



Essex County Council

Summons

To all Members of
Essex County Council

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

10:00	Tuesday, 06 December 2016	Council Chamber, County Hall, Chelmsford, Essex
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A handwritten signature in black ink, appearing to read 'Gavin Jones'.

Gavin Jones
Chief Executive

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

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This meeting is open to the public and the press.

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

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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 meetings of the Council's Committees. The Chairman will make an announcement at the start of the meeting if it is being recorded. The recording/webcast service is not guaranteed to be available.

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

Prayers The meeting will be preceded by Prayers led by Abbot Hugh Allan, Apostolic Administrator of the South Atlantic, Parish Priest of Our Lady Immaculate and Chaplain to the Chairman.

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

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Minutes of the meeting of the Full Council, held in the Council Chamber County Hall, Chelmsford, Essex on Tuesday, 11 October 2016

Present:

Chairman: Councillor J F Aldridge

Vice-Chairman: Councillor J G Jowers

Councillors:

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

Prayers

The meeting was preceded by prayers led by The Right Reverend Hugh Allan,

O.Praem. BA; Prior of Chelmsford and Parish Priest of Our Lady Immaculate and Chaplain to the Chairman of Essex County Council.

Public Questions

The Chairman welcomed Mrs Anne Davis, Tendring District Councillor, who had registered to speak.

Mrs Davis addressed Council and then asked:

'Will the Cabinet Member for Education and Lifelong Learning consider building a new grammar school for the Tendring District (and elsewhere in the County) in line with Theresa May's intentions for the future of education?'

Councillor Gooding thanked Mrs Davis for her question. He responded that Mrs Davis had very eloquently stated the case for the introduction of grammar schools but he noted that should the Council be minded to build any grammar school there would need to be a change in primary legislation. Consequently, the Council could not make such a decision.

The Chairman formally opened the meeting

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

1 Apologies for Absence

Apologies for absence were received on behalf of Councillors G Butland, J Huntman, D J Kendall, J Knapman, D Louis, M Maddocks, A Naylor and J W Pike.

2 Declarations of Interest

- Councillor Aldridge declared a Code interest in relation to item 8, Motions, as a Foundation Governor of Chelmsford Grammar School.
- Councillor Bass declared a Code interest in relation to item 8, Motions, as a Foundation Governor of a Grammar School although having no role in admissions.
- Councillor Gooding declared a Code interest in relation to item 8, Motions, as a Governor of Bancroft's School.
- Councillor Erskine declared a Code interest in relation to item 8, Motions, as his wife was a Pharmacy Manager for Boots the Chemist.

3 Confirmation of the minutes of the meeting held on 12 July 2016

Resolved:

That the minutes of the meeting held on 12 July 2016 be approved as a correct record and signed by the Chairman.

4 The Chief Executive's Report on Political Proportionality

The Chief Executive informed Council that Councillor David Finch, the Leader of the Conservative Group, had given notice that Councillor Andy Erskine had joined the Conservative Group on the Council. Cllr Erskine had been previously a member of the Non-aligned Group. This triggered a review of the political balance of the Council's committees and other bodies.

The recommendations were moved by Councillor Finch and seconded by Councillor Bentley and it was

Resolved:

1. That the revised political balance of the Council be noted.
2. That the seat allocations to political groups be changed so that the seat allocations on the Audit Committee be as follows:

Conservative 5
Liberal Democrat 1
Non-aligned 1

5 Chairman's Announcements and Communications**Recent Deaths****Councillor Harold (Jack) King**

The Chairman informed members that former Councillor Jack King died on 13 July at the age of 93. Mr King had been first elected to Essex County Council in 1989 to represent the Division of Canvey Island East. He had served on the Police Authority and the Fire & Public Protection and Local Flood Defence Committees until 1993.

The Chairman noted that he had been a well-known figure on Canvey Island, benefactor of Canvey Island Football Club and fundraiser for the Strokebusters Appeal.

Councillor Richard Boyd

The Chairman informed members that former Councillor Richard Boyd died on 3 October at the age of 71. Mr Boyd was already a Rochford District Councillor when first elected to Essex County Council in 1981 to represent the Division of Rayleigh North. He had served on numerous committees, including as Chairman of the Commercial Services Board, the Enterprise Committee and the Essex Police Authority amongst many others.

The Chairman noted that he had also been the Leader of the Essex County Council Liberal Democrat Group from 1993 to 1997.

At the invitation of the Chairman, Councillor Mackrory, Leader of the Liberal Democrat Group, spoke in tribute to former Councillor Boyd who had been appointed a Deputy Lieutenant of Essex in 1998.

Members stood in remembrance.

Award

The Chairman congratulated the Council's Prosper Project Team on winning the prestigious 'Changing Culture to improve Patient Safety' award at the National Patient Safety Awards. The Chairman informed Members that the work of the Prosper Project Team was significant in the care of patients and puts the prevention agenda in the forefront of the way those in care are treated.

The Prosper Project Team were present in the Council Chamber and, at the invitation of the Chairman, were congratulated by Councillor Madden, the Cabinet Member for Adults and Children, from whom on behalf of the Council, the Chairman also received the award.

6 Receipt of petitions and deputations

The Chairman received petitions concerning:

- Highways maintenance, from Councillor Robinson on behalf of the residents of Fourth Avenue, Chelmsford, and
- Road safety on the B1027, from Councillor Goggin on behalf of local residents of Flag Hill.

