
Minutes of the meeting of the Full Council, held in the Council Chamber County Hall, Chelmsford, CM1 1QH on Tuesday, 16 May 2017**Present:**

Chairman: Councillor J F Aldridge

Vice-Chairman: Councillor J G Jowers

J Abbott	R J Gooding	G Mohindra
B Aspinell	I Grundy	Dr R Moore
J Baker	C Guglielmi	M Platt
T Ball	M Hardware	C Pond
S Barker	D Harris	R Pratt
J Beavis	A M Hedley	J M Reeves
K Bentley	I Henderson	P Reid
D Blackwell	J Henry	S Robinson
A Brown	P Honeywood	C Sargeant
M Buckley	A Jackson	W Schmitt
G Butland	E C Johnson	L Scordis
S Canning	D J Kendall	A Sheldon
J Chandler	S Lissimore	K Smith
P Channer	D Louis	C Souter
T Cutmore	J Lumley	J Spence
A Davies	M Mackrory	M Steptoe
J Deakin	R A Madden	A Turrell
M Durham	M Maddocks	L Wagland
B Egan	B Massey	S Walsh
A Erskine	P May	C Weston
D Finch	M McEwen	C Whitbread

R Gadsby	L McKinlay	A Wood
M Garnett	V Metcalfe	J A Young
A Goggin	R Mitchell	

Prayers

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

The Chairman formally opened the meeting

The Chairman welcomed all members and visitors to the meeting of Council and congratulated those who were attending for the first time following their election. He thanked for their service those former members who had not returned.

The Chairman advised those present that the meeting would be recorded and broadcast live over the internet and the recording would be available for download after the meeting.

1 Election of Chairman

It having been proposed by Councillor Madden and seconded by Councillor Spence and there being no other nominations it was

Resolved:

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

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

2 Appointment of Vice-Chairman

It having been proposed by Councillor Johnson and seconded by Councillor McEwen and there being no other nominations it was

Resolved:

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

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

3 Apologies for Absence

Apologies for absence were received on behalf of Councillors Hillier and Moran.

4 The Chief Executive's Report following the County Council Elections 2017

The Chief Executive presented a report announcing the results of the County Council Elections held on 4 May 2017, setting out the results of the review of political proportionality, the consequent numbers of seats on committees and the names of the political group leaders and their deputies.

The numbers of members who had indicated their membership of the political groups were:

The Conservative Group:	56
The Liberal Democrat Group:	7
The Labour Group:	6
The Non Aligned Group	6
Others:	0
Total:	75

It having been proposed by Councillor Finch and seconded by Councillor Bentley it was

Resolved:

That the report be noted and seats on committees and other bodies be allocated to registered political groups in accordance with the table at appendix 2 of the report.

5 Declarations of Interest

- Councillor Butland declared a Code Interest in agenda item 17, Motion 1, as a non-remunerated Director of North Essex Garden Communities Limited.
- Councillor Guglielmi declared a Code Interest in agenda item 17 Motion 1, a non-remunerated alternate Director of North Essex Garden Communities Limited.
- Councillor Spence declared a Code Interest in agenda item 17 Motion 1, as a non-remunerated Director of North Essex Garden Communities Limited.

**6 Confirmation of the minutes of the meeting held on 14 February 2017
Resolved:**

That the minutes of the meeting held on 14 February 2017 be approved as a correct record and signed by the Chairman.

**7 Chairman's Announcements and Communications
Recent Death**

The Chairman informed members that former Councillor Michael Tomkins had died on Friday, the 3 March 2017.

The Chairman noted that he had been both a member of Epping Forest District Council and of Chigwell Parish Council but was elected to Essex County Council in 1997 to represent the Division of Chigwell and Loughton Broadway.

Members were informed that he had served on various committees including the Development and Regulation Committee, the Select Committee for Audit and Public Accounts, numerous Policy and Development Groups as well as in 2001 being appointed to be the Deputy to the Cabinet Member for Libraries and Leisure.

Members stood in remembrance.

Awards

Awards for Essex Highways

The Chairman invited Councillor Johnson, Cabinet Member for Highways and Transport, to present an award conferred upon the Council's Asset Management Team in Essex Highways Service, working with Ringway Jacobs, who, it was determined have a structured and best practice approach to managing the life-cycle of Essex' highways assets. This award is internationally recognised as a mark of quality. He gave thanks to those who had worked hard to achieve it.

