



Essex County Council

## Summons

To all Members of Essex County Council

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

<b>10:00</b>	<b>Tuesday, 10 October 2017</b>	<b>Council Chamber, County Hall, Chelmsford, CM1 1QH</b>
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**Gavin Jones**  
Chief Executive

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This meeting is open to the public and the press.

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

The agenda and associated documents may be requested in alternative formats such as large print, Braille and on disk.

Please note that in the interests of improving access to the Council's meetings, a sound recording is made of the public parts of many meetings of the Council's Committees. The Chairman will make an announcement at the start of the meeting if it is being recorded. The recording/webcast service is not guaranteed to be available.

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



**Prayers** The meeting will be preceded by Prayers led by The Reverend Canon Ivor Moody, Vice Dean and Canon Pastor, Chelmsford Cathedral and Workplace Chaplain, Essex County Council.

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

	<b>Pages</b>	
<b>1</b>	<b>Apologies for Absence</b>	
<b>2</b>	<b>Declarations of Interest</b> To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
<b>3</b>	<b>Confirmation of the minutes of the meeting held on 11 July 2017</b>	<b>5 - 34</b>
<b>4</b>	<b>Chairman's Announcements and Communications</b>	
<b>5</b>	<b>Receipt of Petitions</b>	
<b>6</b>	<b>Executive Statements</b>	
<b>7</b>	<b>Motions</b>	<b>35 - 36</b>
<b>8</b>	<b>To receive a report of matters reserved to the Council and to consider any recommendations</b>	<b>37 - 40</b>
<b>9</b>	<b>To receive the Leader's report of Cabinet Issues</b>	<b>41 - 60</b>
<b>10</b>	<b>Clarification of answers provided in response to the written questions asked by Members of the Council</b>	
<b>11</b>	<b>Oral questions of the Leader, Cabinet Member or the chairman of a committee</b>	
<b>12</b>	<b>Oral questions of the representative of the Essex Police and Crime Panel on any matter relating to the business of that Panel</b>	



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## Minutes of the meeting of the Full Council, held in the Council Chamber County Hall, Chelmsford, Essex on Tuesday, 11 July 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	J Moran
T Ball	M Hardware	M Platt
S Barker	D Harris	C Pond
J Beavis	A M Hedley	R Pratt
K Bentley	I Henderson	J M Reeves
D Blackwell	J Henry	S Robinson
A Brown	S Hillier	C Sargeant
M Buckley	P Honeywood	W Schmitt
G Butland	A Jackson	L Scordis
S Canning	E C Johnson	A Sheldon
J Chandler	D J Kendall	K Smith
P Channer	S Lissimore	C Souter
T Cutmore	D Louis	J Spence
A Davies	J Lumley	M Steptoe
J Deakin	M Mackrory	A Turrell
M Durham	R A Madden	L Wagland
B Egan	M Maddocks	S Walsh
D Finch	B Massey	C Weston
R Gadsby	M McEwen	A Wood
M Garnett	L McKinlay	J A Young
A Goggin	V Metcalfe	

**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.

**Public Questions**

The Chairman welcomed Mr Ian Fuller, a resident of Springfield, Chelmsford, who had registered to speak.

Mr Fuller addressed Council concerning the s.106 agreement between the Council and the developers at the 'Channels' development.

He referred to the agreement dated 17 July 2015 and the fourth deed of variation (an amendment to Schedule 5 relating to payments for transport matters), dated July 2016 and asked why the promised local highways' works had not been delivered and when might they be.

Councillor Grundy, the Cabinet Member for Highways, replied that he shared Mr Fuller's disappointment that the works had not been completed. He was informed that plans have been submitted by the developer to the County Council on a number of occasions but none had met the County Council's standards. He added that it was the duty of the Council, on behalf of the residents of Essex, to ensure that such works were delivered to the correct standard and he would do all he could to ensure that the work was completed as soon as possible.

### **The Chairman formally opened the meeting**

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. Apologies for Absence**

Apologies for absence were received on behalf of Councillors Erskine, May, Mitchell, Reid and Whitbread.

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

There were no declarations of interest.

#### **3. Confirmation of the minutes of the ordinary meeting held on 16 May 2017**

Members objected to the omission in the minutes of the written record of questions asked and replies. In response, the Chairman, whilst noting that the online recording of the meeting contained such detail, agreed to refer the matter to the Constitutional Working Group and pending their deliberations it was

#### **Resolved:**

That the minutes of the ordinary meeting held on 16 May 2017 be approved as a correct record and signed by the Chairman.

**4. Confirmation of the minutes of the meeting held on 16 May 2017****Resolved:**

That the minutes of the special meeting held on 16 May 2017 be approved as a correct record and signed by the Chairman.

**5. Chairman's Announcements and Communications****Honorary Aldermen**

The Chairman noted that at the meeting held on 16 May 2017 Council had resolved to create Honorary Aldermen. In recognition of this, the Chairman presented certificates and badges to Mr Rodney Bass OBE, Mr Keith Bobbin, Mrs Margaret Fisher, Mr Ray Howard MBE, Mr Norman Hume and Mrs Kay Twitchen OBE.

**Recent Deaths****Former Councillor Ian Abbey**

The Chairman informed Members that former Councillor Ian Abbey had died on 23 May 2017. He had been a North Weald Parish Councillor and a former Chairman of Epping Forest District Council. He had been first elected to Essex County Council in 1985 to represent the Division of North Weald and Nazeing and at the County Council he had served on numerous committees including those relating to Planning, the Environment, Education, Libraries and the Audit and Public Health Select Committee.

**Former Councillor Lord Braybrook**

The Chairman informed Members that former Councillor Lord Braybrook, (formerly Robin, Henry Neville) had died on 5 June 2017. He had been elected as a Councillor in 1970 to represent the Division of Stansted and had been appointed Lord Lieutenant of Essex from 1992 to 2000.

**Former Councillor Stanley Goodwin**

The Chairman informed Members that former Councillor Stanley Goodwin had also died. He had been first elected to Essex County Council in 1993 to represent the Division of Loughton St Mary's and later Loughton St John and had served on the Highways and Transportation Committee, the Social Services Committee, the Development Control and Regulation Committee and many others. He had also been Chairman of Epping Forest District Council.

The Chairman informed Members that as neither he nor the Vice-Chairman were able to attend, Councillor Pond would represent the Council at the funeral on 19 July 2017.

Members to stand in remembrance

### **Queen's Birthday Honours**

The Chairman noted that twenty-one residents in the County had been recognised in Her Majesty's Birthday Honours including:

- Former Essex County Councillor  
Mr Rodney Bass – OBE (for services to Local Government) and
- Former Essex County Councillor  
Mr Ray Howard – MBE (for services to Local Government and the community of Canvey Island)
- Councillor John Baker - MBE (for services to Education)

### **The Grenfell Tower Fire**

The Chairman informed Members that following the Grenfell Tower Fire he had written to Councillor Marie-Therese Rossi, the Mayor of The Royal Borough of Kensington and Chelsea to express his condolences and he read an extract from the reply he had received.

### **Award**

The Chairman invited Councillor Spence, the Cabinet Member for Health, to present an award won at the National Patient Safety awards in Manchester by the Essex Quality Innovation Team supported by the Quality Improvement Team for being the 'Best Patient Safety Improvement Team'.

### **Retirement of Mr Colin Ismay**

The Chairman expressed the gratitude of Members and wishes for a long and happy retirement to Mr Colin Ismay, former Council and Member Support Manager who had taken his retirement after 42 years of continuous service for the Council.

### **Police and Crime Commissioner Roger Hirst - event**

The Chairman reminded Members that, immediately on the rise of Council there would commence in the Chamber a private booking made by the Police and Crime Commissioner Roger Hirst to which all members were invited and at which he would make a presentation concerning:

- 1 Managing demand within Essex Police
- 2 The Recruitment of Special Constables and
- 3 PREVENT – our role in counter-terrorism.

There would then be the opportunity for Members to ask questions.

## 6. Receipt of petitions and deputations

The Chairman received petitions concerning:

- a safe crossing for London Road, Widford, Chelmsford, presented by Councillor Deakin,
- to prevent obstruction of the 90-degree bend on the highway near the entrance to Loughton Cricket Ground, from the residents of Uplands, Loughton presented by Councillor Pond and
- consequences of changes to bus routes and increased use of large vehicles in Wickford presented by Councillor Buckley.

The petitions were passed for the attention of Councillor Grundy, the Cabinet Member for Highways.

## 7. Essex Organisational Strategy

The Leader, Councillor Finch, presented a report concerning the Essex Organisational Strategy as recommended by the Cabinet at its meeting on 20 June 2017. He asked the Council to make a non-material amendment to the policy whereby the words 'digital principles' were substituted for 'digital standards' throughout.

It was moved by Councillor Finch and seconded by Councillor Bentley and it was

### **Resolved**

That the Organisation Strategy be adopted as shown in Appendix 1 to the report, as amended to substitute the words 'digital principles' for 'digital standards' throughout.

## 8. Motions

### **1. Localism and Subsidiarity**

It was moved by Councillor Pond and seconded by Councillor Sargeant that

'This Council applauds achievements of the Administration to date in the field of localism, such as the Community Initiatives Fund. Local Highways Panels were a useful step in bringing together County and District members; their funding needs to be sufficient, and their processes (including Highway Rangers) more effective, the better to suit local needs.

This Council now needs to take further initiatives to ensure that decisions affecting local people are taken as close to them as possible, instead of centrally at County Hall, or by remote joint boards. Devolution to or involvement of districts and

parishes in such functions as highway repairs, parking control and enforcement would all increase local buy-in, and should be attainable within existing budgets.

This Council refers this whole question to the Corporate Scrutiny Committee for further examination.'

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

'This Council applauds achievements of the Administration to date in the field of localism, such as the Community Initiatives Fund. Local Highways Panels were a useful step in bringing together County and District members; their funding needs to be sufficient, and their processes (including Highway Rangers) more effective, the better to suit local needs.

This Council now needs to consider further initiatives to ensure that decisions affecting local people are taken as close to them as possible, instead of centrally at County Hall, or by remote joint boards. Devolution to or involvement of Districts, Boroughs, the City and parishes in such functions as highway repairs, parking control and enforcement would all increase local buy-in, and could be attainable within existing budgets.

This Council refers this whole question to the Place Services & Economic Growth Scrutiny Committee to be considered along with other important issues for inclusion in their work programme.'

Councillor Pond and the seconder Councillor Sargeant accepted the amendment and, with the approval of Council, the amendment having become the substantive motion it was put to the meeting and was carried.

## **2. Support for local business, commerce and local government finance**

It was moved by Councillor Mackrory and seconded by Councillor Robinson that

'This Council notes that the result of the recent General Election did not give any one party an overall majority. This Council therefore welcomes the opportunity for more cross party working in the House of Commons to deal with the enormous challenges facing this country.

This Council therefore calls on the Government to support local business leaders by:

- a) Negotiating a Brexit deal to include membership of the Customs Union and the Single Market which will benefit business and commerce in Essex and the eastern region  
and
- b) Agreeing a new long term funding settlement with Local Government leaders to meet the ever growing demands, in particular Adult Social Care, placed upon it.'

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

‘This Council notes that the result of the recent General Election did not give any one party an overall majority, although the preference of the majority of Essex residents was very clear.

It also notes that 85% of all those voting in the General Election was for a party that did not support a second referendum on Brexit and in Essex 62% voted to leave the EU in last year's referendum.

This Council therefore recognises the will of the people and welcomes the opportunity for cross party working in the House of Commons and also through the Scrutiny Committees at Essex County Council to deal with the significant challenges facing this country and county.