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

7 Executive Statement

The Leader of the Council, Councillor Finch, delivered an Executive Statement on 'Shaping Our Council for the Future' including references to:

- The vision and ambitions for the residents of Essex,
- Organisational design,
- A tribute to Councillor Bass (leaving the Cabinet) and
- Cabinet changes.

8 Motions

The Chairman ruled that the two Motions 'Grammar Schools' and 'Schools that

work for everyone' should be taken as one debate.

Grammar Schools

It was moved by Councillor Ferguson and seconded by Councillor Bayley that:

'This Council welcomes the news that the Government will create more Grammar Schools, one of the key policies of the UK Independence Party. It therefore resolves to fully support the introduction of new Grammar Schools in our County insisting they should be sited in areas which give the best chance of real social mobility.'

Schools that work for everyone

It was moved by Councillor Gooding and seconded by Councillor Spence that

'This Council:

- Welcomes the Government's Green Paper, 'Schools that work for everyone' and the intent that it contains to increase social mobility and ensure that everyone can aspire to the best for their children. These measures include the proposed expansion of existing grammar schools; the potential creation of new grammar schools and the sharing of expertise and good practice between all of the education sectors including independent schools and universities.
- Commits to consulting with local communities, head teachers and all Academies, Maintained, Independent and Grammar schools throughout the County.

In doing that, the Council:

- Recognises the achievement of Essex's existing Secondary and Grammar Schools.
- Reaffirms its commitment to achieving universal excellence in Essex education inter alia by all schools being good and outstanding and all children achieving their full potential.
- Applauds the outstanding head teachers we have in Essex and the role they have played in raising the number of good and outstanding schools in the county by almost 50% over the last four years.
- Acknowledges the part played by good facilities and applauds the Council's creation and planned expenditure on new school places to meet the growing demands together with the £85 million to be spent on special school places for the benefit of our most challenged children.'

It was moved by Councillor Gooding and seconded by Councillor Spence that the Motion moved by Councillor Ferguson and seconded by Councillor Bayley be amended to read as follows:

‘This Council welcomes the news that the Government will create more Grammar Schools, subject to the conditions set out by the Prime Minister. It therefore resolves to fully support the introduction of new Grammar Schools in our County insisting they should be sited in areas which give the best chance of real social mobility and only introduced following full consultation throughout the County.’

The amendment moved by Councillor Gooding and seconded by Councillor Spence having been put to the meeting was declared to be carried and became the substantive Motion.

The substantive Motion having been put to the meeting was declared to be carried.

It was moved by Councillor Robinson and seconded by Councillor Whitehouse that the Motion moved by Councillor Gooding and seconded by Councillor Spence be amended to read as follows:

‘This Council:

- Notes the Government’s Green Paper, ‘Schools that work for everyone’ and the intent that it contains to increase social mobility and ensure that everyone can aspire to the best for their children. However this is unlikely to be achieved by the proposed expansion of existing grammar schools; the potential creation of new grammar schools and the sharing of expertise and good practice between all of the education sectors including independent schools and universities.
- Commits to consulting with local communities, head teachers and all Academies, Maintained, Independent and Grammar schools throughout the County.

In doing that, the Council:

- Recognises the achievement of Essex’s existing Secondary and Grammar schools.
- Reaffirms its commitment to achieving universal excellence in Essex education inter alia by all schools being good and outstanding and all children achieving their full potential.
- Applauds the outstanding head teachers we have in Essex and the role they have played in raising the number of good and outstanding schools in the county by almost 50% over the last four years.
- Acknowledges the part played by good facilities and applauds the Council’s creation and planned expenditure on new school places to meet the growing demands together with the £85 million to be spent on special school places.’

It was moved by Councillor Danvers and seconded by Councillor Bobbin that the Motion moved by Councillor Gooding and seconded by Councillor Spence be amended to read as follows:

‘This Council:

- Notes the Government's Green Paper, 'Schools that work for everyone' and commits to present any emerging proposals to the relevant ECC scrutiny committee, before consulting with local communities, head teachers and all Academies, Maintained, Independent and Grammar schools throughout the County, utilising the wealth of experience to fully consider the impact of plans on young people across Essex.

In doing that, the Council:

- Recognises the achievement of Essex's existing schools and education staff.
- Reaffirms its commitment to achieving universal excellence in Essex education inter alia by all schools being good and outstanding and all children achieving their full potential.
- Applauds the outstanding head teachers we have in Essex and the role they have played in raising the number of good and outstanding schools in the county by almost 50% over the last four years.
- Acknowledges the part played by good facilities and applauds the Council's creation and planned expenditure on new school places to meet the growing demands together with the £85 million to be spent on special school places for the benefit of our most challenged children.'

The amendment moved by Councillor Robinson and seconded by Councillor Whitehouse having been put to the meeting was declared to be lost.

The amendment moved by Councillor Danvers and seconded by Councillor Bobbin having been put to the meeting was declared to be lost.

The original Motion having been put to the meeting was declared to be carried.

Essex Pharmacies under Threat

It was moved by Councillor Mackrory and seconded by Councillor Whitehouse that:

'This Council notes that as many as 3,000 community pharmacies are at risk after the Department of Health announced it was cutting their funding by £170 million. Of that 3,000, some 40% are located in the UK's top fifth most deprived neighbourhoods. However less than 5% of those at risk are in the country's most affluent postcodes.

