

# Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 10 December 2013

## Present

Chairman: Councillor K Twitchen

Vice-Chairman: Councillor N Hume

### Councillors:

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

The meeting was preceded by prayers led by The Reverend Canon Philip Need the Director of Ordinands in the Diocese of Chelmsford.

**1. Apologies for Absence**

Apologies for absence were received on behalf of Councillors T Durcan, A J Jackson and J Spence.

The Chairman welcomed Councillor J Pike attending his first meeting after a period of illness. Councillor Pike thanked all those who had sent him good wishes.

**2. Declarations of Interest**

Councillor K Bobbin declared a personal interest in item 8 (Motions) and any other item touching on the Deanes School as a governor of an academy school in Basildon affected by the decision. Councillor I Henderson declared an interest relating to transport matters as a self-employed Transport Consultant and Councillor R G Walsh declared a personal interest with regard to item 8 (Motions) as his wife was employed by the European Parliament.

**3. Minutes of the meeting held on 15 October 2013**

**Resolved:**

That the minutes of the meeting held on 15 October 2013 be approved as a correct record and signed by the Chairman.

**4. Recording of Council Meetings**

The Chairman informed Council that BBC Essex had requested permission to record meetings of Council. The Chairman reported that having discussed it with the Leader and assuming Council had no objection she would approve the request.

**5. Awards**

The Chairman on behalf of the Council received from Councillor D Louis, the Cabinet Member for Transformation and Corporate Services, a national award won by Human Resources for their Excellence in Public Services for successfully engaging employees during a period of unprecedented and complex change.

The Chairman also received on behalf of the Council from Councillor D Louis, an award that the Property and Facilities Management Team and Mitie have jointly won for partnership working in 2013.

**6. Recent Flooding and Emergency Planning**

The Chairman and the Leader, Councillor D Finch, both congratulated the work of the Emergency Planning Teams, the Environment Agency, the emergency services and staff across Local Government who conducted themselves to the highest standards of excellence in response to the recent extreme weather, high tides and flooding in the region.

**7. Former Members' Lunch**

The Chairman requested that Members who were available on Friday 13 December meet with former Members attending the Former Members' Lunch.

**8. Christmas Carol Service and Members' Reception**

The Chairman announced that there was to be a Carol Service in the Chapel in County Hall from 1:00pm to 1:30 pm on Thursday 19 December to which members were invited.

The Chairman also announced that there would be a reception and buffet for all members in the members' courtyard from 5:00pm until 7:00pm on Thursday 19 December.

**9. Presentation of Petitions**

The Chairman received a petition from Councillor J Chandler concerning footpaths in Great Baddow and from Councillor D Harris regarding street lighting in Colchester.

**10. 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:**

- (1) That the revision to the Standing Orders of the Council as set out in Annex "A" to the report be adopted.
- (2) That the Standing Orders of the Council be suspended in order to allow the revised Standing Orders to take immediate effect.

### **Item 2: Delegations to Chief Officers**

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

#### **Resolved:**

- (1) That part 15 of the Constitution be replaced with the revised Scheme of Delegation to Officers as set out in Annex "B" to the report.
- (2) That Articles 4.3 and 4.4 of the constitution be replaced with those set out in Annex "C" to the report.
- (3) That the Monitoring Officer be authorised to update any other references to job titles in the Constitution.

### **Item 3: Changes to the UKIP Group's Leadership and Committee Memberships and appointment of Deputy to the Cabinet Member for Transformation and Corporate Services.**

The changes to the UKIP Group's Leadership and Committee Memberships were noted.

The Leader of the Council informed Council of the appointment of Councillor R Hirst as Deputy to the Cabinet Member for Transformation and Corporate Services.

## **11. Motions**

### **The Deanes School**

The Motion, with the consent of the seconder and Council, was withdrawn by Councillor D Blackwell, the mover of the Motion.

### **Transparency of EU costs to Essex County Council**

In accordance with Standing Order 16.11.9, with the consent of Council, Councillor Smith altered the wording of the Motion. In consequence it was moved by Councillor K Smith and seconded by Councillor J Huntman

'This Council believes that the true cost of Britain's membership of the European Union affects all levels of government. The Single European Act right through to the Waste Framework Directive all directly affect the budget of Essex County Council.

- Therefore, this Council calls for the publication of, as far as practicable, the cost of the EU to Essex County Council; acknowledging that financial information relating to the EU is primarily only available at National and regional levels.
- This Council also calls upon Essex County Council to publish the figures on its website and in the annual Council Tax Demand booklet.'

