ambition Fund Reserve to this reserve.
  - ii. Vire **£195,000** from the Community, Equality, Partnerships and Performance portfolio to Finance, Resources and Corporate Affairs RSSS portfolio to meet pressures relating to a restructure from Service Transformation to Organisation development and talent Management (sections 5.3.iii & 5.15.iii)
  - iii. Vire **£33,000** from Community, Equality, Partnerships and Performance RSSS portfolio to Leader RSSS portfolio to part fund a fixed term position within the Partnerships and Equality team (sections 5.13.iii & 5.16.iii)
  - iv. Vire **£26,000** within the Finance, Resources and Corporate Affairs RSSS portfolio from Finance to Human Resources in order to support business partnering training capacity across the functional area (section 5.15.iii)
  - v. To amend the capital budget as shown in Appendices C (i) and C (ii) which allows for capital slippage of **£10.7m**, capital budget additions of **£6.3m**, capital budget reductions of **£5.7m** and advanced works of **£5.3m** (see section 7.2).

**5. Bus Back Better: Bus Service Improvement Plan for Essex (FP/091/06/21)**

The Cabinet was asked to agree a Bus Service Improvement Plan which the Council had been asked to produce by the Government as part of the Government's national bus strategy.

The Cabinet Member for Highways Maintenance and Sustainable Transport responded to questions from Councillors Henderson, Mackrory and Pond in respect of cross border connectivity and liaison with adjacent counties, building confidence and incentivising usage, supporting young people in peak times, network franchising, the use of income from fines, investment in the fleet, and partnership working. It was confirmed that the Enhanced Partnership Plan would be presented to the appropriate scrutiny committee.

**Resolved:**

1. It was agreed to adopt the Bus Service Improvement Plan at appendix A to the report.
2. It was agreed that the Cabinet Member will take decisions relating to the elements of the Bus Service Improvement Plan that it is proposed will be delivered through Essex County Council's first Enhanced Partnership Plan and Scheme.
3. It was noted that there are likely to be additional resources required in order to deliver the Enhanced Partnership Plan and Scheme which are the delivery mechanisms for key parts of this plan and required to be in place by 31 March 2022. A further decision relating to those resource requirements will be included in the paper that is due to be considered at Cabinet in March 2022 to make the Enhanced Partnership Plan and Scheme.
4. It was noted that the Cabinet will take the final decision on adopting the Enhanced Partnership plan and scheme(s).

**6. New Library Building in Shenfield and Associated Development (FP/115/07/21)**

The Cabinet's approval was sought to redevelop the Shenfield Library site to make better use of this public land, create a more energy efficient building, improve a much valued community asset and attract a surplus to be reinvested in public services.

The Cabinet Member for Economic Renewal, Infrastructure and Planning responded to questions from Councillors Henderson, Mackrory and Pond in respect of adjacent trees, sale values of apartments, links with public transport, social value investments and affordable housing, green



technologies and the carbon impact of demolition and fabrication of new buildings.

**Resolved:**

1. It was agreed to demolish the current Shenfield Library building and replace it with a new scheme comprising a new library, a commercial unit and nine apartments.
2. It was agreed to invest from the capital programme to cover the costs of technical design, site preparatory works, demolition, and construction costs as set out in the confidential appendix.
3. It was agreed to the drawdown of £85,211 from the transformation reserve (for costs that cannot be capitalised) as set out in the confidential appendix.
4. It was agreed to undertake a procurement process for a demolition contractor via the Mitie Facilities Management contract for the demolition of the current building. This is Essex Housing's preferred method of procurement for demolition contractors as it reduces uncertainty for design and build contract bidders and can speed up and therefore lower the overall cost of the project. The award of contract to be delegated to the Head of Essex Housing so long as the cost is within the budget.
5. It authorised the commencement of improvement works at Bishops Hill Adult Community Learning Centre to create a temporary library space to be used during the period of works at the current site procured via Mitie Facilities Management contract to start work as soon as possible and avoid delays to the rest of the programme.
6. It was agreed to undertake a procurement process and to enter into a design and build contract for the re-development of the Site in line with the planning consent. The design and build contract will be procured under a single stage competitive tender with bids evaluated on 50% quality (including 5% social value) and 50% price. Agree that the Head of Essex Housing may award the contract if it is within budget and in line with our evaluation criteria.
7. It was agreed that the private apartments are sold individually through a traditional open market sales approach, through the appointment of a sales agent for the scheme.
8. It was agreed that a tenant be found for the commercial unit through a traditional open market approach, through the appointment of a letting agent for the unit who is briefed on the need to identify a tenant that will be complementary to the library.
9. It was agreed that the Head of Essex Housing be given delegated authority to accept or reject bids for sales of the nine housing units after

taking proper advice.

**7. Decisions taken by or in consultation with Cabinet Members (FP/086/06/21)**

The report was noted.

**8. Date of the next meeting**

The next meeting of the Cabinet would take place at 2.30pm on Wednesday 24 November 2021 in the Council Chamber at County Hall, Chelmsford.

**9. Urgent Business**

There was no urgent business.

**10. Exclusion of the press and public**

Resolved that the press and public were excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

**11. Confidential Appendix: New Library Building in Shenfield and Associated Development (FP/115/07/21) (Public and press excluded)**

The confidential appendix to report FP/115/07/21, to which minute 6, above, refers was agreed.

**12. Urgent exempt business (Public and press excluded)**

There was no urgent exempt business.

There being no further business, the meeting closed at 11.10am