Essex County Council therefore believes that the Government's plans threaten patient access to pharmacies and pharmacy services in Essex and more particularly in our most deprived areas. Our local pharmacies are at risk of closure or being forced to cut services such as free delivery of prescription drugs, family planning advice and advice on medicines. This will put more pressure on GPs, hospitals, impact social services and is at odds with the local Clinical Commissioning Groups' desire to increase the use of pharmacists to ease pressure on the already over stretched Accident and Emergency Services, and GPs, when

booking appointments is already very difficult.

We therefore call on the Government to abandon these cuts and maintain a fully-funded community pharmacy service and request the Leader of the Council to write to the Secretary of State for Health, NHS England and the Clinical Commissioning Groups in Essex expressing this view.'

Prior to the Motion being put, ten Members demanded a division by name by standing in their places.

The Motion having been put to the meeting it was declared to be lost by 21 votes for, 39 against and 5 abstentions.

Those voting for the Motion were Councillors:

J Abbott	T Durcan	M Mackrory
B Aspinell	M Fisher	M McGeorge
D Blackwell	D Harris	S Robinson
K Bobbin	I Henderson	C Sargeant
K Clempner	T Higgins	A Turrell
M Danvers	M Hoy	J Whitehouse
J Deakin	J Lodge	J Young

Those voting against the Motion were Councillors:

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

Those abstaining were Councillors:

A Bayley	F Ferguson	C Pond
M Ellis	N Le Gresley	

Loneliness and Isolation

It was moved by Councillor Henderson and seconded by Councillor Young that:

‘This Council notes, with serious concern, research which estimates that over 80,000 people across Essex are likely to suffer from feelings of loneliness and isolation. This authority must consider its responsibility to vulnerable residents, not allowing its Increasing Independence Agenda to be a catalyst for rising numbers of residents suffering from isolation. It is crucial that ECC be forward thinking, laying the groundwork now to ensure that rising pressures on adult social care, mental health services and family support networks don’t leave more and more of our residents left behind, and on their own.

This Council therefore resolves to ensure that tackling isolation will always be a key consideration when forming policy and commissioning services.

Necessary steps will be taken to:

- Ensure policy makers here at ECC always keep inclusion and community resilience at the heart of what they do, understanding fully the implications of their decisions before they make them.
- Ensure that recognition of isolation and loneliness features heavily in public consultations (where relevant), with training and support made available where necessary.
- Review and adapt the Equality Impact Assessment framework to place greater emphasis on isolation and loneliness, taking into account all nine of the protected characteristics.’

It was moved by Councillor Brown and seconded by Councillor Madden that the Motion be amended to read as follows:

‘This authority must continue to consider its responsibility to vulnerable residents, in particular residents suffering from isolation. It is crucial that ECC maintains its forward thinking, laying the groundwork now to manage rising pressures on adult social care, mental health services and family support networks.

This Council therefore resolves to ensure that tackling isolation will always be a key consideration when forming policy and commissioning services.

This Council will:

- Ensure policy makers here at ECC always keep inclusion and community resilience at the heart of what they do, understanding fully the implications of their decisions before they make them.
- Note the excellent work undertaken by the Strengthening Communities Board along with other public sector bodies including the CCGs, Fire and Police services and many voluntary sector partners.
- Ensure that recognition of isolation and loneliness features in public

consultations (where relevant), with training and support made available where necessary.

- Continue to review and adapt the Equality Impact Assessment framework to place greater emphasis on isolation and loneliness, taking into account all nine of the protected characteristics.'

Councillor Henderson with the agreement of Councillor Young and of the Council accepted the amendment and so it became the substantive Motion.

The substantive Motion having been put to the meeting was declared to be carried.

Support for our Armed Forces

It was moved by Councillor Brown and seconded by Councillor Lissimore that:

'In December 2015, this Council expressed its support for and admiration of Her Majesty's Armed forces, many of whom are based in Essex.

This Council therefore notes with great concern, that many of those service personnel are suffering greatly as a result of vexatious claims relating to Iraq Historic Allegations Team and that this has come at a tremendous cost to them, their families and indeed the public purse.

This Council also notes with great concern that the Leader of the Labour Party has recently declined to condemn this practice and also notes that as a result has received severe criticism even from many in his own party.

This Council therefore calls on the Government and Opposition Parties alike to take or support all possible measures to ensure service personnel are no longer subject to these outrageous and vexatious claims.'

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

'In December 2015, this Council expressed its support for and admiration of Her Majesty's Armed forces, many of whom are based in Essex.

This Council therefore notes with great concern, that many of those service personnel are suffering greatly as a result of false and unsubstantiated claims relating to Iraq Historic Allegations Team and that this has come at a tremendous cost to them, their families and indeed the public purse.

Equally, this Council notes that it is only right that our armed forces are held to the highest standards and, while rare, where there are significant and legitimate claims of criminal behaviour, these should be investigated.

This Council therefore calls on the Government and Opposition Parties alike to take or support all possible measures to resource the Iraq Historic Allegations Team, allowing them greater ability to stamp out any spurious claims, and to focus on the few credible ones.'

The amendment having been put to the meeting was declared to be lost.

Prior to the Motion being put, ten Members demanded a division by name by standing in their places.

The Motion having been put to the meeting was declared to be carried by 54 votes for, none against and 11 abstentions.