The Cabinet Member presented a certificate of accreditation to BSI ISO 55001 Asset Management.

The Chairman invited Councillor Johnson, Cabinet Member for Highways and Transport, to present an award achieved by the Safer Essex Roads Partnership brings together the three Greater Essex Local Authorities, Essex Police, Essex Fire and Rescue Service, Highways England, the Essex and Hertfordshire Air Ambulance Trust, the Essex National Health Trust and the Safer Roads Foundation. The object of the partnership was to reduce the deaths and serious injuries on Essex Roads to zero. The Cabinet Member paid tribute to the hard work of all those involved in the campaign to promote safer driving with young drivers in Essex.

The Cabinet Member informed members that the Safer Essex Roads Partnership (SERP) core team had won the Silver Award in the 'New Scheme' Category and the Gold Award for the 'Young Driver Campaign' and presented a trophy.

Essex Pension Fund

The Chairman invited Councillor Barker, the Vice Chairman of the Essex Pension Fund for the municipal year 2016-17, to present an award won at the 2017 Pension Age Awards in late February 2017 by the Essex Pension Fund in the category for Pension Administration. This was an outstanding achievement in the face of stiff competition from other authorities. She presented the award and placed on record the outstanding commitment and effort of the outgoing Chairman, Councillor Bass, members of the Essex Pension Fund Strategic Board and the Investment Steering Committee and officers who had contributed to this achievement.

Register of Interests

The Chairman, at the request of the Essex County Council Monitoring Officer, reminded all members that it was a legal requirement to register or re-register their interests within 28 days of election, ie by 1 June 2017.

8 Receipt of petitions

The Chairman received a petition concerning:

- congestion at North Station Rd, Colchester, presented by Councillor Turrell.

The petition was passed for the attention of Councillor Bentley, the Cabinet Member for Economic Growth, Infrastructure and Partnerships.

The Chairman then received petitions concerning:

- potholes in Hatch Road, Pilgrims Hatch, Brentwood, presented by Councillor Aspinell and
- speed of traffic and dangerous conditions on the junction of Boxted Road and Boxted Church Road, Gt Horkesley, presented by Councillor Brown.

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

9 The election of the Leader of the Council and the appointment by the Leader of the Deputy Leader and of members of the Cabinet

It having been proposed by Councillor Bentley and seconded by Councillor Metcalfe and there being no other nominations it was

Resolved:

That Councillor David Finch be elected Leader of Essex County Council.

The Leader of the Council, Councillor Finch made a statement thanking members for his election. He congratulated all those who had been elected at the recent County Council Elections and outlined the progress required for the next four years.

He presented a report detailing the appointments to Cabinet, including the Deputy Leader of the Council, the powers delegated to them and the appointment of Deputies.

The report was received.

10 To make appointments to committees in accordance with the wishes of the political groups

It having been proposed by the Leader, Councillor Finch and seconded by the Deputy Leader, Councillor Bentley, it was

Resolved

That members be appointed to committees as set out in the report.

11 To appoint the Chairmen of Committees

It having been proposed by the Leader, Councillor Finch and seconded by the Deputy Leader, Councillor Bentley, it was

Resolved

That chairmen of committees be appointed as set out in the report.

voting en bloc

With the agreement of Council the Chairman proposed that agenda items 12 to 15 be moved en bloc and they were moved by the Leader, Councillor Finch and seconded by the Deputy Leader, Councillor Bentley.

12 To receive notice from the Leader of the Council of the three County Council nominations to the Health and Wellbeing Board
Resolved:

That Council nominations to the Health and Wellbeing Board be as set out in the report.

**13 To appoint the County Council's representative on the Essex Police and Crime Panel
Resolved:**

That appointment of the Council representative to the Essex Police and Crime Panel be made as set out in the report.

**14 To appoint the County Council's representative on the Essex Pension Fund Advisory Board
Resolved:**

That appointment of the Council representatives to the Essex Pension Fund Advisory Board be made as set out in the report.

**15 To appoint the County Council's representatives to the Essex Fire Authority
Resolved:**

That appointment of the Council representatives to the Essex Fire Authority be made as set out in the report.