This Council therefore calls on the Government to support local business leaders by:

- a) Negotiating a Brexit deal which will support business and commerce in Essex  
and
- b) utilising the knowledge of local authorities, including Essex County Council, to look at how we can create a long-term solution to local government finance to meet the ever growing demands placed upon it, in particular Adult Social Care.’

The amendment moved by Councillor Bentley and seconded by Councillor Spence having been put to the meeting was carried and became the substantive motion.

Having been put to the meeting the motion was carried.

### **3. Planning and Infrastructure**

It was moved by Councillor Gadsby and seconded by Councillor Wagland that:

‘At the October 2014 Full Council, it was agreed that:

Essex County Council will not support Local (Development) Plans unless adequate resources are identified from developers, local councils and/or Government grants to ensure that sufficient infrastructure, including roads, schools, medical facilities, parking, sewerage and drainage, is provided in a timely manner and in a way that balances the needs to promote economic growth and provide housing for residents whilst protecting their quality of life.

Given the significant housing development emerging from Local Development Plans, this Council reaffirms its commitment to this policy.

This Council also expresses its concern that whilst Local Development Plans and Neighbourhood Plans are being progressed to decide where this housing should be best located, some developers are exploiting the lack of a 5 year housing supply to gain planning permission on greenfield sites, often outside the development boundary, even when these sites have been excluded from the draft local plan and in some cases where there are brownfield sites available or in the pipeline.

This Council therefore calls on the Secretary of State for Communities and Local Government to issue urgent statutory guidance, which removes the opportunity for this exploitation and protects valued greenfield sites from predatory development.'

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

'At the October 2014 Full Council, it was agreed that:

Essex County Council will not support Local (Development) Plans unless adequate resources are identified from developers, local councils and/or Government grants to ensure that sufficient infrastructure, including roads, schools, medical facilities, parking, sewerage and drainage, is provided in a timely manner and in a way that balances the needs to promote economic growth and provide housing for residents whilst protecting their quality of life.

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This Council therefore calls on the Secretary of State for Communities and Local Government to issue urgent statutory guidance, which

- a) removes the opportunity for this exploitation and protects valued greenfield sites from predatory development and
- b) recognises the need for a regional housing policy based on an evidence housing needs assessment.'

The amendment moved by Councillor Turrell and seconded by Councillor Aspinell having been put to the meeting was lost.

The motion having been put to the meeting was carried.

#### 4. Fire Safety

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

‘This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.

This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore this Council asks the Leader to arrange for a thorough investigation into all buildings owned and maintained by Essex County Council to be undertaken to ensure that any cladding is fire resistant and, if not, action is taken to resolve this.

In addition, the Council calls for the Leader to ensure that any new school, hospital, care home, house in multiple occupation or high-rise accommodation commissioned by or in partnership with Essex County Council must include a sprinkler system.

Finally, the Council calls for the Leader to ensure that sprinkler systems are retro fitted into schools, hospitals, care homes, houses in multiple occupation or any high-rise buildings owned and maintained by Essex County Council, as part of future refurbishment plans.’

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

‘This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.

This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore this Council asks the Leader to arrange for a thorough investigation into all buildings owned and maintained by Essex County Council to be undertaken to ensure that any cladding is reviewed to ensure that it complies with appropriate national standards, if not, action is taken to resolve this.

In addition, the Council calls for the Leader to establish an independently chaired all-party commission involving partner organisations to look into the whole system of fire safety for employees and other users of our buildings. This would take into account the size, scale, location and use of the particular building and consider the tools and technologies available to protect human life and the building.’

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

'This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.

This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore, this council asks the Leader to arrange for a thorough inspection by qualified fire safety officers into all buildings owned and maintained by Essex County Council to be undertaken to ensure that any cladding is fire resistant and, if not, immediate action is taken to resolve this.

In addition this Council calls for the Leader to ensure that sprinkler systems are retro fitted into all Essex County Council premises and other premises that Essex County Council have involvement with, such as care homes, schools, sports buildings, etc. as part of future refurbishment plans.

Finally, Essex County Council undertakes a thorough fire safety inspection of all our above mentioned buildings, to include all fire resistant doors, smoke seals, escape windows / doors, fire stairwells or fire escapes, fire-fighting equipment (including dry and wet risers), all smoke alarms (replacing battery operated smoke alarms with in-line) and regular fire drills and fire alarm testing be carried out. That an officer of Essex County Council take ownership and responsibility, working with Essex Fire and Rescue Service in ensuring that regular fire inspection and enforcement is carried out. The regularity of these checks must be as laid down by Essex Fire and Rescue Service together with the implementation of any recommendations or change in legislation that arises from the conclusion of the Grenfell fire investigation.'

Councillor Aspinell, with the approval of Councillor Turrell, requested that Council note that the amendment he had moved had inadvertently had the word 'new' omitted from what had been intended to read as 'new buildings'.

Councillor Henderson, the Leader of the Labour Group, suggested that if the amendment moved by Councillor Finch and seconded by Councillor Bentley were changed by removing the words 'to ensure that it complies with appropriate national standards' then the amendment may receive wider support..

With the approval of Council, Councillor Finch and Councillor Bentley agreed that such an alteration should be made and so their amendment to the motion was altered to be:

'This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.

This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore this Council asks the Leader to arrange for a thorough

investigation into all buildings owned and maintained by Essex County Council to be undertaken to ensure that any cladding is reviewed as appropriate and action taken.

In addition, the Council calls for the Leader to establish an independently chaired all-party commission involving partner organisations to look into the whole system of fire safety for employees and other users of our buildings. This would take into account the size, scale, location and use of the particular building and consider the tools and technologies available to protect human life and the building.'

The altered amendment to the motion moved by Councillor Finch and seconded by Councillor Bentley having been put to the meeting was carried and became the substantive motion.

The amendment moved by Councillor Aspinell and seconded by Councillor Turrell having been put to the meeting was lost.

The motion having been put to the meeting was carried.

## **9. Adjournment**

With the agreement of Council the Chairman adjourned the meeting for luncheon at 13:22. The meeting reconvened at 14:15.

## **10. Waste Local Plan**

Councillor Lissimore, the Cabinet Member for Housing, Property and Planning presented the report to adopt the Essex Replacement Waste Local Plan including the modifications recommended by the Inspector appointed by the Secretary of State to examine the Plan, which were necessary to make the Plan sound and legally compliant.

The Cabinet had considered the Plan and the Inspector's final report at its meeting on 20 June 2017.

Councillor Abbott declared a Code Interest as he had been instrumental in the preparation of the Plan.

Having been moved by Councillor Lissimore, and seconded by Councillor Gadsby it was

### **Resolved**

That the Council adopt as the Essex Replacement Waste Local Plan the version approved by Council in 2016 as amended by:

- (a) the main modifications recommended by the Inspector in her final report (attached at appendix 1 to the report);

- (b) The minor modifications supported by Cabinet in 2016 (attached at appendix 4 to the report); and
- (c) The further minor modifications (attached at appendix 6 to the report).

**11. The Essex Pension Fund Board Annual Report 2016/2017**

Councillor Barker, the Cabinet Member for Culture, Communities and Culture and the Chairman of the Finch, presented the eighth Annual Report of the Essex Pension Fund Board(s), covering the period from 1 April 2016 until 31 March 2017.

It having been moved by Councillor Barker and seconded by Councillor Finch the report was noted.

**12. To receive a report of matters reserved to the Council**

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

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

**Resolved**

**1. Property Investments**

- 1) Amend paragraph 5.3.2 of the constitution by adding a third exemption to the definition of the definition of a Key Decision by the addition of an additional sub-paragraph:

‘(iii) The purchase of property for the purpose of investment.’

- 2) That Financial Regulations 7.1.4 and 10 shall be amended to insert the underlined text

<b>£2m and above but less than £5m</b>	<p><u>For transactions relating to land acquired for operational purposes</u> the <b>Cabinet Member</b> with responsibility for Property Management (<i>following consultation with <b>Executive Director</b> as above and the <b>Cabinet Member for Finance</b></i>)</p> <p><u>In the case of a property transaction for investment purposes rather than operational purposes</u> the <b>Cabinet Member for Finance</b> after consulting the Leader</p>
<b>£5m and above</b>	<p><u>For transactions relating to land acquired for operational purposes</u> <b>Cabinet</b> (<i>following consultation with <b>Cabinet Members</b> as above and <b>Executive Director</b> as above</i>)</p>

	<p><u>In the case of a property transaction for investment purposes rather than operational purposes the <b>Cabinet</b> or the <b>Cabinet Member for Finance</b> after consulting the Leader</u></p>
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- 3) That an additional paragraph be inserted in financial regulation 7.1.4 to read:

‘Where property is acquired for the purposes of investment the role of the Cabinet Member with responsibility for Property shall be discharged by the Cabinet Member for Finance. Any proceeds of sale of any investment may be reinvested in property by the Cabinet Member for Finance.’  
and

- 4) In paragraph 14.6.6 of the constitution, the role of the Portfolio Holder, Resources, by the insertion of the following bullet point after the first sub point:

- Decisions about investment property (subject to prior consultation with the Leader on acquisition and sale decisions)

## 2. Cabinet Issues Report

That paragraph 16.12.5 of the Constitution, paragraph 16.12.5 be amended to:

‘A Member may ask the Leader, Cabinet Member or Chairman of a committee any question on any report of the Cabinet or a committee (other than a report which is for information only) when that item is under consideration by the Council.’

## 3. Appointments to Committees

- 1) That the Delegations to the Director, Legal and Assurance as detailed in the Constitution, paragraph 15.3.10 be amended by addition of an additional sub-paragraph:

- ‘(xiii) To change the membership of any committee, substitute or appointment to an outside body in accordance with wishes expressed by the Leader of a political group.

PROVIDED THAT use of this delegated power authorise amendments of Members’ appointments to committees that are recommended subsequent to the Annual Meeting of Council.’

## 4. Scrutiny Committees

- (1) That the Scrutiny Committees shall be re-named:

- Corporate Policy and Scrutiny Committee,

- People and Families Policy and Scrutiny Committee and
- Place Services and Economic Growth Policy and Scrutiny Committee
- Health Overview, Policy and Scrutiny Committee.

(2) That the constitution shall be amended with the new names of the committees wherever they occur.

## 5. Changes to Call-in

That paragraph 20.15 (xix) of the Constitution be amended to read as follows:

(xix) The call-in procedure set out above does not apply where

- (a) The Chairman of the Corporate Policy and Scrutiny Committee or in their absence the Chairman of the Council or in the absence of both, the Vice Chairman of the Council agrees that it is in the interests of the Council for the decision to be implemented urgently.
- (b) The decision is to make a recommendation to full Council
- (c) The decision is to go out to consultation or to respond to a matter upon which the Council has been consulted; or
- (d) The decision is to appoint an individual to a particular role.

Decisions exempt from call-in on the grounds of urgency shall be reported to the next available meeting of the Council, setting out the decision and the reasons for urgency.

## 6. Joint Committees

1) The penultimate paragraph in section 13.3 of the constitution be amended to read

‘The following joint committees exercise Executive Functions in accordance with their terms of reference as set out in Appendix 4 and the agreements currently in operation:

- the South Essex Parking Partnership Joint Committee;
- the North Essex Parking Partnership Joint Committee;
- the Essex Countywide Traveller Unit Joint Committee
- the South East Local Enterprise Partnership Accountability Board
- the ACCESS Pension Fund Pool Joint Governance Committee.’