Those voting for the Motion were Councillors:

J F Aldridge	M Fisher	R A Madden
B Aspinell	R Gadsby	M McEwen
S Barker	A Goggin	V Metcalfe
R L Bass	R J Gooding	Lady Newton
A Bayley	I Grundy	M J Page
K Bentley	C Guglielmi	C Pond
D Blackwell	A M Hedley	J M Reeves
R G Boyce	T Higgins	S Robinson
A Brown	R Hirst	C Sargeant
M Buckley	P Honeywood	C Seagers
S Canning	R C Howard	K Smith
J Chandler	N Hume	J Spence
T Cutmore	A Jackson	A Turrell
J Deakin	E C Johnson	K Twitchen
M Ellis	J G Jowers	S Walsh
A Erskine	N Le Gresley	R G Walters
F Ferguson	S Lissimore	J Whitehouse
D Finch	M Mackrory	A Wood

Those abstaining were Councillors:

J Abbott	T Durcan	J Lodge
K Bobbin	D Harris	M McGeorge
K Clempner	I Henderson	J Young
M Danvers	M Hoy	

No Councillors voted against the Motion.

Adjournment

With the agreement of Council the Chairman adjourned the meeting for luncheon at

13:00.

The meeting reconvened at 14:00.

9 Multi-year Settlement & Efficiency Plan

The Leader, Councillor David Finch, presented the report that set out an efficiency plan to submit to the Department for Communities and Local Government (DCLG) in order to accept the offer of the multi-year finance settlement.

Resolved:

1. That the Council accept the offer of the Multi-Year Settlement from DCLG.
2. That the Council accept the flexible use of capital receipts policy implemented by DCLG.
3. That the report be submitted to DCLG as the Council's efficiency plan.

10 To receive the Leader's report of Cabinet Issues

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

Cabinet Members responded to questions as follows:

Procurement of an Independent Provider Development Framework

Councillor Henderson asked Councillor Madden, the Cabinet Member for Adults and Children, that all possible care be taken with this policy for independent living as the research into this matter concludes that if implemented incorrectly there can be serious consequences, including death, for the elderly. All possible support needs to be available in communities in order to reduce risk to vulnerable people.

The Cabinet Member replied that great care would be taken.

Future Direction of the Quality Improvement Service – Early Years and Childcare

Councillor Young asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, if he recalled that questions were raised at Corporate Scrutiny Committee about Early Years funding as the providers had not received an increase in the hourly rate since 2012/13. This report states that the Council's funding for school improvement will cease as from 2018 but she would like some clarity about whether or not that money was going to be made available for schools to pay for the quality improvement and how much would they be receiving?

The Cabinet Member replied that the report was about re-commissioning of the service to ensure the quality of Early Years provision. The other matters to which

Councillor Young had referred were not part of the report. The funding would be coming through other processes.

Councillor Mackrory asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, if he did not share his concerns that, in the report, it speaks of funding to Local Authorities for School Improvement ceasing from 2018. School to school support is mentioned but schools themselves are already facing stretched budgets and increased costs and so he wondered where the funding was going to come from?

The Cabinet Member replied that school to school support was the way forward and the education white paper made it clear that funding would be through the fair funding process. He acknowledged that a lot of detail still needed to be resolved.

11 To receive a report of matters reserved to the Council

Councillor Finch, the Leader of the Council, presented the report of matters reserved to Council. It was noted that there had been a correction as shown in the Order Paper. He moved the recommendations and they were seconded by Councillor Bass.

1. Changes to the Constitution following consultation with the Member Reference Group

Resolved:

1. That with effect from the close of the meeting, Part 16 of the Constitution be replaced with the text at Appendix 1 of the report.
2. That notwithstanding the new rules on allocation of motions, the current rules for the allocation of motions shall continue to apply to the December 2016 meeting.

2. Remits of Overview and Scrutiny Committees

Resolved:

That paragraphs 9.5.1 - 9.5.3 of the Constitution be amended as set out in Appendix 2 to the report.

3. Policy Framework

Resolved:

That the policies listed at paragraph 6.1.1 of the Constitution as the policy framework be amended to read:

'Any document forming part of the Development Plan
The Council's Principal Strategy and Vision

Local Transport Plan
Youth Justice Plan.'

4. Petitions Policy

Resolved:

That Council adopt the draft petitions policy at Appendix 3 of the report and amend paragraphs 9.4 and 20.13 of the Constitution as set out in Appendix 4 of the report.

5. Changes to Membership of Committees

Resolved:

That Council note the following change made in accordance with the notification given by the Conservative Group Leader:

- Councillor Andy Erskine to replace Councillor John Aldridge as a member of the Development and Regulation Committee.

Questions (Standing Order 16.11)

12 Written Questions

a

The published answers to the 21 written questions submitted in accordance with Standing Order 16.12.1 were noted.

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

(4) Councillor Danvers asked Councillor Finch, the Leader of the Council, if he was content that there are no plans to reduce the numbers of zero hours contracts?

The Leader replied that he was content that zero hours contracts were mutually beneficial to the Council and the individual concerned.

(10) Councillor Abbott sought clarification from Councillor Johnson, the Cabinet Member for Highways and Transport, as to what route might Parish Councils take in order to discuss the means of getting the work done?

The Cabinet Member replied that Parish Councils should contact him directly.

(17) Councillor Henderson asked Councillor Butland, the Cabinet Member for Health, if he could comment on two cases that had come to his attention, one of which involved a 12-year old who had waited 30 weeks for attention and the other had waited 37 weeks.