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

'That Council believes the true cost of Britain's membership of the European Union affects all levels of government. The Single European Act right through to the Waste Framework Directive all directly affect the budget of Essex County Council.

- Therefore, this Council calls upon Essex County Council to publish the full costs and benefits of the EU to the taxpayers of Essex.
- This Council also calls upon Essex County Council to publish the figures on its website and in the annual Council Tax Demand booklet.'

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

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

### **Reduction of Tax Burden**

It was moved by Councillor D Louis and seconded by Councillor A Wood

'That Council notes with considerable concern that at a time of having to make difficult decisions about the future of services Essex County Council is required to pay millions of pounds in so called "Green Taxes". This Council believes that this money would be better spent on providing services for the people of Essex and therefore calls on the Government and EU to significantly reduce this tax burden as a matter of priority.'

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

'That Council notes with considerable concern that at a time of having to make difficult decisions about the future of services Essex County Council might be asked to support unfunded tax cuts. This Council believes that green taxes are being spent on providing services for the people of Essex, help to enable a cut in income tax of £700 per year and assist in reducing the emission of CO2.'

On a point of order raised by Councillor R Bass and having received advice from the Monitoring Officer, the Chairman ruled that the proposed amendment had the effect of negating the original Motion and therefore was not admissible (Standing Order 16.11.8).

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

### **Youth Service**

It was moved by Councillor D Kendall and seconded by Councillor J Deakin

‘That following the recent Youth Service Public Consultation, this Council considers the proposed cut in the Essex Youth Service budget, which is expected to save £3 million by 2015 / 2016, should be placed on hold.

This Council, therefore, calls for:

- (1) The existing £5 million Youth Service budget to be ring-fenced for the next two years.
- (2) The current Youth Service staffing levels to be maintained for the next two years.
- (3) The Youth Strategy Groups across Essex to be given more devolved powers to allocate funding and resources as soon as possible.
- (4) A major youth volunteer recruitment programme to be started as soon as possible across the County.
- (5) Any major changes arising from the Youth Service Public consultation to be phased in over the next 2/3 years to ensure there is continuity of service out in the community and that Youth volunteers are adequately trained to meet the ever changing needs of our young people.’

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

The Motion having been put it was declared to be lost by 32 votes for and 40 against.

Those voting for the Motion were Councillors:

J Abbott  
W Archibald  
B Aspinell  
A Bayley  
D Blackwell

M D Fisher  
K Gibbs  
D Harris  
G Helm  
I Henderson

R Lord  
M Mackrory  
M McGeorge  
P Oxley  
C C Pond

K Bobbin  
K Clempner  
M Danvers  
J A Deakin  
M Ellis  
A Erskine

Mrs T M A Higgins  
M Hoy  
J Huntman  
D J Kendall  
N Le Gresley  
J Lodge

S Robinson  
K Smith  
Mrs A Turrell  
J Whitehouse  
J A Young

Those voting against the Motion were Councillors:

J F Aldridge  
Mrs S Barker  
R L Bass  
K Bentley  
R G Boyce  
A Brown  
M Buckley  
G Butland  
J Chandler  
P Channer  
T Cutmore  
D Finch  
R Gadsby  
R J Gooding

I Grundy  
C Guglielmi  
A M Hedley  
R Hirst  
P Honeywood  
R C Howard  
N Hume  
E C Johnson  
J G Jowers  
J Knapman  
S Lissimore  
D Louis  
R A Madden  
M Maddocks

M McEwen  
Mrs V Metcalfe  
A Naylor  
Lady Newton  
M J Page  
J W Pike  
Mrs J M Reeves  
C Seagers  
K Twitchen  
S Walsh  
R G Walters  
A Wood

### **The Deanes School**

It was moved by Councillor J Young and seconded by Councillor M Danvers

'That this Council acknowledges that until very recently, The Deanes and Glenwood Schools embraced a joint-vision of a community where individual learners, families and the community would share the highest expectations and aspirations for all, raising educational attainment in the area by narrowing the gap between the advantaged and disadvantaged.

This Council expresses deep concern that the Cabinet decision on the closure of The Deanes School has neglected to take into account the pivotal role that the co-location would have played in the area with emerging widespread public discontent raising further questions over the educational outcomes for the south of Essex.