2) All bodies named in paragraph 13.3 to be included in the List of Approved Bodies shown as Appendix 3 to the constitution

3) A new Appendix 4 of the constitution be created as shown at appendix 1 to the report subject to corrections such that the word ‘north’ which appears in paragraphs 8 and 11 should be replaced with ‘south’. Those paragraphs should read:

- '8. Determine the levels and nature of fees and charges in respect of on street car parking provisions in South Essex;
11. Provide a forum to discuss strategic issues relating to parking across South Essex;'

## **7. Change to Job Title of the Monitoring Officer**

That paragraph 4.5 of the constitution, Statutory Officers be amended such that the words 'Principal Lawyer (Governance)' be deleted and replaced with 'Director, Legal and Assurance.'

## **8. Number of Motions raised under the 'notice of motion' procedure at Council Meetings**

That paragraph 16.8.2 of the constitution be amended to read:

### **'16.8.2 Notices of motion**

Except for motions which may be moved without notice under paragraph 16.8.5 below, written notice of every motion must be delivered to the Chief Executive not later than 10:30am on the eleventh calendar day before the Council meeting.

Written notice must be signed by the Member intending to move the motion and at least one other.

Other than at the annual budget meeting for which no notices of motions shall be accepted, a maximum of four motions shall be accepted for debate at an Ordinary Meeting of the Council under this standing order.

The motions available at each meeting will be allocated annually by the Chairman in advance of the Annual Meeting in accordance with the following rules:

- (i) A group which has a majority of seats on the Council shall be allocated 2 motions at each meeting where motions are allowed.
- (ii) The remaining motions shall be allocated to other groups in proportion to the proportion of opposition seats held by that group. Where exact proportionality cannot be achieved the Chairman shall have regard to broad proportionality and to the number of motions received by a group in preceding years.

If any Group does not take its allocation of motions at a meeting there will be no reallocation to another Group.

If there are two or more independent members then they shall be considered as a group for the purposes of this rule only.'

## **9. Appointments to Outside Bodies**

That Appendix 3 of the constitution is updated with the revised list at Appendix 2 of the report.

## **13. 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 Councillor Finch and seconded by Councillor Bentley it was

### **Resolved**

That the report be received.

## **14. Written Questions**

The published answers to the 24 written questions submitted in accordance with Standing Order 16.12.1 were noted as follows:

### **1. By Councillor Pond of the Cabinet Member for Education**

'What proposals are there to make good the shortfall in bus provision caused by:

1. The withdrawal of Route 167.
2. The halving of service frequency on Route 418 serving Loughton, Theydon Bois, Abridge and Epping.
3. The incipient opening of a substantial retail park at Langston Rd Loughton without any bus service.'

### **Reply**

'As the member is fully aware, the County Council reviewed the payments it made to Transport for London in regard to services 20 and 167, running between Loughton and London in 2015 as part of its major review of bus services. The review suggested that the level of service being provided by TfL was significantly higher than that which could be expected by similar sized town in Essex and that the payment of £580k per year by ECC to TfL for this service was highly disproportionate. In all other large towns in Essex

the daytime elements of such services are normally provided commercially, without any cost to the County Council. The County Council consulted over the future of the payments in 2015 and at this time made the decision to cease payment.

TfL subsequently made the decision to withdraw the northern part of the 167 journey. This service withdrawal was assessed in the standard way that we assess all withdrawals against our policy framework and it is important to note that there are alternative bus services that allow most of the journey, formerly covered by the 167, to be made.

The member will also be aware that the service reductions made to service 418 are the result of a commercial decision made by Galleon Travel Ltd (Trustybus). The changes were assessed against the County Council's established criteria. This suggested that changes to service 418 were likely to have most effect on passengers travelling from Loughton to Harlow and back. They would also have an impact on residents of Abridge and Theydon Bois. The County Council looked into the cost of replacing the services but this was considered prohibitively expensive. It would have meant withdrawing other services from communities with no alternative public transport. While the level of service had been significantly reduced, there is still a two-hourly bus service. In addition, Epping Forest Community Transport runs a shopper bus to number of areas in Abridge that has limited access to bus services. On this basis, the County Council has no plans to introduce additional services at this time.

Finally, the opening for the retail park has been noted by local commercial bus operators and officers understand that they are aware of the opportunity. We expect commercial enterprises to identify appropriate travel to their locations without using the taxpayer as the first port of call. We understand that the planning authority, Epping Forest District Council, did not feel it appropriate to require S106 funding to be provided for the support of bus services. This being the case, the County Council will continue to talk to commercial operators about the opportunities for improved transport links this development offers.'

## **2. By Councillor Blackwell of the Cabinet Member for Highways**

'There seems to be an increase in weed growth in the streets on Canvey Island could the Cabinet Member look into getting a weed spray programme done in June instead of July in the future before weeds set seed.'

### **Reply**

'Weed spraying was to begin in Castle Point on 19 June but, due to weather slippage in the preceding districts, the programme only started on Canvey Island on 21 and 22 June. Each year start dates vary depending on growth across the county, with the whole programme taking 10 to 12 weeks.'

Unfortunately we cannot weed spray before the weeds set seed, because the only chemical we are permitted to use is most effective when the weed has begun to grow.'

**3. By Councillor Kendall of the Cabinet Member for Housing, Property and Planning**

'What extra powers does the Essex County Travellers Unit need from the Government to make their job and that of the Police more effective when it comes to the removal of travellers from publicly owned land?  
What steps is Essex County Council taking to lobby for these powers?'

**Reply**

'There has been a 200%+ increase in the number of unauthorised encampments in Essex over the last two years, but the Essex Countywide Traveller Unit (ECTU) remain effective in moving on such encampments from partner land using existing legislation with 90% of encampments moved on within 7 working days and 100% within 10 days.

However, it is essential that we continue to review whether there are any more proactive approaches we could take to minimise the number and impact of encampments that occur and ensure we continue to deal effectively with those that do. I was recently appointed as Chairman of the ECTU Joint Committee and have been encouraged by the recognition from members of the need to work together on this issue that is of such great importance to our local residents and businesses.

Work is underway to build on the effectiveness of the ECTU and Police response to unauthorised encampments using existing powers including a dedicated and expanded Gypsy and Traveller team at Essex Police, the development of a single protocol setting out more clearly the responsibilities and powers available to deal with encampments.

ECC has an active campaign lobbying activity and together with partners in communities, the Police and local Councils we will seek to identify what (if any) additional powers are needed and raise them with Government.'

**4. By Councillor Kendall of the Cabinet Member for Education**

'Would it be possible for the Cabinet Member or his Deputy to attend each of the Transport Representative meetings that are held twice a year across the County?'

I make this request because I know that a number of people who attend these meetings in my area are concerned that the County Council is not taking on-board the constructive input that is being put forward to maintain, develop and promote bus services in the Borough of Brentwood.

If residents and Parish, Borough and County Councillors are going to give

up their time to attend these meetings, they would like those making the ultimate decisions to be in attendance to hear their views.'

### **Reply**

'I note the concerns raised by Cllr Kendall. I greatly value the contribution made by the Transport Representatives and recognise the time and effort that this entirely voluntary group make to help shape the bus network in Essex.

There are 16 transport representatives meetings across the year and they are undertaken to promote exchanges of knowledge, information and advice about issues and developments in local bus services between council officers, (including commissioners) and service users and the representatives at a local level. Officers always listen closely to what the representatives are telling them and this information is often used to support decisions about how the county council should support bus services in their area.

For example, the representatives network was instrumental in helping design and publicise the new demand responsive transport services that have seen significant growth in passenger journeys and also played a role in examining proposed changes to services made during the recent bus reviews. It is also a useful conduit for information about persistent or long standing problems and issues for services, which often result in these being resolved.

As the Cabinet Member with responsibility for passenger transport, I already chair the Bus Board, (the Council's strategic level partnership board for bus services with operators and other stakeholders) and the Bus Forum (a wider strategic body which includes the representatives from bus user groups and local councils as well as operators and members). Given the number and regularity of the Transport Representatives meetings it would not be possible to commit to attending all of them as a statutory representative, I will however, attend them on a statistical basis but only as an ex-officio observer. The statutory attendees at these meetings will therefore remain as they are.'

### **5. By Councillor Robinson of the Cabinet Member for Highways**

'What measures are being taken to ensure traffic flows are maintained on the approach roads to Broomfield Hospital while works are underway on Hospital Approach between now and October. Will works be phased to avoid the peak periods?'

### **Reply**

'The majority of works for Hospital Approach will be done, without the need to close the carriageway, from mid-July until mid-September. The second phase will take place mid-September until late October. This phase will require multiway lights to be in operation on Hospital Approach during off peak times only.

Bus companies have been informed, the contractor has liaised closely with the hospital, and wherever possible traffic lights will be erected after 9am and taken down at 3pm.'

**6. By Councillor Turrell of the Cabinet Member for Highways**

'Could the Cabinet Member please clarify that the current Transport Plan Consultation that is going out to 6000 residents can also be completed by any other resident? If yes, where will the paper questionnaires be held?'

**Reply**

'The National Highways and Transport (NHT) public satisfaction survey is not a Transportation Plan consultation, it is a public opinion survey carried out by IPSOS MORI that is sent to 6,000 households at random across the county. To give the best balance of views and Essex County Council has no influence over who receives a copy. Residents cannot fill it out unless they receive a copy through the post.

If residents have issues, they can use our new Tell Us tool [www.essex.gov.uk/highways](http://www.essex.gov.uk/highways)'

**7. By Councillor Robinson of the Cabinet Member for Education**

'What advice, guidance and training is given to schools, teachers and young people on dealing with the growing problem of cyber-bullying - via computers and phones? Since `phones are becoming essential, even for school pupils, it can be difficult to get away from cyber bullying.'

**Reply**

'I thank the member for raising this important issue, which requires consistent and dedicated work to ensure that the schoolchildren in Essex are fully supported. Schools provide a range of support / information to parents, staff and pupils regarding cyber bullying. This is delivered through emotional well-being programmes, lessons in school, newsletters and briefings, open evenings, training for parents, staff and pupils, peer mentoring and counselling, to name a few. Training for schools on this matter is provided through the termly safeguarding forums where e-safety is discussed in one form or another at practically each session. Specific training on e-safety was delivered in Autumn 2015 and 2016 to schools (through launch of the new Keeping Children Safe in Education) and is to be revisited in the Autumn 2017.

In addition, there are resources on e-safety on the safeguarding area on

Essex School Infolink and resources are published in the weekly newsletter that goes to all schools and via the termly safeguarding briefings which are delivered by the Safeguarding Adviser to Schools. There is a dedicated 'anti-bullying' section on Essex School Infolink which contains many resources and advice / guidance for school. To keep up to date with information ECC is a member of the Stonewall Education Champions Programme, the Anti-bullying Alliance and the Bullying Information Group (BIG). Essex School Infolink is kept updated with the latest advice and guidance to schools from these groups and other key organisations who can support around all aspects of bullying.

Finally, ECC is currently part of a Department of Education funded programme that offers a 12 month trial of the Tootoot anti-bullying support tool to Essex schools. Tootoot provide a reporting mechanism and offers access to support and guidance for school staff, young people and parents / carers (just under 50 Essex schools have taken the opportunity to be part of the trial).'

#### **8. By Councillor Turrell of the Cabinet Member for Highways**

'Recently we heard that the Ombudsman upheld a complaint from a resident, supported by the majority of residents, myself included, about the shared cycle/pedestrian path on Mile End Road, Colchester.

The complaint was among other issues that Highways did not look at any other option, the shared path was dangerous because the access to private driveways crossed the shared path and the hill would mean cyclists travelling up to 25mph downhill.