In the absence of the Cabinet Member for Health, Councillor Madden, the Cabinet Member for Adults and Children, replied that he would be happy to look at these two studies to which Councillor Henderson had referred and requested that he provide him with the details.

(18) Councillor Bobbin asked Councillor Johnson, the Cabinet Member for Highways and Transport, why, contrary to what the Cabinet Member had indicated in his written reply, he had not been sent the results of the consultation to allow private hire vehicles to use bus lanes.

The Cabinet Member replied that the results of the consultation had been published but the consultation did not concern Basildon. He urged Councillor Bobbin to speak to the Local Highways Panel if he wished a similar scheme to be considered in his Division.

(19) Councillor Bobbin asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, why the funding for escorts of vulnerable children had been stopped and did he have no concerns about children being sent to school on their own?

The Cabinet Member replied that it is the taxi drivers themselves who often require the support of an escort in the face of challenging behaviours from children. However, in those circumstances additional measures are taken and he would be happy to discuss the matter with Councillor Bobbin outside of the meeting.

(20) Councillor Robinson asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, if he did not agree that high quality education ought to be funded at a high level.

The Cabinet Member replied that additional support was available where relevant and there was a Panel to grant additional funding where needed.

(21) Councillor Robinson asked Councillor Johnson, the Cabinet Member for Highways and Transport, when he would expect the proposals to be published.

The Cabinet Member replied that he was unable to say at present.

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

1 Councillor Goggin asked Councillor Madden, the Cabinet Member for Adults and Children, if he could provide an update on the latest position of the Meals on Wheels service.

The Cabinet Member replied that the new contract for the North of the County had been entered into a year ago. In the last three months 1,040 people had been contacted to discuss receiving hot meals. Last weekend no calls for assistance were received as the service migrated and all the evidence suggested that the

transition had been a success.

2 Councillor Chandler asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he could comment on the continuing congestion at the Army and Navy Flyover in Chelmsford.

The Cabinet Member apologised for the congestion and informed Council that the traffic flows continue to be monitored and adjusted. He appreciated the patience of road users.

3 Councillor Hoy asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, if he did not agree that it would be useful for the Hullbridge Youth Centre to be used to its full potential and not just for one or two hours each day because of restrictions in the lettings policy?

The Cabinet Member replied that he was currently looking at the usage at that location and would be happy to speak to Councillor Hoy about any suggestions he may have.

4 Councillor Turrell (on behalf of Councillor Kendall) asked Councillor Brown, the Cabinet Member for Corporate, Communities and Customers, what would be the financial benefits to Essex County Council of moving the Brentwood Library from its current location and relocating it into Brentwood Town Hall? When were Brentwood residents going to be consulted on this issue?

The Cabinet Member replied that the issue was being examined but no decision had been made. The intention was not to undertake any action that might disrupt the service at Brentwood Library which is one of the most successful in the County.

5 Councillor Lissimore asked Councillor Brown, the Cabinet Member for Corporate, Communities and Customers, why the sculpture 'Crucifixion of Mankind' had been removed from Colchester Library.

The Cabinet Member replied that the sculpture was in storage following customer feedback. The Council was looking for a new home for it, possibly at the Firstsite Gallery in Colchester.

6 Councillor Abbott asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he was content that pedestrians were being forced to walk in the road to avoid overgrown vegetation not dealt with under the terms of the policy for clearing. Would one solution be to allocate the budgets to Parishes and Districts to manage?

The Cabinet Member replied that he was not happy that pedestrians needed to walk in the road. He explained that the County paid for one-and-a-half cuts each year and that parishes could, if they wished, pay for more.

7 Councillor Gadsby asked Councillor Walsh, the Cabinet Member for Environment and Waste, if he could provide an update on his decision to tackle the illegal disposal of business waste at recycling centres.

The Cabinet Member replied that following a call-in of the decision he had agreed that there should be a review of the impact of the decision after three months. He had been advised that fly-tipping was unlikely to increase but if there was evidence of an increase then the Council would provide funds to deal with it. Additionally, he was planning to work with the Police, Trading Standards and other agencies to significantly curtail the incidents of large-scale fly-tipping in the County.

8 Councillor Harris asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, if he agreed that Thomas Lord Audley School was doing extremely well and would he write to encourage them to continue the good work.

The Cabinet Member replied that he would do so.

9 Councillor Pond asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he was aware that there had been a petition submitted to Transport for London of over 2500 signatures requesting that bus route 167 be preserved and would he restate the commitment that the Council will ensure that it will be supported should the current operators pull out.

The Cabinet Member replied that the Council was currently awaiting the result of the consultation. He will be seeking a way forward so that a service may be provided within the available budget.

10 Councillor Whitehouse asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he considered that the Essex Permits Scheme for Roadworks was a success?

The Cabinet Member replied that the utility companies who seek to dig up the roads now had to pay for it (unless it was an emergency) and he believed, although it was too soon to arrive at definite conclusions, that the scheme was a success.

11 Councillor Guglielmi asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, concerning the Young Essex Assembly if he could provide an update, perhaps giving an assurance that there were sufficient young people standing for election.

The Cabinet Member replied that there had been a mixed uptake and it was necessary to reach out to more young people. He urged Members to promote the elections in their Divisions.

