

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

## Present

Chairman: Councillor K Twitchen

Vice-Chairman: Councillor N Hume

## Councillors:

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

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

**1. Apologies for Absence**

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

**2. Declarations of Interest**

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

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

**Resolved:**

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

**4. Recent deaths**

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

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

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

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

Members stood in their memory.

**5. Awards**

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

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

## **6. Local Democracy Week**

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

## **7. Presentation of Petitions**

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

## **8. Motions**

### **Highway Maintenance**

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

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

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

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

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

that the Motion be amended to read as follows:

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

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

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

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

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

### **Executive Arrangements**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Highways Defects**

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

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

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

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

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

**9. Chairman's Announcement**

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

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

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

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

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

**Resolved:**

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

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

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

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

**Resolved:**

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

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

The report of Council Issues was received.



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

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

#### **Resolved:**

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

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

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

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

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

### **13. Adjournment**

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

The meeting reconvened at 14:25.

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

**Item 2: Joint HOSC**

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

**Resolved:**

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

**Item 5: Dates of future meetings**

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

**Resolved:**

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

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

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

The report of Cabinet Issues was received and adopted.

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

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

The Chairman requested that the record show that the Cabinet Member for Highways and Transportation had corrected the impression given in the press following the meeting of the Place Services and Economic Growth Scrutiny Committee that he would bin all representations made to him regarding part-night lighting.

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

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

Members responded to questions as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Reply**

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

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

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

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

'Last October I asked the following question :

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

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

and received the following answer:

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

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

### **Reply**

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

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

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

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

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

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

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

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

**Reply**

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

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

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

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



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

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

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

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

#### **Reply**

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

1. The total number of claims were as follows:

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

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

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

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

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

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

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

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

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

The answer given was that,

"Options for its future use are being considered".

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

**Reply**

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

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

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

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

**Reply**

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

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

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

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

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

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

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

**Reply**

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

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

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

**Reply**

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

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

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

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

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

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

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

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

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

### **Reply**

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

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

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

‘Surface Flooding

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

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

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

### **Reply**

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

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

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

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

‘Street lighting on Major Roads

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

### **Reply**

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

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

'Migration to Essex

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

**Reply**

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

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

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

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

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

'Care Workers' Visits

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

**Reply**

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

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

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

##### **‘Recycling Savings**

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

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

##### **Reply**

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

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

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



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

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

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

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

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

**Reply**

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

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

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

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

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

people of Basildon?’

### **Reply**

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

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

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

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

‘Basildon Hospital

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

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

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

### **Reply**

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

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

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

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

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

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

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

**Reply**

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

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

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

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

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

There were no questions.

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

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

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

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

The meeting closed at 16:01

Chairman  
10 December 2013