The cost of the work was almost £1million.

The shared path is not used by the majority of cyclists who still use the road as it is wide enough for cars and cyclists to use; nor has it encouraged others to cycle.

Will the Cabinet Member now remove the traffic order that makes the pavement on one side of Mile End Road a shared path and ensure that in future any such schemes only proceed if backed by a proper consultation?'

#### **Reply**

'Essex County Council did consult on this scheme, and the Ombudsman's decision notes no issues with that. It also notes that the plans were amended as a result of the consultation that was conducted.

I need to make it clear that the Ombudsman only partially upheld the complaint in this case. The only actions emerging from the decision were for Essex County Council to review and update its Cycling Design Guidance to take national best practice into consideration when designing shared-use

facilities, which we will of course do.

There are certainly no actions on Essex County Council to remove the scheme and none of the concerns raised about safety were upheld. As a result we will not be removing the traffic order that allows cycling on the shared use facility and we will continue to decide on a case-by-case basis whether to consult on proposals where there is no statutory consultation duty.'

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

'Will the Cabinet Member make representations to the Essex Pension Fund regarding the apparent contradiction of their doubling of investments to £9m into tobacco companies whilst the County Council is funding Health programmes encouraging people to give up this habit which costs lives and the NHS millions of pounds each year.'

**Reply**

'It is indeed true that Essex County Council has committed to helping and encouraging people to stop smoking, and we have committed £1.985M for lifestyle services this financial year.

It is equally true that we wish our pensioners to benefit from a really strong pension fund which is run separately, both to maximise focus on return and to minimise political interference.

In my experience of ethical investment issues, influence is maximised through engagement rather than exclusion.'

**10. By Councillor Mackrory of the Cabinet Member for Environment and Waste**

'In the light of the recent report from the National Audit Office into the costs of the Hinkley Point nuclear plant project, which stated that it was 'risky' and 'expensive' and the costs have increased from £6bn in 2013 to £30bn now, is the Cabinet Member confident that the Bradwell nuclear plant is a project Essex County Council should be promoting?'

**Reply**

'The scale of opportunity that the development of Bradwell B nuclear power station could offer Essex is illustrated by the first new nuclear development at Hinkley Point C, Somerset, which will create c. 26,000 jobs, with supply chain contracts already amounting to over £435m. However, significant

investments in infrastructure, housing and skills will be required to ensure that benefits accrue to Essex businesses and residents. In the first instance, ECC & Maldon DC, as formal consultees, are working together to ensure that Essex benefits especially by learning from other new nuclear developments, notably at Sizewell C, Suffolk, which will be developed before Bradwell.'

**11. By Councillor Baker of the Leader of the Council**

'In light of the outcome of the recent General Election and the Brexit negotiations currently underway, would the Leader of the Council explore the possibility of negotiating and setting up a cross-party working group to meet on a regular basis, with senior officer input, in order to identify potential opportunities and possible threats for the County of Essex arising out of leaving the European Union.

The strategic purpose for setting up this group would be to minimise any discernibly negative outcomes and to maximise any discernibly positive outcomes for the people of Essex and for its businesses and communities.'

**Reply**

'There are still a number of uncertainties relating to Brexit and the risks and opportunities it could bring. Nevertheless this is a very important issue and I would encourage our Scrutiny Chairmen to include a Brexit implication item on their work plan.'

**12. By Councillor Smith of the Cabinet Member for Highways**

'Can the Cabinet Member please provide an update with regards to the re-paving of Station Way (in front of Trafford House) and the filling in of the nearby subway to enable a set of traffic lights to be installed?'

**Reply**

'The works are to be carried out by a developer under a proposed Section 278 agreement. We sent the developer a draft agreement in December 2016. Despite reminders from legal services, we didn't receive comments until 5 June 2017. They then sent a revised agreement on 4 July 2017, which legal services are now looking at. This will be progressed as quickly as possible.'

**13. By Councillor Smith of the Cabinet Member for Culture, Communities and Customer**

'Has the footfall within the library at the Basildon Centre increased since the relocation of the DWP offices/front counters to the Basildon Centre? Is the library service now using this unique opportunity to actively reach out to the

DWP's clients to improve literacy rates in Basildon?’

### **Reply**

‘I have personally visited the centre in recent weeks and was impressed by both the new layout and the staff.

Because the building was redesigned when the DWP offices were moved into the Centre, it has not been possible to measure footfall in the same way – the library had to remove its visit count machine because the wall was extended and the gap is now far too wide to be able to pick up footfall accurately. We estimate that footfall has increased from around 300 people per day to 500. As an indicator, participation in Baby and Toddler sessions has doubled, monthly loan figures have increased by up to 10% year on year, usage of our Public Network computers is seeing a 10-20% increase year on year and with WiFi hits on site increasing rapidly, three times larger in June than February this year.

The refurbishment has also given us the opportunity to offer spaces for tuition. Libraries are contacting colleagues in Adult Community Learning and DWP to explore this opportunity further. The Hub is also planning its first joint event in September, which will see the whole centre being used to host a ‘Money Matters’ event. This is where partners such as Essex Water, uSwitch and local solicitors will offer money/debt advice to residents. We are also in the process of kitting out the Maker Space in the library, offering space for residents to learn new digital, practical and technological skills.’

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

‘Following the Agreement between the Conservative and Unionist Party and the Democratic Unionist Party on Support for the Government in Parliament and the £1 billion extra funding going to Northern Ireland, will the Leader confirm whether he will be lobbying the government for increased funding for Essex County Council?’

### **Reply**

‘The council has strong a track record of lobbying central government for the resources needed by Essex residents, working with the County Council Network and the Local Government Association. We saw an additional £30.7m come to the council this year as a result of changes to adult social care funding we pressed for. This month I am writing to new ministers, including to request for clarity on local government finance reform, security of funding for supported housing, and our desire to see additional investment in Essex through the Housing Infrastructure Fund’

#### **15. By Councillor Scordis of the Cabinet Member for Education**

‘In light of proposed cuts to the Education Services Grant and a plan to introduce a National Funding Formula, could the Portfolio Holder confirm what representations have been made to the Secretary of State for Education, regarding funding?’

### **Reply**

‘I recognise the financial challenges facing schools as a result of increased costs such as rising pension and national insurance contributions, the apprenticeships levy and other increased costs, and have been making representations to Government. I wrote to the Secretary of State to lobby that the Education Services Grant should be retained as the statutory duties of local authorities would not be changing with regards to maintained schools in Essex. In addition, the Authority has continued to lobby the Department for Education as part of the national funding formula consultations stating that the ESG cut should be reversed.

For the National Funding Formula the Authority has responded in full to both consultations and further contributed to the response made by the Essex Schools Forum to both consultations.

However I am very proud of the achievements of Essex schools despite the budget pressures faced by schools and the council. More than nine in ten Essex schools are currently rated as good or outstanding by Ofsted and pupils continuing to achieve good educational outcomes, as evidenced by last week’s Key stage 2 SATs results. That said, we are not complacent and will continue to work with both schools and the Government to try and ensure the funding available is appropriate and fair.’

### **16. By Councillor Henderson of the Cabinet Member for Education**

‘Statistics published in June 2017 by the Department for Education, show that following the upward trend between 2010 and 2015, there has been a further increase in the percentage of schools which have at least one advertised vacancy or temporarily-filled post. In Essex 11.9% of schools reported having at least one advertised vacancy or temporarily-filled post on the census day in November 2016.

What measures are Essex County Council taking to address the crisis in vacancy rates and reduce the number of teacher vacancies in Essex?’

### **Reply**

‘We recognise the ongoing task facing schools in terms of teacher recruitment and retention and continue to work closely with them on the issue. The council leads a strategic group set up to explore and implement new teacher recruitment and retention strategies in Essex, working with representatives from EES for Schools, the Association of Secondary Headteachers in Essex (ASHE), the Essex Primary Headteachers’

Association (EPHA), Essex Special School Education Trust (ESSET) and the Diocese of Chelmsford Vine Schools Trust.

Among the latest strategies has been a highly successful Return to Teaching programme. 38 former teachers have now completed the intensive course, with seven already successful in securing teaching posts. Plans are now in place to re-run the programme for a second cohort in October and November this year. We are also continuing to explore initiatives around overseas recruitment, key worker housing, additional support for newly qualified teachers, supply agencies and retention strategies.'

**17. By Councillor Henderson of the Cabinet Member for Highways**

'It is a duty of the highway authority to keep public rights of way free from obstruction by natural upgrowth [Highways Act 1980, Section 41]. Could the Cabinet Member confirm when the decision was taken to restrict public rights of way routes to one cut per year and explain why contracts do not include removal of the resulting green waste?'

**Reply**

'We currently carry out two cuts per year across promoted routes. These are the highest category routes that are most heavily used by the public. Other routes receive a cutting regime that is appropriate to their usage levels.

The removal of green waste on public rights of way is not carried out unless the waste causes a significant safety or environmental issue. Generally, green waste naturally biodegrades and creates natural habitats for other flora, fauna and creatures.'

**18. By Councillor Young of the Cabinet Member for Education**

'Vacancy rates are at all-time high for school crossing patrols in Essex. Could the Cabinet Member advise if terms and conditions for the role have been altered or pay rates reduced in the last 12 months?'

**Reply**

'I share the concern that the School Crossing Patrol Service is not performing in the manner that we would all require and it is for that reason that I have set up a cross party Task and Finish Group to investigate the matter. Indeed, the first meeting of that group is scheduled for 11th of July 2017 after close of the Council Meeting.

The terms and conditions of school crossing patrol officers were amended within the last year to ensure fairness and bring their holiday entitlement in line with other term-time only ECC employees. However, there is no evidence that those changes have had any impact on the recruitment and retention of SCPO's. It is clear that a number of other factors, including both physical and verbal abuse from motorists, has deterred many people who

would traditionally have taken on this role.

It is intended that the Task and Finish group will investigate all of these issues with a view to securing a service that is sustainable whilst assisting parents to ensure the safety of their children.'

**19. By Councillor Young of the Cabinet Member for Health and Adult Social Care**

'Falls account for up to 40% of ambulance call-outs to homes for people aged over 65, costing £115 per callout and between 2010 and 2015 there has been a 18% rise in emergency hospital admissions for older people Could the Cabinet Member confirm that priority will be given to falls prevention given these statistics?'

**Reply**

'I can confirm prevention of falls has been and continues to be a priority for Essex County Council.

You would be aware that the Essex Health and Wellbeing Board endorsed the Essex Prevention Strategy in March 2015 – falls prevention is specifically referenced in this strategy, and monitoring outcomes is undertaken by Essex CCGs.

This Council will continue working with partners to deliver falls prevention that is more integrated with the wider frailty approach that NHS colleagues have adopted.

Most areas of falls prevention services can be delivered in this way including: identification and risk assessment of people; assessment of home hazards and home improvements; access to equipment; vision assessment; and medicines reviews. One key area of best practice is strength and balance training, and we are working with a wide group of partners including the voluntary sector to deliver this effectively in Essex.'

**20. By Councillor Davies of the Cabinet Member for Resources**

'Would the Cabinet Member agree with me that the lack of mention in the Queens Speech about Business Retention Rates is deeply concerning and could lead to a shortfall in this council's financial plans?'

**Reply**

'The Council's current Medium Term Resourcing Strategy does not currently include any changes in our income as a result of the proposed move to 100% Business Rates Retention. Therefore there is no impact on the Council's financial plans as a result of the Queens speech.