Council calls on the Cabinet to reconsider the decision of whether to close The Deanes School and to consider reaffirming its commitment to co-locate the school as well as undertaking a full review of educational outcomes in the south of the County with a focus on raising attainment in areas which need it most.'

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

The Motion having been put it was declared to be lost by 33 votes for and 38 against and one abstention.

Those voting for the Motion were Councillors:

J Abbott	K Gibbs	R Lord
B Aspinell	D Harris	M Mackrory
A Bayley	G Helm	M McGeorge
D Blackwell	I Henderson	P Oxley
K Bobbin	Mrs T M A Higgins	C C Pond
K Clempner	R C Howard	Mrs J M Reeves
M Danvers	M Hoy	S Robinson
J A Deakin	J Huntman	K Smith
M Ellis	D J Kendall	Mrs A Turrell
A Erskine	N Le Gresley	J Whitehouse
M D Fisher	J Lodge	J A Young

Those voting against the Motion were Councillors:

J F Aldridge	R J Gooding	M Maddocks
W Archibald	I Grundy	M McEwen
Mrs S Barker	C Guglielmi	Mrs V Metcalfe
R L Bass	A M Hedley	A Naylor
K Bentley	R Hirst	Lady Newton
R G Boyce	P Honeywood	M J Page
A Brown	N Hume	J W Pike
M Buckley	E C Johnson	C Seagers
J Chandler	J G Jowers	K Twitchen
P Channer	J Knapman	S Walsh
T Cutmore	S Lissimore	R G Walters
D Finch	D Louis	A Wood
R Gadsby	R A Madden	

Councillor G Butland abstained.

## 12. To receive the Leader's 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.

## 13. 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. He paid tribute to the staff supporting the work of the Scrutiny function.



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

#### **14. Written questions to the Leader of the Council and Cabinet Members**

The published answers to the 12 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 response:

- (7) Councillor Danvers invited the Cabinet Member to consider a level of public provision to be an example to private providers.

Councillor J Aldridge replied that, as this was a complex matter, he would address the matter with Councillor Danvers outside of the meeting.

- (8) Councillor Gooding assured Councillor Bobbin that all the factors from the consultation would be taken into account before any decisions were taken.

- (10) Councillor Abbott was not satisfied with the answer as it did not provide the information requested on the performance of highways panels.

Councillor Bass replied that had Councillor Abbott attended the Scrutiny Committee he would have understood the reason for the re-allocation of funding and changes made to the guidance given to local highways panels. He was confident that in future the necessary monitoring arrangements were in place for 2013/14 and beyond and for this reason he did not consider that the data Councillor Abbott was seeking justified the officer time needed to provide it.

#### **15. Adjournment**

With the agreement of Council the Chairman adjourned the meeting for luncheon at 1:00pm.

The meeting reconvened at 2:15pm.

#### **16. Oral questions of Leader of the Council, Cabinet Members and Committee Chairmen**

1. Councillor C Pond asked the Cabinet Member for Highways and Transportation to use his influence with the officers of the North Essex Parking Partnership to deal with the prohibition of parking on verges in accordance with the Essex Act 1987.

Councillor Bass responded that the County Council could take action in relation to Priority Routes 1 and 2, otherwise it was a matter to be left to the Parking Partnership.

2. Councillor J Young asked the Cabinet Member for Families and Children for information concerning occupancy levels in Lavender House, Colchester, and The Maples, Harlow, and of any action being taken to use the Homes to their full capacity.

Councillor Madden responded that he was currently consulting on the options for the future of the Homes as occupancy rates were falling. He urged Members to get involved with the consultation exercise so that he is able to take an informed decision.

3. Councillor R Howard asked the Cabinet Member for Libraries, Communities and Planning if he agreed that the agencies who had worked together to combat the effects of the recent tidal surge and floods should be congratulated and that it was a matter of some regret that the Essex Flood Defence Committee had been abolished as the work of that committee in the 1970s and 1980s had prepared Essex for this most recent event?

Councillor Jowers agreed.

4. Councillor D Kendall asked the Cabinet Member for Education and Lifelong Learning if the staffing levels quoted in the Youth Service Business Case were correct and how many Mobile Youth Buses will be left operating following the review?

Councillor Gooding replied that no decisions had yet been made.

5. Councillor J Abbott asked the Leader of the Council if, following the discussions at Group Leaders' Meetings and the recent trial of public question time at Cabinet, he agreed that the Council should move towards public question times being available at all main meetings of the Council?