12 Councillor Aspinell asked Councillor Johnson, the Cabinet Member for Highways and Transport, if he was aware that the terms of reference for the Local Highways Panels had been misinterpreted. He understood that the Panel meetings in his Division were being held in private on the instructions of the Cabinet Member and were no longer open to the public. He asked if this was correct and what security issues arose to deny the public access to a public meeting.

The Cabinet Member replied that the Terms of Reference had not changed.

Highways Panels were not required by law to be held in public. For clarity, the advice he had given to Panels was that a Panel may decide for themselves if they wished to hold meetings in public, but they were not required to do so.

13 Councillor Deakin asked Councillor Gooding, the Cabinet Member for Education and Lifelong Learning, if the Council was engaging in Local Democracy Week this year?

The Cabinet Member replied that he would look into it.

**12 Questions of the representative of the Essex Police and Crime Panel on any
c matter of that Panel**

There were no questions.

**12 Questions of the representative of the Essex Fire Authority regarding the
d Report to the Constituent Authorities of the meeting on 7 September 2016**

Councillor Young asked Councillor Hedley, the Representative of the Essex Fire Authority, for an update on the recruitment of retained firefighters. She also enquired if there was a 'Plan B' should the recruitment drive fail?

The Representative replied that he and his colleague Councillor Guglielmi were looking at the length and terms of contracts to try and ensure they were as flexible as possible. It was anticipated that the fire service would be able to recruit sufficient retained fire-fighters, no fire-stations would be closed and no-one would be made redundant. The residents of Essex would continue to receive an excellent service.

Chairman

Motions

1. Health

Moved by Councillor Graham Butland and seconded by Councillor Ann Naylor.

'This Council re-affirms its commitment to the next phase of integration of health and social care. It recognises the role Sustainability & Transformation Plans (STPs) could play in this.

The Council believes that STPs must be a genuine joint commitment between the NHS and local government. For this reason the County Council is disappointed that the geographical integrity of the County has been ignored by NHS England in establishing its national 'footprints'. The unilateral decision of NHS England to include Essex in three STPs is regrettable and places an unreasonable burden on the authority.

Nevertheless, to protect the interests of its residents, the Council will work constructively with health partners providing that any proposals brought forward in the emerging STPs:

- (a) are based on high quality care and improved clinical outcomes for patients and not merely financial expediency;
- (b) address the issues of accessibility for patients and their families;
- (c) take full account of the impact on both community and social care services;
- (d) give an equal importance and parity of esteem to Mental Health services; and
- (e) contain a genuine commitment to focus on preventive health services.

The Council will also press for there to be genuine consultation on any proposals and that patient need is put first, that decisions are taken in public and that appropriate joint governance arrangements are established.'

2. NHS in Essex

Moved by Councillor Mike Mackrory and seconded by Councillor Jon Whitehouse.

'This Council notes with concern current pressures and challenges facing the NHS in Essex including:

- The "Success Regime" being implemented across most of Essex.

- The Care Quality Commission's assessments of hospitals serving Essex residents which identify three major hospitals serving Essex as 'Inadequate', one in 'Special Measures', six as 'Requires Improvement' and only two as 'Good'.
- The decision of some Clinical Commissioning Groups to withdraw treatments/services previously available through the NHS.
- Increasing concern from residents about access to services including waiting times for GP appointments.
- Increasing demand for social care and the impact on the NHS when timely care is not available.

The Council notes the three Sustainable Transformation Plans covering Essex. Whilst welcoming the intention for greater collaboration across the NHS and Public Health, Council expresses its concerns about:

- The lack of public debate and consultation to informing the preparation of the STPs.
- The proposed downgrading of Accident and Emergency at Broomfield Hospital despite the proposed construction of thousands of dwellings within a ten mile radius of the hospital which will create extra demand and the additional distance ambulances will have to travel to Basildon carrying patients with life threatening conditions.
- The failure of Government to adequately fund the increasing demands on the NHS and Public Health.

Council therefore resolves to ask the Cabinet Member for Health to:

- Oppose the downgrading of Broomfield Hospital Accident and Emergency.
- Continue to play a full part in discussions about the health and social care system in Essex including through the Health and Wellbeing Board and Health Overview and Scrutiny Committee.
- Ensure local members are briefed on the implications of the STPs for residents in their areas.
- Request the Leader of the Council express these concerns formally to the Secretary of State for Health.'

3. Central Government Funding

Moved by Councillor Mike Danvers and seconded by Councillor Tony Durcan.

'This Council is reminded of the words of the Leader, Councillor David Finch, when he remarked that local government is 'not a reservoir that Whitehall can keep tapping'. This Council strongly supports and endorses these remarks, and further challenges the narrative that Essex County Council has been able

to absorb excessive cuts without damaging the quality and reach of essential services delivered to residents across Essex.

This Council also notes with concern, evidence which suggests that it is the most vulnerable who have been the hardest hit, with those least able to cope bearing the brunt of cuts in Government funding. This continued strain on the Council's limited finances is unsustainable, and raises questions about the scale and scope of future spending reductions. Essex County Council faces significant challenges moving forward, and will simply be left unable to provide for residents unless this authority receives reasonable support from Central Government - acknowledging the task ahead.

This Council therefore seeks cross-party endorsement, calling upon the administration to write to the Chancellor of the Exchequer on behalf of Essex residents, outlining concerns with the anticipated level of cuts and demand that greater financial provision be put in place to ensure that services meet the needs of residents, with the capacity to grow to meet future demand.'