**16 Motions
Council Priorities**

It was moved by Councillor Finch and seconded by Councillor Bentley that:

'This Council gives its support to the administration's priorities of a low tax and effective organisation focussed on:

- Growing the economy
- Taking care of the old and vulnerable
- Protecting children from harm
- Providing the best possible education for all children'

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

'This Council gives its support to the administration's priorities of a low tax and effective organisation focussed on:

- Growing the economy
- Taking care of the old and vulnerable
- Protecting children from harm
- Providing the best possible education for all children
- However, this Council further recognises and understands the detrimental and negative impact of having a long term policy of continued low taxation along with major Government funding cuts will have on residents and council services delivered across Essex. This Council therefore commits to reviewing its existing low tax priority when setting its annual budget for

2018/19, and also continues lobbying Government at every opportunity to take responsibility and provide substantial additional funding to enable the council to deliver the right level of support and resources to provide care for the old and most vulnerable residents across Essex.'

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

'This Council gives its support to the administration's priorities of a low tax and effective organisation focussed on:

Growing the economy

- Taking care of the old and vulnerable
- Protecting children from harm
- Providing the best possible education for all children
- Sufficient funding is allocated in the 2018/19 budget to fulfil these priorities
- The relevant Scrutiny Committees measure the actual performance against these priorities'

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

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

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

The Formula for Road Maintenance

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

'This Council needs to review its policy in regard to the formula for road maintenance in Essex. It acknowledges that estate roads are in an appalling condition and seeks to address this by rearranging the formula from mileage of road maintenance to usage as it used to be. This would be at no extra cost to the authority but would give the majority of Essex residents living in urban areas a fair deal.'

During the debate Councillor Canning moved that the question now be put. This was seconded by Councillor Barker. The Chairman ruled that the matter had not been sufficiently debated and declined to put this motion to the vote.

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

17 Objection to the Network Rail (Essex and Others Level Crossing Reduction) Order Transport and Works Act Order

The Leader, Councillor Finch, presented a report to seek endorsement of the objections to the changes to level crossings carrying footpaths across railway

lines in Essex proposed as part of the Transport and Works Act 1992 Order (TWAO) application by Network Rail to the Department of Transport. The objections supported the Council's duties as highway authority to protect the rights of the public to use the footpath network.

Councillor Kendall declared an interest as he was the chairman of the Brentwood Bus and Rail Users Association.

It having been moved by Councillor Finch, and seconded by Councillor Johnson it was

Resolved

1. That the County Council objects to the application for the Network Rail (Essex and Others Level Crossing Reduction) Order and in particular to

- Footpath 12 and 22, Benfleet (E30 Ferry and E31 Brickyard – London Tilbury and Southend Main Line);
- Footpath 23, Rettendon (E38 Battlesbridge – Southminster Branch Line);
- Footpath 7, Alresford (E42 Sand Pit – Walton/Clacton Branch Line);
- Footpaths 4 and 5, Alresford (E43 High Elm – Walton/Clacton Branch Line);
- Footpath 19, Wrabness (E48 Wheatsheaf – Harwich Branch Line);
- Footpath 11, Wakes Colne (E51 Thornfield Wood – Sudbury Branch Line);
- Footpath 21, Mount Bures (E52 Golden Square – Sudbury Branch Line);
- Footpaths 27, 28 and 42, Ardleigh (E56 Abbots – Great Eastern Main Line).

2. That the County Council objects to all other crossing closures proposed where the County Council has not yet reached agreement with Network Rail on the commuted sum to be paid for the future maintenance of the new highways network to be created as part of the proposals.

3. That the Director, Highways and Transportation may take any steps to progress the objections and the Director, Legal and Assurance may take steps to arrange for the County Council to be represented at public inquiry.

4. That the Director, Highways and Transportation be authorised to withdraw the Council's objections in whole or in part after consulting the Cabinet Member with responsibility for highways.

5. That the Director of Highways and Transport, in consultation with the Leader, be authorised to amend the objection before it is submitted to take account of matters raised by members during the debate.

18 Pension Fund Investment Pooling

The Leader, Councillor Finch, presented a report to approve proposals for Pension Fund Investment pooling.