Whilst it is disappointing that this piece of legislation was not contained within the Queens Speech, there are some elements of Business Rates Retention that could be implemented without legislation. At this stage, it is unclear how Government wish to progress. However we will continue to discuss with Government our wish for more devolution of grants, more freedoms and flexibilities, notably on charging and council tax, and incentivise for growth through greater devolution.'

**21. By Councillor Harris of the Cabinet Member for Highways**

'Could a 20 mph speed limit be applied as a standard measure for all new developments and a simpler retrospective application of 20mph be applied to estates with a simple access in and out of the estate?'

**Reply**

'Where practical we apply 20 mph speed limits to new residential developments, as our design guide and strategy states. In some cases this is not the most suitable approach, such as on higher category roads through developments, or for example where they include bus routes.

The retrospective application of 20 mph speed limits in residential areas is assessed on a case-by-case, road-by-road basis.'

**22. By Councillor Hillier of the Cabinet Member for Environment and Waste**

'Could the Cabinet Member please provide an update on the current status of the MBT waste plant in my Pitsea division?'

**Reply**

The Cabinet Member, Councillor Walsh, having undertaken to provide a verbal response stated that there were ongoing discussions with the operator of the facility, Urbaser Balfour Beatty, about some performance issues. The Council and the company have been using the appropriate contractual mechanisms to resolve these issues. However, the Council has now commenced proceedings in court. Because these issues are both contractual and commercial they cannot be discussed in public.

It is important to note that the facility continues to operate and is diverting considerable waste from landfill.

The Cabinet Member undertook to give further updates to Members on the facility.

**23. By Councillor Butland of the Leader of the Council**

‘How many EU nationals currently work for Essex County Council and how many are employed in Essex schools?’

### Reply

‘A job applicant’s nationality is immaterial as long as they can prove they are eligible to work in the UK. As such Essex County Council does not currently hold information on the number of EU nationals (excluding British Citizens who are also EU Citizens) that currently work for the Council or are employed in Essex schools.’

## 24. By Councillor Butland of the Cabinet Member for Highways

‘How many claims have been submitted to the Council in respect of (a) personal injuries, (b) damage to motor vehicles, (c) damage to motor cycles and (d) damage to pedal cycles arising from alleged faulty road surfaces including potholes in each of the financial years 2013/14, 2014/15, 2015/16 and 2016/17?

How many of the claims resulted in the claimant being successful and what was the total compensation paid in each the four financial years?’

### Reply

The County Council has received the following number of claims for damage which relate to alleged faulty carriageway surfaces. The payments below include all costs, including legal costs. It is not possible to break down the claims between different types of vehicles without looking at every claim individually. It has not been possible to break down the figures between personal injuries and damage to property within the time available

Year	No of Claims Received	Settled Paid	Open	Amount Paid
2013/14	2661	186	15	£ 497,127
2014/15	1447	111	16	£ 195,456
2015/16	866	97	18	£ 107,783
2016/17	869	42	242	£ 17,241

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

## 15. Oral Questions of the Leader, Cabinet Member or the chairman of a committee upon any matter relevant to the business of Council

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.

**16. Oral Questions of the representative of the Essex Police and Crime Panel on any matter of that Panel**

There were no questions.

**17. Oral Questions of the representative of the Essex Fire Authority regarding the Report to the Constituent Authorities of the meetings on 14 and 28 June 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.

Chairman

# Motions

The following Members have given notice that they intend to move the following motions in accordance with paragraph 16.8.2 of the Constitution:

## 1 Bus Franchising

Moved by Councillor Scordis and seconded by Councillor Harris

‘Essex residents are seeing declining bus services across the County, which impact on the young and old disproportionately. This undermines the ability for some to get to work, school or leisure and also increases congestion, which we know is one of the biggest factors that may hinder the economy in Essex.

At the same time there is a lack of accountability towards residents and councillors when it comes to bus companies. Customers and councillors currently have no say on which routes bus companies maintain, while the costs increase and the quality of buses in Essex deteriorates. The current service is driven by profit and not being run to meet the needs of the residents of Essex.

This council asks the Cabinet Member with responsibility for buses to investigate adopting bus franchising scheme under in the new Bus Services Act 2017. This allows the Local transport authority to identify the bus services that should be provided for an area, rather than bus companies dictating the routes they would prefer. This will also bring in more accountability for us locally and allow us to tackle emissions in Essex.’

## 2 Pressures on Social Care

Moved by Councillor Mackrory and seconded by Councillor Kendall.

‘This Council notes the ever increasing financial costs being placed on it by the demands on the social care system.

Council therefore resolves to:

- i) Lobby government to ensure adequate funding in the forthcoming autumn budget for both Childrens Services and Adult Social Care, in particular the need to address the disparity in funding between local authorities to the detriment of Shire Counties.
- ii) Add its support to the Rt. Hon Norman Lamb MP with his call for a cross-party commission on the NHS and social care crisis, currently supported by many Conservative and Labour MPs.’

### **3 Unauthorised Encampments**

Moved by Councillor Lissimore and seconded by Councillor Ball.

‘Over the last three years the number of unauthorised encampments by Travellers has more than tripled. The annual cost to the Essex taxpayer of removing these unauthorised encampments runs into hundreds of thousands of pounds and has, in some areas, increased tensions between local residents and Travellers communities to the detriment of both.

This Council recognises that tackling unauthorised encampments is a complex issue which will require a multi-agency approach. This Council therefore calls upon all Essex District, Borough and City Authorities to work together with Essex County Council and Essex Police to identify and act on the root causes of this increase for the benefit of both local residents and Traveller communities.

In the meantime, this Council urges all Essex District, Borough and City Authorities to treat unauthorised encampments in the same way as they would treat any other unauthorised incursion on to their land and work to minimise the disruption that unauthorised encampments can cause.’

### **4 Strategic Infrastructure**

Moved by Councillor Bentley and seconded by Councillor Mohindra

‘This Council acknowledges the excellent work and collaboration being carried out to improve the major infrastructure routes in Essex between this Administration, Government Agencies, Businesses and Essex Unitary, City, Borough and District Council colleagues.

Consultation work on improving the A120 between Colchester and Braintree, work to improve and upgrade the A12 and a brand new junction at 7A on the M11 plus improvements to Junction 7 and 8 will all increase and improve our economy, productivity and unlock sustainable housing for generations to come.

This Council also recognises that we must be relentless in ensuring the A127 and the A13 are improved to assist the economic plans of south Essex and this Council will continue to work with Government to ensure the powerhouse that is the Essex economy receives its fair share of infrastructure funding.

This Council therefore calls upon Government to proactively support the delivery of this vital infrastructure in advance of major housing development in Essex.’

# Council Issues

## 1. Changes to Membership of Committees

The following changes have been made by officers under delegated powers in accordance with notification given by the Leader of the Conservative Group:

- Councillors Graham Butland and Jeff Henry replaced Councillors Anne Brown and Bob Massey as members of the Development and Regulation Committee. Councillor Bob Massey is a named substitute.
- Councillor Jo Beavis replaced Councillor Anthony Jackson as a member of the Corporate Policy and Scrutiny Committee. Councillor Stephen Canning is a named substitute.
- Councillor Anne Brown replaced Councillor Jeff Henry as a member of the Health Policy Overview and Scrutiny Committee.

## 2. Merger of Joint Standards Committee and the Audit Committee

The Council has previously managed standards by having a joint committee with the Essex Fire Authority. The creation of the Police Fire and Crime Commissioner as the fire authority for Essex means that ECC can no longer have a joint Standards Committee with the Essex Fire Authority.

The Localism Act 2011 has reduced the business of the Joint Standards Committee, meaning that it has met once or twice a year in recent years. Since January 2016 it has shared a Chairman with the Audit Committee.

The Joint Standards Committee had the following main functions:

- To promote and maintain high standards of conduct and monitor the Code of Conduct and deal with dispensations
- To make decisions on individual cases – although in practice decisions on individual cases have always been discharged via a Sub-Committee.

The Council must amend the constitution to deal with the fact that the Joint Standards Committee can no longer exist. It must also make new arrangements in order to continue to comply with the Localism Act 2011.

It is proposed to reconstitute the Audit Committee as the Audit, Governance and Standards Committee. The new committee would take over the remit of the former Joint Standards Committee and that of the Current Audit Committee. It is proposed that, as before, decisions on individual standards cases would be taken by a Standards Sub-Committee.

The Membership of the Standards Sub-Committee would be determined by the group leaders in accordance with the political balance rules. The membership does not necessarily have to be drawn from the membership of the parent committee. The group leaders will therefore be able to ensure that those dealing with standards cases are suitably senior and experienced Councillors without a close links to the member who is the subject of complaint.

This will make it easier to monitor standards under review and monitor without the need for convening a special meeting. There is considered to be a good fit between the work of the Audit Committee and this aspect of the work of the Standards Committee. There is not a conflict of interest between the work of the two committees because neither relates to substantive service delivery. It is proposed that the Audit Committee would keep its current size and composition but would be renamed and be given new terms of reference as set out in the appendix. As a matter of good practice, it is also proposed to formally incorporate the terms of reference of the Standards Sub-Committee in the Constitution as set out in the appendix.

### **Recommendation**

Amend the constitution as follows:

1. Replace paragraph 8.1.2 of the constitution with that set out in the appendix to this report
2. Delete paragraph 8.1.3 of the constitution and renumber paragraphs 8.1.4-8.1.10 as 8.1.3 to 8.1.9 accordingly.
3. Replace all references in the Constitution to the 'Joint Standards Committee' or the 'Standards Committee' with a reference to the 'Audit, Governance and Standards Committee'
4. In the Scheme of Members Allowances delete:
  - a. the asterisk next to the allowance in 'Committee Chairmen (8\*)' and
  - b. the note '\* The same person will normally be appointed Chairman of the Audit Committee and Chairman of the Joint Standards Committee'.

### **4. Minor Changes of delegations – Public Rights of Way**

The current scheme of delegation doesn't authorise the Director, Legal and Assurance to make orders under section 55 of the Wildlife and Countryside Act 1981. These are orders relating to cases, mainly very old cases, which resulted in changes to the definitive map being required review which had to be abandoned when the 1981 Act came into force but where it appears changes were never formally made to the Map. One such case has arisen and we need to change the scheme of delegation to allow orders of this type to be made.

### **Recommendation:**

Amend paragraph 15.3.10 (ix) of the Constitution (one of the delegations to the Director, Legal and Assurance) to read:

(ix) To determine applications and proposals for modification of the Definitive Map and Statement of Public Rights of Way pursuant to Section 53, 53A or 55 of the Wildlife and Countryside Act 1981.

## Appendix

### 8.1.3 Audit, Governance and Standards Committee

Membership: Seven Members.

No member of the Cabinet may be appointed to the Committee or any of its Sub-Committees.

#### Purpose

1. To review the Council's Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
2. To receive and approve the Council's Annual Governance Statement ensuring that it reflects the Council's governance arrangements.
3. To receive and approve the Final Accounts, Memorandum and the Report to those charged with Governance from the External Auditors.
4. To consider the Annual Audit and Inspection Letter from the External Auditors and to provide such advice and comments on the Letter to the Cabinet and Council as the Committee believes appropriate.
5. To receive the internal and external audit plans and comment on these plans, including the extent to which they provide value for money.
6. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit is actively promoted.
7. To receive reports from the Council's Internal Auditor on the outcome of audit reviews and investigations and the implementation of recommendations, including the annual report of the Head of Internal Audit.
8. To receive any reports from the External Auditor about the effectiveness of the Council's financial and operational arrangements and monitor Management's response to the issues raised by External Audit.
9. To monitor the effectiveness of the Council's Financial Regulations, and Procurement Procedure Rules and recommend changes to Council.