Councillor Finch replied that in principle he agreed that there should be progress on this matter, as well as the recording of meetings and 'tweeting' which were already permitted and it was his intention to present a paper to the Chairman of the Council, Scrutiny Chairmen and Group Leaders with a view to considering how the recent experience and the feedback he had received could be developed into a proposal.

The Chairman pointed out the need to avoid discussion of personal cases. She also hoped that any procedure introduced would be user-friendly and open to all.

6. Councillor A Abbott asked the Cabinet Member for Libraries, Communities and Planning if he did not think it was short-sighted to reduce the level of service-delivery at Cressing Temple Barns, a facility with international significance as both a leisure attraction and an educational facility?

Councillor Jowers replied that reducing the opening hours in winter, and balancing this with increased opening hours in summer was preferable to the complete closure of Cressing Temple. Partners were also being sought to assist in the service-delivery. However, he acknowledged the concerns expressed by Councillor Abbott and invited him to make any suggestions for mitigating the proposals.

7. Councillor G Butland asked the Cabinet Member for Highways and Transportation if he was aware that following the announcement of the introduction of part-night lighting on the A13 and A127 the Member for Basildon Westley Heights, Councillor K Smith, had said in a radio interview that there would be Heavy Goods Vehicles driving in the dark and that if this was the case, this was an extremely dangerous practice and what efforts would he make to encourage drivers of HGVs to use their headlights?

Councillor Bass replied that the A13 and A127 do not carry the same quantities of traffic as do, for example, the M6 north of Manchester which is also part-lit. He also noted that parts of the M25 and A12 are also part-lit. He was certain that when required HGVs used their lights and needed no encouragement to do so.

8. Councillor J Knapman asked the Cabinet Member for Families and Children for an assurance that in the recently-reported case of the 'caesarean baby' all that was done by Social Services and the Council had been in the best interests of the child, the mother and the family.

The Chairman stated that as there had been wide reporting of this case she would permit the question to be answered by way of a statement from Councillor Madden but she would not permit supplementary questions on the matter.

Councillor Madden made the following statement:

'Undoubtedly this is a very sad and difficult case for the mother, baby and her family. Essex County Council's social services have been working for over a year with other partner agencies on this extremely complex and emotive case.

As you will appreciate, social services across the country deal responsibly and professionally every day with thousands of extremely sensitive and difficult issues. Decisions are not taken lightly and are done so within legal frameworks that in this case has included High Court decisions. In circumstances such as these, great care is taken not to reveal details which could in part or in whole lead to the identity of vulnerable people being revealed.

On Wednesday 4 December the High Court issued a reporting restriction in order to protect the identity of the child and the adoptive parents.

It is not appropriate for me to provide you with any further detail on the case than that which is already in the public domain which is that:

- There have been lengthy legal proceedings in this case over the past 15 months since the mother was detained under Section 3 of the Mental Health Act in June 2012.
- Five weeks later it was the Health Trust's clinical decision to apply to the High Court for permission to deliver her unborn baby by caesarean section because of serious concerns about risks to mother and child.
- Essex Social Services obtained an Interim Care Order from the County Court because the mother was too unwell to care for her child. The mother took part in the care proceedings which ended on 1st February 2013.
- Social workers liaised extensively with the extended family before and after the birth of the baby to establish if anyone in the family could care for the child.
- Following those proceedings she applied to the Italian Courts for an order to return the child to Italy in May 2013. Those Courts ruled that child should remain in England.
- Historically the mother has two other children which she is unable to care for because of ill health and subject to orders made by the Italian authorities.

When a decision is taken about the future welfare of a child the birth family wishes are taken into account, however, considerations about the security and welfare of the child are absolutely paramount.

The long term safety and wellbeing of vulnerable people is always Essex County Council's priority. Adoption is never considered until we have exhausted all other options and it is felt that this is the right future for the child.'

9. Councillor A Bayley asked the Cabinet Member for Highways and Transportation if he understood the difficulties that might be faced by cyclists using the roads during periods when the part-night lighting was in force as they, unlike HGVs, do not have powerful headlights? There would be particular difficulties if, for example, they failed to see a water-filled pothole.

Councillor Bass replied that he did understand these potential difficulties but also expected that there would be few cyclists on the roads at those hours.

10. Councillor B Aspinell asked the Cabinet Member for Transformation and Corporate Services if The Hermit in Brentwood was to remain open following the sale of the nearby Hermitage – and what was the sum realised by the sale?