4. Social Care

Moved by Councillor Malcolm Maddocks and seconded by Councillor Dick Madden.

'This Council welcomes that through modern science and better understood health opportunities we are all living longer but recognises that an ageing population does put considerable extra pressure on County Council budgets. We applaud the hard work of our staff in Adult Social Care and the excellent service provided to Essex residents particularly during these times of increasing demand.

This Council recognises that to continue to provide services to the residents of Essex as expected, new approaches to deliver quality services are needed, which include developing digital and assistive technologies.'

5. Recycling Centres

Moved by Councillor James Abbott and seconded by Councillor Michael Hoy.

'Council believes that the new rules introduced on 1st November for the 21 ECC Recycling Centres are flawed.

Council believes that the ban on householder DIY waste from 11 of the Recycling Centres will have undesirable effects for the convenience of residents through increased travelling distances and could potentially increase fly-tipping which would consequently be a cost to Borough/City/District council taxpayers.

Council notes that the banning of vans at 12 Recycling Centres will prevent many legitimate users from taking their own household materials for disposal or recycling locally.

Council further notes that the 28 day and 6 month restrictions on DIY wastes that can be taken to some Recycling Centres are far too prescriptive and effectively unenforceable.

Council believes that rules on the use of Recycling Centres should be fair and applied evenly across the County and that boosting recycling should be a top priority.

Council agrees that inappropriate entry of commercial materials to Recycling Centres needs to be tackled but notes that other authorities such as Suffolk County Council take the position of accepting this material, but for a charge.

Council recognises that the Cabinet Member, following a call in, has agreed to review the situation after three months of operation, but believes the original decision was flawed and therefore should be withdrawn.'

Appointment of Auditors

1. Purpose of Report

- 1.1. This report asks the Council to accept the recommendation of the Audit Committee and opt into arrangements by which the Council's external auditor is appointed by Public Sector Audit Appointments Limited, a company owned by the Local Government Association.

2. Recommendations

- 2.1 That the Council 'opt in' to having its auditor appointed by Public Sector Audit Appointments Limited and authorise the Executive Director for Corporate and Customer Services to notify Public Sector Audit Appointments Limited accordingly.

3. Background

- 3.1 The Council's current auditors are Ernst and Young. Their appointment covers the audit of the Council's accounts up to and including the accounts for 2017/18. Ernst and Young were appointed by the Audit Commission, which has now been abolished.
- 3.2 The Council will need to make arrangements for appointment of an auditor for the financial year 2018/19 onwards. Those arrangements must lead to the appointment of an auditor by 31 December 2017. Whoever appoints the auditor will need to invite competitive tenders.
- 3.3 Under the Act which abolished the Audit Commission, the Council now has three options:

Option 1: Appoint its own auditor

- 3.3.1 Under this option the Council would need to create a dedicated Auditor Panel and carry out a competitive procurement leading to the appointment of an Auditor by full Council.
- 3.3.2 This option is not recommended by the Audit Committee because:
 - The law requires that if the Council follows this option it must establish an auditor panel. The panel must be made up of a majority of independent persons who meet very strict eligibility requirements – in practice recruitment would be difficult.
 - This option does not give any opportunity for 'bulk purchasing' discounts.

- There would be limited control over the appointment of an auditor because the Council would have to appoint the most economically advantageous tender.
- There is a complex process to follow.

Option 2: Create an Auditor Panel jointly with other authorities and carry out a joint competitive procurement

3.3.3 This option is similar to option 1, but the Council would work with other local authorities to share the cost of procurement and increase opportunities for bulk purchasing.

3.3.4 This option is not recommended by the Audit Committee because:

- The law requires that if the Council follows this option it must establish an auditor panel, jointly with other authorities. The panel must be made up of a majority of independent persons who meet very strict eligibility requirements – in practice recruitment would be difficult.
- This option gives some opportunity for ‘bulk purchasing’ discounts.
- There would be limited control over the appointment of an auditor because procurement law requires the Council to appoint the most economically advantageous tender.
- There is a complex process to follow.
- If the procurement fails for any reason then the Council is placed in a difficult position. An LGA survey of finance directors indicated strong preference for a central appointment system.
- There is little appetite for a local joint appointment – most authorities are intending to follow option 3.

3.3.5 Option 3: Opt in to Appointment by Public Sector Auditor Appointments Limited (PSAA)

3.3.6 Under this option the Council simply decides to opt in. PSAA will procure a panel of auditors. PSAA will appoint the Council’s auditor from its panel, after consulting the Council. The audit fees would be based on a scale of fees determined by PSAA after consulting the Council. An auditor panel would not be required.

3.3.7 This option has been recommended by the Audit Committee because:

- The cost of procurement would be shared across many authorities.
- Maximum opportunities for volume discounts. The LGA estimates that the fee reductions negotiated by PSAA have saved the local government sector £24m a year.
- The LGA have undertaken analysis which, they say, indicates that using a central system would be far cheaper for councils than having every council procuring their external auditor separately.
- PSAA has negotiated reduced audit fees in recent years. If the Council opts in then it can continue to benefit from these arrangements.

- It can be achieved with minimal administration within the Council without the need for procurement, contract management or the need to appoint an Auditor Panel.