10. To approve and monitor the effectiveness of strategies for anti-fraud and corruption, whistle blowing and any legislation relating to the regulation of investigatory powers.
11. To consider the Council's arrangements for corporate governance and risk management, and advise on any action necessary to ensure compliance with best practice.
12. To advise the Council on the local Code of Conduct for members and to promote, develop and maintain high standards of conduct by members and co-opted members of the Council.
13. To keep the Code of Member Conduct under review and recommend changes to the Code or the Constitution to support high standards of Conduct.
14. To grant dispensations under Section 33 of the Localism Act 2011 and under the Code of Member Conduct to councillors and co-opted members.
15. To approve processes for considering complaints that any Councillor or Co-opted Member has failed to comply with the Code of Conduct.
16. To create one or more sub-committees as required to receive and consider allegations of misconduct of elected members, to take further oral and written evidence, adjudicate and make recommendations to the Leader of the Council and others.
17. To make arrangements for the appointment of Independent Persons under the provisions of the Localism Act 2011.
18. To make arrangements for training of Members relating to standards issues.

#### **Standards Sub-Committee – Terms of Reference**

Membership: Between 3 and 5 members of the Council appointed by the Monitoring Officer in consultation with the Chairman of the Audit, Governance and Standards Committee and the Leaders of relevant political groups in accordance with the political balance rules.

1. To exercise any of the Committee's powers with respect to decisions about individual complaints about breaches of the Code of Member Conduct

# The Leader's Report of Cabinet Issues

This report is to receive the minutes of Cabinet meetings held on 18 July and 19 September 2017.

The minutes of those meetings are attached as appendices to this report.

## **Recommendation**

To receive the minutes of Cabinet meetings held on 18 July and 19 September 2017.



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**Minutes of the meeting of the Cabinet, held in Committee Room 1  
County Hall, Chelmsford, CM1 1QH on Tuesday, 18 July 2017****Present:**

Councillor David Finch	Leader of the Council (Chairman)
Councillor Kevin Bentley	Deputy Leader and Economic Growth, Skills, Infrastructure and the Digital Economy (Vice-Chairman)
Councillor Susan Barker	Culture, Communities and Customer
Councillor Ray Gooding	Education
Councillor Ian Grundy	Highways
Councillor Sue Lissimore	Housing, Property and Planning
Councillor Louise McKinlay	Resources
Councillor Dick Madden	Children and Families
Councillor Simon Walsh	Environment and Waste

Councillors P Channer, J Deakin, A Hedley, I Henderson, S Hillier, M Mackrory, M Maddocks and C Pond also attended.

**1 Apologies for Absence**

Apologies for absence were received from Councillor John Spence (Cabinet Member for Health and Adult Social Care).

**2 Minutes: 20 June 2017**

The minutes of the meeting held on 20 June 2017 were agreed as a correct record and signed by the Chairman.

**3 Declarations of Interest**

Councillor I Henderson declared a Code interest in agenda item 7 (Establishment of a new 900 place secondary school at Paxman Avenue, Colchester) in that he is a member of Essex Fire Authority (minute 7 below refers).

**4 Questions from the Public**

None.

**5 A414 / Edinburgh Way, Harlow (FP/849/06/17)**

The Cabinet was asked to approve expenditure of £9.6m for a proposed joint funded project between the County Council and Local Growth Funding by the South East Local Enterprise Partnership (SELEP) to reduce traffic congestion in Harlow as committed housing developments start to progress. The scheme involved the widening of Edinburgh Way to a dualled two lane standard. Authority was also sought to engage Morgan Sindall PLC as Principal Construction Contractor, through the Eastern Highways Alliance (EHA) Framework, to be appointed by the Director for Capital Delivery.

The Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy undertook to provide information to Councillor Mackrory concerning the methodology for assessing best value in relation to capital projects.

**Resolved:**

1. That the contract for construction of the works at Edinburgh Way, Harlow (as set out in report FP/849/06/17) be awarded to Morgan Sindall plc through the Eastern Highways Alliance.
2. That expenditure of up to £9.6m on the contract be approved, in accordance with the tender, for which there is an existing allocation within the capital programme on design and construction of the diversionary works required for Statutory Undertakers plant, an Advanced Works contract and all preliminary design and tendering costs.

**6 Procurement of Support Services for Unpaid Carers (FP/832/05/17)**

The Cabinet's approval was sought to procure new support services for unpaid carers in Essex from 1 April 2018 for a maximum contract period of 60 months. This would replace and enhance the current grant funded services for unpaid carers.

Responding to a question by Councillor Mackrory, the Leader of the Council commented that the proposal represented a different approach to delivery of the service, making more effective use of facilities and resources. In the light of this, he was confident that it would be possible to achieve year on year efficiencies while continuing to meet increased demand and maintain a fixed cost.

**Resolved:**

1. That support services for unpaid carers be procured using a single stage open procurement process based on a fixed price of £4.5m, with tenders to be assessed on the basis of quality, with the contract starting on 1 April 2018 for a period of five years.
2. That the Executive Director for Social Care and Education be authorised to award the contract to the successful bidder following completion of the procurement process.

**7 Establishment of a New 900 Place Secondary School at Paxman Avenue, Colchester (FP/830/05/17)**

Information contained within a confidential appendix was taken into account in reaching a decision on this issue (minute 15 below refers).

Councillor Henderson declared a Code interest in this item (minute 3 above refers).

In the light of the growing demand for additional secondary school places in Colchester, the Cabinet's approval was sought to publish a specification inviting proposals to establish a new 900-place, six form of entry, secondary school and award the relevant contract for delivery of the new school.

The Cabinet Member for Education provided the following information in response to questions raised by Councillor Mackrory and Councillor Henderson:

- The fire strategy for the new school had yet to be developed, but would include all appropriate fire prevention and control measures. The Leader of the Council added that the wider issue of fire safety in buildings owned and maintained by the Council would be reviewed by the independently chaired all-party commission established by the full Council at its meeting on 11 July.
- Although the implications for the Council of the statement by the Secretary of State for Education on 17 July concerning free schools had yet to fully assessed, it was likely that the proposed new school at Paxman Avenue would be an academy.

**Resolved:**

1. That a new 900-place secondary school be established to serve Colchester from September 2019, in order to accommodate population growth in the area.
2. That the Director, Education issue a document seeking proposals to establish a free school in the area.
3. That the Council publicise the fact that it is seeking proposals be sending them to operators of schools in Essex, and by public notice.
4. That authority be delegated to the Head of Infrastructure Delivery to enter into a contract with Barnes Construction following procurement through a mini competition under the Essex Construction Framework for delivery of the new secondary school on the site of the former Alderman Blaxill Secondary School, Colchester, subject to the following conditions having been met:
  - a. Granting of a satisfactory planning permission;
  - b. Confirmation that the construction costs are within the agreed budget as stated within the confidential appendix to report FP/830/17, and that they represent good value for money.

**8 2017/18 Financial Overview as at the First Quarter Stage (FP/744/02/17)**

The Cabinet considered a report which set out the forecast financial position of the Council's revenue and capital budgets as at the first quarter stage of the 2017/18 financial year. This reported a full year forecast over spend on revenue of £4.9m (0.5%) against a net budget of £912.7m. This assumed full commitment of the Emergency Contingency (£4m), which if

not required would result in a full year forecast over spend of £900,000.

The report also set out an over spend of £2.6m on capital against the current budget of £262m. After taking account of the budget change requests set out within the report, together with a recent Cabinet report to add LED Phase 3 rollout (£4.4m) to the capital programme, there would be an over spend of £1.4m.

The following information was provided in response to questions by Councillors Mackrory, Pond and Henderson:

- The Cabinet Member for Resources explained that the discrepancy in the Tax Base for Rochford (paragraph 3.1 of the report) had arisen due to an error by Rochford District Council. She also commented that the Council would continue to demonstrate a responsible approach to financial management by working within existing budgets.
- The Cabinet Member for Children and Families commented that the increase in the cost of legal proceedings within his portfolio related largely to childcare issues. A detailed breakdown would be provided to Councillor Mackrory.
- The Leader of the Council reassured the Cabinet of his support for the Community Investment Fund (CIF) and advised that he would brief Group Leaders later that day regarding future plans for it.

The Cabinet Member for Resources undertook to provide written responses to the following additional issues raised:

#### **To Councillor Mackrory**

- An explanation for the virement referred to in paragraph 2.3(iii);
- Information concerning the impact on staffing levels and service provision (if any) of the under spend referred to in paragraph 5.1.1 (ii).

#### **To Councillor Pond**

- Information concerning the possibility of amortising the payments relating to PFI Schemes referred to in paragraph 2.1.(ii).

#### **To Councillor Henderson**

- Information concerning the arrangements in place for ensuring that payments to early years providers were maintained at an appropriate level.

#### **Resolved:**

- 1 That funds be drawn down funds from reserves as follows:

i) **£1.2m** from the Transformation Reserve to the Health and Adult Social Care portfolio relating to the Short Term Support in the Community project

ii) **£1.1m** from the Private Finance Initiatives (PFI) Equalisation reserves to the Education portfolio in relation to Debden School PFI (**£439,000**) and Clacton Secondary schools' PFI (**£626,000**)

iii) **£650,000** from the Carbon Reduction Reserve to the Resources Recharged Support Services portfolio in relation to the annual Carbon reduction payment

iv) **£476,000** from the Community Initiative Fund Reserve to the Environment and Waste portfolio to fund capital spend of **£187,000** and revenue spend of **£289,000** in relation to grants to third parties for Community improvements

v) **£60,000** from the Transformation Reserve to the Housing, Property and Planning portfolio to develop and implement the Housing Infrastructure Bid Readiness project.

vi) **£43,000** from the Transformation Reserve to the Housing, Property and Planning portfolio in respect of Organisational Design Phase 1 Service Management redundancy costs

2 That funds be appropriated to reserves as follows:

i) **£178,000** to the PFI Equalisation reserve from Education portfolio in relation to Building Schools for the Future

3 That the following adjustments be approved:

i) To vire **£388,000** from Culture, Communities and Customer

portfolio to Resources Recharged Support Services portfolio relating to underspends contributing to the Support Services Project (See 5.1.3.i and 5.1.14.ii)

ii) To transfer **£253,000** from ELS Reserves in the Resources Traded Portfolio to EES Traded Reserve in the Education Traded portfolio to return some of the financial support provided to ELS at the end of 2015/16 financial year

iii) To vire **£165,000** from Culture, Communities and Customer portfolio to Health and Adult Social Care portfolio relating to the Essex Cares Sensory contract

iv) To vire **£25,000** from Culture, Communities and Customer portfolio to Resources Recharge Support Services portfolio to fund the IT asset audit work

v) To amend the capital budget as shown in Appendices C (i) and C(ii) which allows for capital slippage of **£6m**, capital budget additions of **£2.1m**, capital budget reductions of **£701,000** and advanced works of **£1.4m** (see section 7).

## **9 Procurement of Commercial Vehicles and Associated Maintenance (FP/754/02/17)**

Information contained within a confidential appendix was taken into account in reaching a decision on this issue (minute 16 below refers).

The Cabinet's approval was sought for the procurement of leased commercial vehicles, their maintenance, fleet management and short term hire vehicle provision for Essex County Council. The value of the contract was estimated to be £7.8m over the five year term.

The Cabinet Member for Resources undertook to provide a written reply to Councillor Pond regarding the possibility of weighting the procurement to reflect a move away from diesel vehicles, and also to Councillor Mackrory regarding the likely TUPE implications of the proposal for staff previously transferred from ECC to VLS.