Councillor Louis replied that if it was acceptable to reveal the price and it wasn't a matter of financial confidentiality he would inform Councillor Aspinell directly. The decision on the future of The Hermit was not his to make.

Councillor Gooding clarified that there is a consultation in progress on the future of the Youth Service and it would be conclusions from this consultation that would inform the decision as to whether any premises, including The Hermit were to be sold. Councillor Louis further clarified that the sale of any premises or assets would only take place if they had been declared surplus to the service's requirements.

11. Councillor M Danvers asked the Cabinet Member for Families and Children if he had visited the ABC children's centre in Harlow recently.

Councillor Maddon replied that he had visited that centre as well as nine others recently. He could not say at this stage what his decision might be about their future.

12. Councillor T Higgins asked the Cabinet Member for Adults Social Care if he agreed that all consultations should be produced in 'Plain English' and not, as recently, in three different formats.

Councillor Aldridge agreed.

13. Councillor M Buckley asked the Cabinet Member for Highways and Transportation about the reasons for the deferment of the decision on introducing part-night lighting in Basildon.

Councillor Bass explained that this was largely at the request of the Borough Council due to questions over the ownership of a number of the lights in the locality. It was anticipated that the matter would be resolved in the New Year.

14. Councillor K Smith asked the Cabinet Member for Highways and Transportation if he was aware that the income derived from the speed camera located by the 'Fortune of War' was in the top-ten earners in the country and would he seek to claim some of that money for the Council?

Councillor Bass replied that he was aware of this statistic and he entirely agreed with the view that income from speed cameras ought to go to local authorities and the police and not to Central Government.

15. Councillor K Smith asked the Cabinet Member for Highways and Transportation if he would meet with Basildon Council to discuss options for traffic improvements on the A176 in the vicinity of Basildon Hospital.

Councillor Bass replied that he would wait to hear the recommendations of the Local Highways Panel.

16. Councillor A Wood asked the Cabinet Member for Libraries, Communities and Planning if he would thank those involved in the Essex Communities Fund for the awarding of 141 grants.

Councillor Jowers replied that he would be glad to do so. He advised Members that they would all be receiving details of the awards made from this Fund.

17. Councillor S Barker asked the Cabinet Member for Highways and Transportation if he would give consideration to the temporary, seasonal closure of some rights of way, footpaths and bridleways that were being damaged by the passage of off-road vehicles.

Councillor Bass replied that this is a difficult matter as public rights of way, footpaths and bridleways all had legal status and were not easily closed, even temporarily. However, he was aware of the problem to which Councillor Barker alluded and would look into it.

18. Councillor J Whitehouse asked the Cabinet Member for Public Health and Wellbeing if there was any information available about arrangements for the Tour de France as it passed through Essex.

Councillor Naylor advised that a meeting was arranged for the following week and information would be available soon.

#### **17. Oral questions of the representative of the Essex Police and Crime Panel**

1. Councillor S Robinson asked the representative of the Essex Police and Crime Panel if all incidents reported to the Police were recorded.

Councillor Jowers replied that he had received an assurance recently from the Police and Crime Commissioner that this was the case. However, he will raise it at the Police and Crime Panel due to meet on 12 December 2013.

2. Councillor R Bass asked if the Panel would scrutinise the reported intention to disband the marine unit or the dog unit.

Councillor Jowers responded that he would make sure that the questions are asked by the Panel.

3. Councillor K Smith asked if he agreed that there was an urgent need to deal with illegal traveller sites in Essex.

Councillor Jowers replied that it was an operational matter and therefore outside the scope of the Panel.

#### **18. Oral questions of the representative of the Essex Fire Authority**

1. Councillor B Aspinell asked the representative of the Essex Fire Authority if he could confirm that there had been an investment in multi-purpose vehicles to assist with snow-clearance and flood protection.

Councillor Hedley replied that three vehicles had been acquired. They were currently undergoing trials and if successful there would be further deployment but at present their capabilities were confined to gritting and snow clearance.

2. Councillor J Lodge asked if he shared his concerns about fire-crews accessing the fire-stations in Uttlesford through traffic.

Councillor Hedley replied that there are no targets for response times but Essex generally performs well. The on-call or retained fire-fighters response times do, of course, vary although all these staff are required to work or reside within five minutes of the station they serve.

## **19. Concluding remarks**

The Chairman concluded the meeting by wishing everyone present a Merry Christmas and a Happy New Year.

The meeting closed at 15:08

Chairman  
11 February 2014