It having been moved by Councillor Barker and seconded by The Leader, Councillor Finch it was

Resolved

- (1) That the Council enters into to the ACCESS Pool Inter Authority Agreement and thereby a participant in the ACCESS Pool Joint Governance Committee (of which the Constitution and Terms of Reference are set out at Appendix 1 and Appendix 2 to this report) for the purposes of pooling pension fund investment management arrangements.
- (2) That Council resolves to delegate functions to the ACCESS Joint Governance Committee as specified in Appendix 1 with effect from the date of the execution of the Inter Authority Agreement.
- (3) That the constitution is amended by the insertion of the following text at the end of paragraph 13.2:

'The ACCESS Pension Fund Pool Joint Governance Committee will exercise council functions in accordance with the terms of the delegations granted to it by full Council from time to time'.
- (4) That attendance of a meeting of the ACCESS Pool Joint Governance Committee as a member of that Committee shall be added to the list of approved duties in appendix 3 of part 26 of the Constitution.
- (5) That the Executive Director for Corporate and Customer Services (section 151 Officer) in consultation with the Chairman of the Investment Steering Committee be authorised to agree minor changes to the IAA agreement if she considers them necessary in order to achieve the agreement.

19 To receive a report of matters reserved to Council and to consider any recommendations

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

It having been moved by The Leader, Councillor Finch and seconded by Councillor Bentley it was

Resolved**1. Amendments to the Constitution****Changes Scheme of Allowances for payment of updates DBS**

That the paragraph 'Data Requirement Fee' in the Members' Allowances Scheme be re-named and amended to:

'Unavoidable Fees and Charges

Where a Member is required to register with the Information Commissioner's Office as a data controller the cost of this fee will be met by the Council.

Where a member incurs expenditure with the Disclosing and Barring Service (DBS) with respect to checks arising from requests made by the Council, that expenditure may be claimed subject to the production of evidence of payment.'

Change to 'Cabinet Approvers' – Members' Expense Claims

'That the Constitution, paragraph 26.12 be amended to:

' All Members' claims must be checked and approved an authorising officer of the Democratic Services Team. Claims made by Cabinet Members, the Chairman or Vice-Chairman, must also be approved by the Monitoring Officer or such other officer as the Monitoring Officer may nominate for this purpose.'

1. Statutory Scrutiny Officer

That the Head of Democratic Services be appointed as the Statutory Scrutiny Officer with immediate effect and that paragraph 4.4 of the constitution be amended accordingly.

2. Review of Local Pension Board for Essex

That the Constitution be amended as follow to insert a new paragraph after paragraph 8.1.8 3 (E):

'(F) The Board shall appoint a Vice Chairman annually from amongst its members at the first meeting of the Board after each annual meeting of the Council.'

3. Dates of Future Council meetings

1 That the meeting of the Council previously arranged for 8 May 2018 be moved to 15 May 2018.

2 That it be noted that forthcoming meetings of the Council will be held on Tuesdays at 10am on:

11 July, 10 October and 12 December 2017,

13 February, 15 May, 10 July, 9 October and 11 December 2018,

12 February, 14 May, 9 July, 8 October and 10 December 2019,

11 February, 12 May, 14 July, 13 October and 8 December 2020.

20 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.

- Members asked questions of the relevant Cabinet Members details of which are available on the audio recording of the meeting

It having been moved by The Leader, Councillor Finch and seconded by Councillor Bentley it was

Resolved

That the report be received.

21 Written questions by Members of the Council

The published answers to the five written questions submitted in accordance with Standing Order 16.12.1 were noted as follows:

1. By Councillor Kendall of the Cabinet Member for Adults and Children

'The recent changes to the Assessment of Care Charges have caused a great deal of worry and distress to many of the most vulnerable residents in our communities. Please could you provide answers to the following points:

- I understand that around 4,500 residents are going to be directly impacted by the changes. What follow up and checks are going to be made by the County Council to ensure that these residents do not suffer severe hardship as a result of the reduced funding they are going to receive?
- What support, advice and right of appeal is available to any resident who believes they have been unfairly treated as a result of the New Care Assessment Charges?'

Reply

'The recent changes to charging arrangements for Adults Social Care were subject to full public consultation and a formal decision was taken by Cabinet to implement the changes on 13 December 2016.

It is important that these changes are viewed in context: charging arrangements are set out in the statutory Care and Support Guidance (Department of Health, 2017) and subject to the minimum

income requirements set out by the Department of Health in 2017.

Mindful of the sensitivity of changes to individual charges and the potential impact on those affected by them, we have put in place dedicated handling arrangements with the intention of ensuring that we can address individual concerns quickly and effectively.