### **Resolved:**

1. That the re-procurement of leased commercial vehicles on a 5 year contract (on a 3+1+1 basis), short term hires, maintenance services

and fleet management services be agreed, using the single stage open procurement procedure, applying high level evaluation criteria of 60% price and 40% quality.

2. That the Director, Business Operations be authorised to award the contract to the winning bidder.
3. That the purchase of new commercial vehicles be frozen from 31 October 2017 until the start of the contract with the winning bidder.

**10 Creation of a Property Investment Fund (FP/855/06/17)**

In the light of the significant shortfalls between demand and available funding faced by the Council, the Cabinet's approval was sought to allocate £50m capital for the purpose of investment in UK commercial property with a view to generating income to help deliver outcomes key to residents and business in Essex. Report FP/855/06/17 outlined the proposal and sought approval for the funding requirement, the investment criteria (upon which the transactions would be assessed) and the risks.

In response to questions by Councillors Pond and Mackrory, the Leader of the Council provided an assurance that the Council's Risk Register would be updated as required to reflect any potential risk related to the proposed purchase of commercial property. The Cabinet Member for Resources advised that the Council was adopting a prudent approach, and she had met with the Chairman of the Scrutiny Board to ensure Scrutiny involvement in developing the criteria for determining whether or not to proceed with an acquisition.

**Resolved:**

1. That £50m be added to the Capital Programme for 2017/18 to create a commercial property investment fund to generate income, to be funded via borrowing which will be repaid from the income generated by the property.
2. That decisions relating to the acquisition and disposal of investment property will be taken by the Executive Director for Corporate and Customer Services (under £2m) or by the Cabinet Member for Resources in consultation with the Executive Director for Corporate and Customer Services (over £2m), in both cases after consulting the Leader of the Council.
3. That the fund will only be spent on the acquisition of commercial property located in the UK (not housing sites or development land) and that the Council should seek to achieve a gross return of at least 5% (formally referred to as Net Income Yield, (NIY)) on its investments.

**11 SEND Capital Programme Determination of Statutory Notices and Award of Contract (FP/869/06/17)**

Information contained within a confidential appendix was taken into account in reaching a decision on this issue (minute 17 below refers).

In the light of the growing demand for additional school places for children with special educational needs across the County, the Cabinet's approval was sought to expand Lexden Springs School and Oak View School, and convert places to boarding places for Glenwood School, following a statutory consultation process.

In response to comments and questions by Councillor Pond, the Cabinet Member for Education stated that he was keen to alleviate issues for those living near Oak View School in terms of the proposed building work and from the subsequent increase in the numbers of children arriving at the school by bus. He undertook to liaise with Epping Forest District Council regarding a site owned by them which was adjacent to the school, and agreed that the budget for the scheme (as set out in the confidential appendix to the report) should be amended to reflect the potential outcome of these discussions.

Responding to Councillor Henderson in relation to fire safety issues, the Cabinet Member commented on the need for fire strategies to be tailored to individual buildings, in order to allow account to be taken of their particular design purpose.

**Resolved:**

1. That Lexden Springs School expand as the proposal published in the statutory notice of 8 June 2017, involving the addition of 50 places, 30 of which are boarding places.
2. That Glenwood School should convert 20 current places to boarding places, as published in the statutory notice of 8 June 2017.
3. That Oak View School be expanded by 24 places, as published in the statutory notice of 8 June 2017.
4. That the procurement of the associated building works for Lexden Springs, Glenwood and Oak View Schools be undertaken through a two stage design and build mini competition using the Essex Construction Framework.
5. That authority be delegated to the Head of Infrastructure Delivery to award the contracts to the successful bidders for work at Lexden Springs, Glenwood and Oak View Schools respectively, once the following conditions have been met:
  - a. granting of a satisfactory planning permission;
  - b. confirmation that the construction costs are within the agreed budget and represent value for money.
6. That the capital budget for construction and associated project fees at Lexden springs, Glenwood and Oak View Schools be approved, as per the profiles stated in the confidential appendix to report FP/869/06/17.

**12 Cabinet Decisions Report (FP/847/06/17)**

The Cabinet received a report setting out the decisions taken by or in consultation with Cabinet Members since the last meeting.

In response to a question by Councillor Henderson relating to decision FP/ 853/06/17, the Cabinet Member for Culture, Communities and Customer confirmed that a modest charge was to be introduced for use of accommodation in libraries. Charitable organisations would receive a preferential rate, and all affected groups would be notified.

Also in response to Councillor Henderson with regard to decision FP/856/06/17, the Cabinet Member undertook to reply in writing concerning the numbers of posts being deleted as part of the Trading Standards restructure, and the implications of this for the Service.

The report was **noted**.

**13 Date of Next Meeting**

It was noted that the next meeting of the Cabinet would take place on Tuesday 19 September 2017 at 10.00am at County Hall, Chelmsford, CM1 1QH.

**14 Exclusion of the Press and Public Resolved:**

That the press and public be excluded from the meeting during consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information as specified in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**15 Establishment of a New 900 Place Secondary School at Paxman Avenue, Colchester (Confidential Appendix)**  
(Press and public excluded)

The Cabinet noted the confidential appendix to report FP/830/05/17), which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 7 above refers).

Responding to a question by Councillor Mackrory, the Cabinet Member for Education commented on the funding mix for the scheme, in particular relating to the level of S106 contributions.

**16 Procurement of Commercial Vehicles and Associated Maintenance (Confidential Appendix)**  
(Press and public excluded)

The Cabinet noted the confidential appendix to report FP/754/02/17), which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 9 above refers).

**17 SEND Capital Programme Determination of Statutory Notices and Award of Contract (Confidential Appendix)**  
(Press and public excluded)

The Cabinet noted the confidential appendix to report FP/869/06/17), which contained information exempt from publication referred to in that report and in decisions taken earlier in the meeting (minute 11 above refers).

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**Chairman**

**19 September 2017**

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**Minutes of the meeting of the Cabinet, held in Committee Room 1  
County Hall, Chelmsford, CM1 1QH on Tuesday, 19 September 2017****Present:**

<b>Councillor</b>	<b>Cabinet Member Responsibility</b>
David Finch	Leader of the Council (Chairman)
Susan Barker	Culture, Communities and Customer
Ray Gooding	Education
Ian Grundy	Highways
Sue Lissimore	Housing, Property and Planning
Louise McKinlay	Resources
Dick Madden	Children and Families
Simon Walsh	Environment and Waste

Councillors T Ball, J Beavis, A Brown, T Hedley, J Lumley, M Maddocks, G Mohindra, C Pond and J Young also attended.

**1 Apologies for Absence**

Apologies for absence were received from Councillor Kevin Bentley (Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and Digital Economy), Councillor Ivan Henderson (Leader of the Labour Group, for whom Councillor Julie Young substituted) and Councillor Mike Mackrory (Leader of the Liberal Democrat Group, for whom Councillor Anne Turrell substituted).

**2 Minutes: 18 July 2017**

The minutes of the meeting held on 18 July 2017 were agreed as a correct record and signed by the Chairman.

Arising from consideration of minute 9 (Procurement of Commercial Vehicles and Associated Maintenance), the Leader of the Council undertook to arrange for Councillor Pond to receive a reply to his question concerning diesel vehicles. He apologised for the delay.

**3 Declarations of Interest**

Councillors S Barker and G Mohindra declared Code interests in agenda item 7 (Superfast Essex Phase 4 'Last Phase' delivery programme) in that they hold Cabinet portfolios at Uttlesford and Epping Forest District Councils respectively, which are contributing to the Superfast Essex programme - minute 7 below refers.

Councillor J Lumley declared a Code interest in agenda item 8 (Young Carers Service Re-design) in that she is a volunteer Director and Chair of Trustees of Supporting Carers and Families Together, which delivers young carer services in Rochford District - minute 8 below refers.

**4 Questions from the Public**

The Chairman welcomed Mr James Clarke, Chief Executive Officer of Action for Family Carers (AFC), who had registered to speak on agenda item 8 (Young Carers Service Re-design).

**Question**

Mr Clarke referred to the statement he had sent to Members prior to the meeting, which set out in detail the issues identified by Action for Family Carers (AFC) in response to the Council's proposals for the re-design of the young carers' service. He had received a response late the previous day in relation to a few of the concerns mentioned, notably the Charity's concerns regarding the lack of consultation.

While acknowledging that he had attended forums at which young carers' support had been discussed, at no point had there been a formal consultation on the four options identified in the report to be considered at the meeting (FP/902/07/17). Had there been an opportunity to participate in such an exercise, AFC would have indicated its agreement with the Council that the identification of and support for young carers and young adult carers was of paramount importance, and that the provision of additional funding would enable greater reach and lead to improvements in the support available to this vulnerable group. However, the Charity would have disagreed that the provision of the service in-house solely by the Local Authority was either the only viable or the best value option.

Mr Clarke stated that AFC was a well-established, trusted and respected organisation with years of experience and expertise in delivering high-quality, county-wide services to young carers and young adult carers. It was willing and able to maximise the impact from any additional resources, both from the Council and elsewhere, and was experienced in leveraging funding from donations, fundraising, grants and the use of volunteers. He again emphasised the Charity's view that Option 3 did not represent the only viable or best value option, and, referring to Option 4, he suggested that the Council itself recognised that it could not provide a quality service within the existing budget. Mr Clarke urged the Cabinet to postpone taking a decision at this meeting but rather to consider a fifth option, whereby the Council would work with AFC to build on the existing, quality, provision with a view to achieving improved outcomes at lower additional cost.

In closing, Mr Clarke expressed the hope that AFC could continue to work with the Council to achieve the best possible outcome for young people. He again called for a pause in the decision-making process, and for the Cabinet to request further investigation and collaboration.

**Response**

The Cabinet Member for Education undertook to respond to Mr Clarke's question during his presentation of the associated report (minute 8 below

refers).

**5 New Contractual Arrangements for the Provision of Day Opportunities (FP/802/04/17)**

The Cabinet was asked to approve the award of a two year contract to Essex Cares Ltd (ECL) to deliver services that support vulnerable adults to improve their employability, maintain and develop skills and reduce social isolation (Day Opportunities).

**Resolved:**

1. That Essex County Council (ECC) transition the purchasing arrangements for the provision of Day Opportunities to procurement via a quality framework of providers from 1 October 2018, in line with the previous decisions taken.
2. That a two year contract be awarded to ECL for the provision of Day Opportunities services, commencing on 1 October 2017.
3. That the first year of the contract be paid on a block basis meaning that ECC will be liable to pay ECL the sum of £11.1m regardless of whether sufficient referrals are made to the service to fully utilise all spaces.
4. That the second year of the contract will be capped at a maximum spend of £11.1m but paid on the basis of a sessional rate and the number of sessions used by individuals referred to the service by ECC, meaning ECC only pays for the number of sessions used.
5. That the contract be awarded on the basis that the Cabinet Member for Health and Adult Social Care determine the sessional rates to be applied in the second year of the contract, by no later than September 2018. Officers are currently working closely with ECL to agree the sessional rates.

**6 Update on the North Essex Garden Communities Project (FP/921/08/17)**

The Cabinet received an update on progress made and the current position regarding the Garden Communities project.

The Leader of the Council provided the following information in response to questions by Councillors Pond and Turrell:

- The Cabinet believed the approach being adopted in relation to the North Essex Garden Communities to be preferable to the alternatives. It was likely to form the basis for development of any future such communities, adapted as appropriate in the light of experience.
- Decisions on the use of compulsory purchase powers would be key decisions taken either by the Cabinet or by individual Cabinet Members.
- Cabinet Members were clear supporters of the Garden Communities

project, though mindful of a number of outstanding issues of detail which remained subject to resolution.