3.3.8 In considering this recommendation, Council will need to consider the following issues:

- This option will give the Council slightly less control over the identity of the auditor. The Council would still be consulted by PSAA before an auditor is appointed. It should be remembered that under the other options the Council's ability to control the identity of the auditor is constrained by procurement law.
- If PSAA fails to maintain its negotiating position then audit fees may increase. However, it is as likely to succeed in maintaining its position as the Council.
- The Council will have to make a legally-binding commitment to 'opt in' before knowing which auditors are on the PSAA panel or the fees. In practice, however, all auditors with an interest in this work are likely to be on the PSAA panel and the fees agreed by PSAA have been lower than those set by the Audit Commission.
- The Council would (via the audit fees) make an indirect contribution to the operating costs of PSAA. However, PSAA is currently a small organisation and the Council's share of these costs is likely to be lower than the costs the Council would have to incur by procuring and managing its own auditor.

3.4 The Council has until 9 March 2017 to make a decision on whether or not to 'opt in'. If it fails to opt in then it will have to make its own arrangements and appoint an auditor by 31 December 2017.

4. Financial Implications

4.1 Whichever method of auditor appointment is chosen, the Council will need to pay the fees to its appointed auditor. The Council has always had to pay audit fees, although these are currently set in accordance with the parameters set by Public Sector Audit Appointments Limited.

5. Legal Implications

5.1 The Local Audit and Accountability Act 2014 sets the framework for audit of the Council's accounts.

5.2 The Council will need to ensure that an auditor has been appointed by 31 December 2017. This could be by 'opting in' to an appointing person or by undertaking its own procurement advised by its Auditor Panel.

5.3 On 27 October 2016 the Council received a formal invitation from Public Sector Audit Appointments Limited issued under the Local Audit (Appointing Persons) Regulations 2015. The Council has until 9 March 2017 to 'opt in'.

- 5.4 The opt-in would apply to the audit of accounts for financial years 2018/19 to 2022/23. After that the Council will need to opt in again, or make alternative arrangements.
- 5.5 If the Council becomes an 'opted in authority' it cannot appoint its own auditor during the five-year period.
- 5.6 Audit fees for 'opted in authorities' are calculated using a scale set by the PSAA Ltd after consulting 'opted in' authorities and firms of accountants. Opted in authorities must pay the scale fee, together with any extra charges that apply – for example for producing public interest reports – any extra charges would be payable to any auditor.
- 5.7 Under regulation 19 of the Local Audit (Appointing Persons) Regulations 2015 the decision to become an opted in authority must be taken at a meeting of the Full Council.

6. List of Background Papers

- 6.1 Invitation from Public Sector Audit Appointments Limited dated 27 October 2016.

The Leader's Report of Cabinet Issues

This report details the main issues considered by the Cabinet at its meeting on 18 October 2016.

1. Negotiation of Concessionary Fare Scheme for 2017/18

Cabinet has considered arrangements concerning the operation of the English National Concessionary Travel Scheme in Essex for 2017/18. Under the Scheme legislation, each Concessionary Travel Authority is required to have a concessionary bus pass scheme in place by 1 March before the start of each financial year.

Cabinet has authorised the Director for Commissioning: Connectivity to undertake negotiations on behalf of the Council with regard to the 2017/18 Scheme in Essex, within agreed parameters and with a view to securing a multi-year agreement with bus operators. The final scheme, which will continue the discretionary provision of free travel from 9am, will be agreed by the Cabinet Member for Highways and Transport, in association with the Director for Commissioning: Connectivity.

2. The Organisation's Proposed New Structure

The Cabinet has endorsed the proposed new structure for the Council, as prepared by the Chief Executive. It has authorised the Chief Executive, in consultation with the Leader of the Council, to make changes to the structure following the close of the consultation period, and has approved the draw down of £530,000 from the Transformation Reserve to fund the one-off costs of the reorganisation.

Cabinet noted the design principles taken into account in developing the new structure, together with the stated aim of ensuring that the Council is in the best possible position to thrive in an environment of accelerating change. This would be achieved by building new capabilities in areas such as digital and commercial, and having adaptability as a core principle, so that responding quickly to change is second nature.

Members also agreed to refer the proposed structure to the Corporate Scrutiny Committee for consideration.

3. 2016/17 Financial Overview as at the Half Year Stage

The Cabinet was informed of the forecast financial position of the Council's revenue and capital budgets as at the half year stage. A full-year forecast overspend on revenue of £7.1m against a net budget of £937.7m and an

underspend of £3.5m on capital against the current budget (to be reduced to £323,000 after adjustments had been made) were reported.

Cabinet noted the report and approved a number of actions to draw down funds, appropriate funds to reserves and effect necessary adjustments.

Councillor David Finch
Leader of the Council

Council Issues

1. Changes to Membership of Committees

The following changes have been made in accordance with the notification given by the Conservative Group Leader:

- Councillor Jenny Chandler replaces Councillor Stephen Canning as a member of the Health Overview and Scrutiny Committee
- Councillor Andy Erskine replaces Councillor Bob Boyce and Councillor Susan Barker replaces Councillor Ricky Gadsby as members of the People and Families Scrutiny Committee
- Councillor Tony Hedley replaces Councillor Frank Ferguson as a member of the Audit Committee.
- Councillor Sue Lissimore replaces Councillor Susan Barker as a member of the Corporate Scrutiny Committee
- Councillor Sue Lissimore replaces Councillor Kay Twitchen as a member of SACRE.

In accordance with the notification given by the UKIP Group Leader Councillor Frank Ferguson replaces Councillor Nigel Le Gresley as a member of the Corporate Scrutiny Committee.