Where necessary and appropriate, we will review individual financial assessments and refund any contribution paid over and above the amount due, should a review of an adult's assessment result in a reduction of the assessed charge.

Where we have reconsidered the adult's assessment and they remain dissatisfied with the outcome, they have the right to complain, including referring the matter to the Local Government Ombudsman, as with any other complaint relating to adult social care matters.'

2. By Councillor Kendall of the Cabinet Member for Highways and Transportation

'Please could you clarify the following points with regard to the LED Lighting roll out programme:

- When will the Borough of Brentwood be getting LED lighting installed?
- What percentage of our lighting columns will be changed over to LED lighting?
- How long is the work expected to take?'

Reply

'Thank you for this question. I am pleased to confirm that Brentwood is scheduled to have its *All Night Lights* converted to LED between the end of August and beginning of September this year. This will represent 8% of the lighting stock in Brentwood (512 out of 6,253 units). Once started the work is expected to take ten to fifteen working days.'

3. By Councillor Mackrory of the Cabinet Member for Adults and Children

'Will the Cabinet Member give an undertaking that the procedures, including the legal advice, which led to the judgement by High Court Judge Mr Justice Charles, that the mother of child EL was unfairly and unlawfully treated by Essex County Council social workers, will be thoroughly reviewed to ensure such cases never occur again?'

Reply

'We acknowledge the findings of this judicial review where the Judge

provided new legal guidance about the principles of procedural fairness in this context. In consequence we are carefully reviewing processes to ensure that they both meet the additional guidance issued by the Court but also are sensitive to the enormous complexity of these decisions. The welfare of the child must be paramount when considering placing them for adoption. When discussing this or any other social services case it is important to remember that there is an absolute requirement to ensure that the identity of the child is not disclosed.'

4. By Councillor Smith of the Cabinet Member for Highways and Transportation

'One of the primary schools in my Division has increased in size and around 40% of the enrolled pupils do not even live in the Westley Heights Division. When pupils start and finish each day, the local main road is gridlock due to a number of inconsiderate parking by parents.

I and a large number of local residents are deeply concerned that an accident is waiting to happen and something needs to be done.

Therefore, will Essex County Council consider introducing the Public Space Protection Orders, which Havering Council is trialling, to help make school journeys safer for all concerned?'

Reply

'Thank you for your question. Public Space Protection Orders are not typically used to solve parking congestion outside school gates. In the first instance I would expect that the school and parents would work together to promote safe and courteous driving behaviour when dropping their children off at school. This is something that would be covered in assemblies and in the newsletters that schools send home to parents.

I will however, ask officers to liaise with the London Borough of Havering to discuss the trial use of Public Space Protection Orders to understand how they have worked and to consider any lessons that are learnt from their experience.

We would, of course, need to consult with schools on any policy change in this area.'

5. By Councillor Smith of the Leader of the Council

'Once the Prime Minister has been re-elected with her 'Brexit Majority', will the Leader write to the Government's Minister for Brexit to ask him to abolish the EU Landfill Tax and allow the collected funds to be spent in Essex to help provide better services to the residents?'

Reply

‘As there is no such thing as the EU Landfill Tax, I will not be writing to the Minister for Brexit asking for it to be abolished.’

- Members asked supplementary questions of the relevant Cabinet Members details of which are available on the audio recording of the meeting

22 Oral questions to the Leader, Cabinet Member or the chairman of a committee

Members asked questions of the Leader of the Council, Cabinet Members or the chairmen of committees. The questions asked and the answers given were recorded. The recording is published on the County Council’s website.

23 Oral questions to the representative of the Essex Police and Crime Panel on any matter relating to the business of that Panel

Members asked questions of the representative of the Essex Police and Crime Panel. The questions asked and the answers given were recorded. The recording is published on the County Council’s website.

24 Oral questions to the representative of the Essex Fire Authority regarding the Report to the Constituent Authorities of the meetings dated 15 February and 12 April 2017

Members asked questions of the representative of the Essex Fire Authority. The questions asked and the answers given were recorded. The recording is published on the County Council’s website.

25 The Chairman to announce the Special Meeting to consider the Appointment of Honorary Aldermen

The Chairman requested that members remain in their seats as at the conclusion of the meeting there would be convened a Special Meeting to consider conferring the title of Honorary Alderman on persons who have rendered eminent service as past members.

Chairman