**Resolved:**

1. That the progress made in respect of the North Essex Garden Communities project be noted, and the work of NEGC Ltd endorsed.
2. That the updated position on the control of land be noted, and support given to the continued work by the Local Delivery Vehicle (LDV) Directors to achieve control of the land for each Community by way of voluntary agreements with the current land owners in accordance with the LDV structure.
3. That support be given to the approach proposed by NEGC Ltd that Directors actively engage with Government to promote the positioning of the NEGC Ltd as a 'responsible body' for the establishment of a single new locally-controlled New Town Development Corporation across all three of the proposed North Essex Garden Communities - subject to final consideration of this approach by Members after the publication of the Regulations.
4. That support be given to the signing of a letter (attached as Appendix A to report FP/921/08/17 to be sent by the Leaders of all four of the Councils together with NEGC Ltd to the relevant Secretary of State to support the promotion of regulations which enable the formation of a New Town Development Corporation with a locally accountable body in a timely and effective way.
5. That the principle of using compulsory purchase powers (either as individual Councils or potentially through a new Development Corporation) be supported to secure control of the land if voluntary land agreements cannot be achieved in a reasonable time.
6. That the detailed work being undertaken by NEGC Ltd to assess the financial and legal implications and requirements relating to the use of Compulsory Purchase Orders (CPO) to enable future decisions to be taken by the respective Councils / Development Corporation be noted.
7. That a further contribution of £250,000 in 2017/18 be agreed to fund the work of NEGC Ltd in the development of the project, to be funded by a withdrawal from the transformation reserve.

**7 Superfast Essex Phase 4 'Last Phase' delivery programme (FP/881/07/17)**

Councillors S Barker and G Mohindra declared Code interests in the item (minute 3 above refers).

Cabinet was asked to agree to create a £29.3m capital project, using existing project savings, subsidy clawback and external funding, to complete the rollout of Superfast broadband in Essex.

In response to a question by Councillor Turrell, the Leader of the Council advised that, in the event that the application for grant-funding of the

project was unsuccessful, consideration would be given to utilising the Council's own funds.

**Resolved:**

1. That the creation of 'Superfast Essex Phase 4' be authorised as a new capital scheme at an overall value of £29.3m over four years (2018/19 to 2021/22) to be funded by:
  - a. £6.8m of project savings and subsidy clawback relating to Phases 1 and 2
  - b. £4.5m of new match funding from Essex districts as outlined in paragraph 3.8 to report FP/881/07/17 and associated BDUK grant (subject to confirmation with the relevant Essex districts and BDUK).
  - c. £18m from new central government grants (subject to successful grant applications for the Department of Culture, Media and Sport (DCMS) Local Full Fibre Networks (LFFN) and the Department for the Environment and Rural Affairs (DEFRA) Rural Development Programme for England (RDPF) business connectivity fund).
2. That the target for Phase 4 be that 99% of premises in Essex have access to 30Mbs Broadband by the end of 2021 at the latest.
3. That procurement of suitable delivery partners to deliver Superfast Essex Phase 4 be authorised through a competitive OJEU procurement process divided into geographical Lots, and conducted via two successive Tranches (Option 3) with resulting contracts having a term of ten years.
4. That the Director Digital and CIO be authorised to:
  - a. Determine, in consultation with BDUK and the contributing district councils as listed in paragraph 3.8 to report FP/881/07/17, the evaluation criteria for the award of the contracts ; and
  - b. Award the contracts for the delivery of Phase 4, once the procurement is complete and he is satisfied that the formal evaluation and due diligence shows that the proposed contract(s) represent value for money.
5. That the drawdown of £993,000 revenue from the Transformation Reserve be authorised for Superfast Essex Phase 4, to be profiled over six years (2017/18 to 2022/23, as per the table in paragraph 5.1.6 of report FP/881/07/17) to maintain the Superfast Essex project team for the duration of the new deployments and secure appropriate procurement and commercial support for the programme.

**8**

**Young Carers Service Re-design (FP/902/02/17)**

Councillor J Lumley declared a Code interest in this item (minute 3 above refers).

The Cabinet's approval was sought for the creation of a new Young Carers

Service, to be delivered in-house by ECC from 1 April 2018.

Responding to the question posed by Mr James Clarke (minute 4 above refers), the Cabinet Member for Education thanked Mr Clarke for his statement and acknowledged the good work undertaken by Action for Family Carers (AFC). He was pleased that the Charity agreed with the general intent behind the service re-design, but did not believe that the fifth option outlined by Mr Clarke was either necessary or suitable. The proposal to fund the new scheme, thereby providing additional funding to the service in general, was a positive development. Referring to AFC's concerns regarding the lack of consultation, Councillor Gooding stated that Mr Clarke had been part of the consultation process throughout, which he hoped would have answered a lot of his questions.

Councillor Gooding provided the following information in response to questions by Councillors Young, Turrell and Pond:

- He was satisfied that the consultation process had been sufficiently robust, and was reluctant to delay implementation of the redesigned service because young carers were in need of help and support, and any uncertainty was likely to be detrimental to their wellbeing. Cllr Gooding undertook to ensure that, once established, the service would be referred to the relevant Policy and Scrutiny Committee to check that it was working properly and as intended.
- A written response would be provided to Cllr Turrell regarding the proposal to recruit to the redesigned service from within existing staff, and the likely impact of this on the services currently being delivered by those staff.
- The Key Worker model involved the provision of a single named contact for each young carer receiving support.

**Resolved:**

1. That the Young Carer Service be brought in-house with effect from 1 April 2018 with a new countywide package of support for Young Carers via a Key Worker model, including periodic targeted Young Carers Group sessions, as set out in report FP/902/07/17, from 1 April 2018.
2. That, as part of the budget setting process for 2018/19, additional funding should be provided to the Education portfolio of £276,000 in 2018/19, beyond the existing resources (and £191,000 from 2021/22) to meet our ambition.  
That the new service be reviewed after two years.

**9 Support for Creation of an Essex 'Local Authority' Multi-Academy Trust (FP/735/02/17)**

The Cabinet was asked to agree that the Council should support the creation of a multi-academy trust (MAT) in which ECC will participate by

being a member of the trust and having the right to appoint a director.

The Cabinet Member for Education provided the following information in response to questions and comments by Councillors Young and Turrell:

- Although the initial pilot would involve a small group of schools currently rated by Ofsted as good or outstanding, the long term plan was for membership of the MAT to be open to all Essex schools, subject to their meeting the criteria.
- The top-sliced element of each Academy's budget would be retained within the MAT.

**Resolved:**

1. That the Council support the creation of a multi-academy trust which any Essex school can join subject to meeting the agreed criteria.
2. That the Director, Education be authorised to apply to become a member of a multi academy trust on terms which allow the Council to appoint one director, provided that the constitution of the trust is approved by the Director, Legal and Assurance.

**10 Decisions taken by or in consultation with Cabinet Members (FP/880/07/17)**

The report of decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet was noted.

**11 Dates of Future Meetings 2017 - 2019**

It was noted that future meetings of the Cabinet would take place at 10.00am on the following dates:

**2017**

Tuesday 17 October

Tuesday 19 December

**Thursday 23 November**

**2018**

Tuesday 23 January

Tuesday 17 July

Tuesday 20 February

Tuesday 18 September

Tuesday 20 March

Tuesday 16 October

Tuesday 17 April

**Thursday 22 November**

Tuesday 22 May

Tuesday 18 December

Tuesday 19 June

**2019**

Tuesday 22 January

Tuesday 16 April

Tuesday 19 February

Tuesday 21 May

Tuesday 19 March

**Chairman  
17 October 2017**



# Essex Fire Authority

## Report to the Constituent Authorities of the meeting on 6 September 2017

The items reported below are the main issues considered by Essex Fire Authority at its meeting on 6 September 2017. Full details of all the matters considered, together with the minutes of the meetings, can be viewed on the Essex County Fire and Rescue Service website, [www.essex-fire.gov.uk](http://www.essex-fire.gov.uk).

### 1. Progress made against the Recommendations contained within the Lucas Report and outcomes of the Exit Review conducted by Sir Ken Knight

The Authority received and noted a report by the Service *'Evolving our Culture – Building on Firm Foundations'* which looked at progress against the recommendations contained within the Lucas Report.

The Authority received and noted the Final Report of the Expert Advisory Panel to Essex Fire Authority and Essex County Fire and Rescue Service. The Chairman of the Expert Advisory Panel paid credit to the Essex Fire Authority, for initiating an Independent Review into the culture of the Fire and Rescue Service in Essex and subsequently accepting all thirty-five recommendations made in the report. This had been a difficult process to manage and there was still a considerable amount of work to do in evolving the culture of the service. However a lot of work had been done to address the recommendations and the foundations were in place to build on for the future.

The Authority received and noted the Exit Review Report by Sir Ken Knight who also paid credit to the Chairman and the Authority for initiating the independent intervention and accepting all of the recommendations made. It was noted that although there was still work to do, the authority had come along way through the process and was now in a good position to conclude the work of the Expert Advisory Panel prior to the changes in governance arrangements taking place.

It was acknowledged that changing the culture of an organisation was a difficult process to go through. However it was recognised that significant progress had been made and there was a commitment to ongoing work to continue the journey.

The Authority recognised the contribution that the Expert Advisory Panel and Sir Ken Knight had made in the cultural transformation journey, registered its gratitude to each member of the Panel and Sir Ken Knight and agreed that the formal relationship could now be drawn to a close.

## **2. Annual Performance Report and Target Setting**

The Authority received and noted the updates made to the report following on from recommendations made at its June meeting. The performance and commentary against the targets for 2016/17 was noted along with an update on targets for 2017/18.

The Service did not have universal control over all of the targets set, particularly some around community safety. However the Service was committed to using its expertise to try to influence preventative areas of work such as decreasing the number of killed and seriously injured people in road traffic collisions and reduce the number of fires.

Although some improvements were required in the priority areas of on-call recruitment and response times, the Authority noted explanations around why some of the targets had not been met.

## **3. Medium Term Financial Projections and Report on Progress against Efficiency Plan**

The Authority considered a report which provided the annual review of the medium term financial projections and the first years report into progress against the Authority's efficiency plan agreed in September 2016.

The Authority noted that the Efficiency Plan had assumed an overall increase of 1.5% in the tax base for the year from 2016/17 to 2019/20. This had been increased to 1.75% for 2018/19 and 2019/20. The Billing Authorities own assumptions range between 1% and 1.5% reflecting their own more cautious approach.

The Authority noted that there was a risk associated with increases in pay in future. However with the current reserves it was unlikely to affect the Plan for this year but in future years this would need to be off-set against Council Tax or Government Funding.

It was noted that there was an ongoing risk regarding the recruitment and retention of on-call firefighters particularly in some parts of Essex.

The Authority noted the forecast projections of income and expenditure and the risks around achievement of the Efficiency Plan if higher pay settlements are not offset by increased Authority income. The Authority agreed that the strategy of using reserves to manage timing differences from the 2020 programme should continue in 2018/19 and that the basis of preparation for the 2018/19 budget should be a planned use of £684k of reserves. The updated 2016-2020 Efficiency Plan Report would be published.

## **4. Appointment of Chief Fire Officer**

The Authority confirmed the appointment of Adam Eckley as Chief Fire Officer on a fixed term basis until the end of March 2018.